

BOROUGH OF POOLE

PLANNING COMMITTEE

DATE: 2 DECEMBER 2009 AT 10:30

NOTES:

1. The Application can be determined in any manner notwithstanding the recommendation being made.
2. Councillors who are not members of the Planning Committee but who wish to attend to make comments on any application on this list or accompanying agenda are required to give notice by informing the chairman or Head of Planning and Regeneration Services before the meeting.
3. Councillors who are interested in the detail of any matter to be considered should consult the files with the relevant officers to avoid queries at the meeting.
4. Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillors prior to the meeting.
5. Letters of representation referred to in this report, together with any other background papers may be inspected at any time prior to the Meeting and these papers will be available at the Meeting.
6. For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with section 100D will always include the case officer's written report and any letters or memoranda of representation received (including correspondence from all internal Borough Council Service Units).
7. Councillors are advised that if they wish to refer to specific drawings/plans which are not part of these papers to contact the relevant case officer at least 24 hours before the meeting to ensure these can be made available.

Case Officer: Richard Genge

Site: Branksome Recreation Ground, Recreation Road

Application No: APP/09/00936/F

Date Received: 11 August, 2009

Agent: Tanner & Tilley Planning Ltd

Applicant: Poole Town Football Club

Development: Use of land as football ground and multi use games areas (MUGAS) to include; erection of 2 m perimeter brick wall, erection of 160 seat stand, covered areas and toilet and tea facilities, refurbish existing pavilion and install flood lighting.

Ward: Branksome West

Reason for the application being considered by Committee

This application is brought before committee as the Head of Planning and Regeneration does not consider it prudent to exercise delegated powers due to the significance of the proposal, its history and as a significant Departure from the Development Plan.

Purpose of the report

To consider the above application and to recommend that planning permission be **REFUSED**

Main issues

Loss of Public Open Space

Failure to provide alternative Public Open Space

Harm to the character to Branksome Recreation Ground

Failure to prove an essential community use

Failure to prove that no harm will be caused to the Dorset Heathlands

Site description

Branksome Recreation Ground is designated Public Open Space. The recreation ground is located to the west of Alder Road, north of Recreation Road, and south of Playfields Drive. The ground covers 8.9 ha of land, including areas for car parking, Parkstone Youth Club, climbing walls and facilities, and a club house to the centre of the grounds incorporating public toilets. The majority of the land is left open with ground markings for football, cricket and other sporting facilities. At the perimeter of the site on all sides is a path introduced for 'dog-walking'.

There are a number of Trees within the site and at the edges. These trees are not preserved by means of a Tree Preservation Order as the land is in the ownership of the Borough of Poole.

Access to the site is gained from the adjoining roads, and by footpath links to the surrounding residential area. There are a number of rights of way across and around the grounds

The land in general sits in the valley with Playfield's Drive rising to the north and Recreation Road rising to the south.

The clubhouse and public toilets on site are in a poor state of repair and given the gradients of land the sporting facilities are limited to particular areas not prone to flooding.

The Grounds have been used for Circus and other community activities.

Planning History

Whilst there are not any relevant planning applications members should be aware of the following:

An application for Village and Town Green Status has been submitted to the Council. This application will be considered by the Licensing Committee of the Borough of Poole is due course and does not prejudice or interfere with the determination of the Planning Application

Developer contributions, in accordance with Policy L17 of the 'Local Plan', have been used in Branksome to improve the capacity of open spaces to accommodate growth through improvements to those open spaces. Previous L17 works on the recreation ground (Rec) include:

- New path around the perimeter in Aug 06
- Play area improvements in May 08
- New climbing wall in July 08.

A current planned project is to introduce outdoor fitness equipment to The Recreation Ground similar to that in Poole Park through S106 funding. However this project is currently on hold awaiting the outcome of the Town Green Application.

The proposal

Use of 1.3 ha of land as football ground and construction of Multi Use Games Areas (MUGAS) to include; erection of 2 m high perimeter brick wall, erection of 160 seat stand, covered areas and toilet and tea facilities, refurbish existing pavilion and install flood lighting.

The Planning Application only considers the matters referred to above. It is understood that Leisure Services in consultation with Property Services are considering contracts to layout and use some of the remaining area of land for practice matches, and to use the car park on match days.

Council and Planning Policy

Strategic context

The emerging Regional Spatial Strategy identifies the wider Bournemouth and Poole area as a Strategically Significant City and Town (SSCT). The strategy for the SSCT is to realise its economic potential by significantly enhancing the roles of Poole and Bournemouth town centres and accommodating significant housing growth primarily within existing urban area. The key outcomes sought for the sub region are:

- The transformation of Bournemouth & Poole town centres through expansion of improvements to retail, cultural, tourism and higher education facilities, office based employment and higher density residential development
- Increasing the density of development at locations which offer a wide range of services and facilities
- Suitable alternative natural greenspace to relieve visitor pressure for recreation on the Dorset Heathlands Special Protection Area.

The Multi Area Agreement for Bournemouth, Dorset and Poole provides a framework for delivering the economic aspirations of the sub region but recognises the unique environmental constraints of the area. To this end the importance of strategic greenspace is identified as a key project.

The Council's Corporate Plan 'Striving for Excellence' sets out how the Council will contribute to these outcomes. One of the corporate objectives, 'Protecting Poole's Environment' identifies the improvement required in order to access good quality outdoor recreational facilities.

Local context

The following Policies apply to this application:-

Poole Core Strategy (Adopted February 2009)

PCS23	Local Distinctiveness
PCS26	Delivering Locally Distinctive, Self-Reliant Places
PCS24	Design and Access Statements
PCS27	Safer Communities
PCS28	Dorset Heaths International Designations
PCS29	Poole Harbour Spa and Ramsar Site

Local Plan First Alteration Adopted 2004

CF05	Retention of Community Facilities
L01	Public Open Space
L04	Leisure Development

L06	Floodlit Sports Facilities
L09	Recreation and Leisure Facilities
NE01	Pollution and Noise
NE16	Sites of Special Scientific Interest
NE27	Individual or Grouped Trees
T13	Traffic Generated by Development
NE30	Network of Urban Greenspace
NE19	Sites of Nature Conservation Interest

Planning Policy Guidance

PPG17 Planning for Open Space, Sport and Recreation

Planning Policy Statement

PPS1 Delivering Sustainable Development
PPS25 Development and Flood Risk

Consultations

Sport England - no objection - consider that 'the proposed development ...would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of playing field or playing fields.

Wessex Water - note both existing Foul and Surface water sewers in the vicinity of the site.

Dorset Police Architectural Liaison Officer - Reports that there have been 'no problems' in respect of premises licence held by PTFC, The MUGAS could provide a valuable opportunity for local youths however the walls to the pitch could provide areas for concealment. Dorset Police state that the current PTFC facilities at Tatnam Farm are responsibly run but there are parking considerations. They consider that the structured event at Branksome might encourage participation by locals. Dorset Police remain 'neutral'.

Head of Transportation Services - No objections - see considerations below

Head of Environment and Consumer Protection - No objections and note the following:

- Light Pollution - This is unlikely to be an issue. Modern floodlights are capable of lighting the playing area without causing nuisance to nearby residents.
- Noise from stand/stadium - Having looked at the average attendance for matches I do not think noise from this source will be a problem
- Noise/smell - Club house.

Our experience shows that these 2 issues can be controlled by design factors and conditions

- Traffic Noise - is excluded from statutory nuisance provisions from The Environmental Protection Act 1990 but again looking at the numbers I do not believe increase traffic noise would be a problem
- If the stadium operators were to hire out the facility or use it for an event other than football, it is likely that a separate licence would be required and conditions could be imposed at that time
- Public Toilet Provision - not comfortable with the arrangements - a structural concern from a public toilet point of view is the potential damage that might be caused to the stadium's drainage system, if the public toilets are vandalised as they have been in the past by having concrete poured down the drains. The scheme lacks ventilation & natural light. Nb -Amended plans have been submitted although this does not appear to overcome these concerns
- Contamination - detailed assessment is needed - request conditions

Head of Leisure Services - Support the proposal - Leisure Services acknowledge that the proposal would result in the technical loss of part of this large open space, but on balance it is believed that the essential community benefits clearly outweigh this. The proposal will result in the open space and its recreational facilities being able to support increased use and enjoyment by local people. Their comments are supported in detail within a number of documents as described in the Planning Considerations below.

FOCUS (Focus on communities using sports) - Unanimous approval to use Branksome providing top quality playing facilities for training and tournament purposes for a range of both juniors (12-14 yrs old) and seniors (15-18 yrs old) groups.

Environment Agency - no objections subject to conditions compliance with PPS 25 - Development and Flood Risk

Third Party Representations

To date over 500 letters/e-mails of representation have been received for and against the proposal. These letters are listed from a wide range of age groups and interested bodies.

AGAINST THE PROPOSAL

Of these letters the majority are from properties/residents in the vicinity of the proposal objecting to the proposal. The grounds for objections, including objections from Campaign for Planning Sanity, Society of Poole Men, Friends of the Earth, Parkstone Bay Association, Branksome Residents Support Group, Campaign to Protect Rural England (Dorset) on the following grounds:

Loss of Open Space

- Loss of valuable Open Space - this land was dedicated by Lady Wimborne as open space to residents of Poole - The authority should not sell it as a private venture
- This site is one of Poole's' green lungs - we should not lose it.
- Branksome has very little/lack of Open Space (the least amount per person out of all 16 wards) and the loss of this significant area will be detrimental - not 17% - more like 25%

- Significant new housing has been provided - 100 locally - with small gardens relying on the retention of this open space
- Loss of value of open nature and free access to existing site
- Existing grounds are usable to all ages and gender - Football is predominantly rowdy males
- Consideration of alternative sites should contain brown field of commercial locations. If a youth Team play at Canford Park Arena - why not PTFC - What about Poole Stadium? Or Littledown?
- It is not unusual to see 5 matches at any one time - the loss of this area will have a knock on effect to the wider facilities - a full appraisal should be undertaken to understand the consequences
- Loss of Open Space - the proposed facilities are not essential, A football Stadium is not overriding - contrary to Policy L1
- Loss of School Playing Fields
- If this site is under utilised - would you accept the re-development of the New Forest
- No complimentary space is shown - Policy L2
- With more development we need more open space
- The development is not complementary to a stadium and the development is out of scale for the area - policy L4
- The development is not for essential community purposes - including Dog Walkers, Runners - a freedom of space to interact socially
- What happens in the summer months when there are no Football matches - is it left as an eyesore
- No replacement land is provided - policy L5 - at least one pitch is lost, and the new stadium will be 'private and enclosed'.
- Environment Overview and Scrutiny Committee notes that there is a precedence on loss of open space - Poole Park Bowls Club and Delph Woods - - Poole Park is small in compass and Delph is available to the public when games are not being played.
- Contrary to policies L6, L7, L9, L1 and PCS27
- Contrary to PPG17
- Contrary to RSS Policy C2 states 'Local Development Frameworks should seek to ensure that locally important cultural facilities (such as playing fields and community sports centres) are protected and enhanced'
- Stadium will interfere with wildlife access onto public open space

Noise/light pollution

- Noise and disturbance from both Car Parking and Football stadium - particularly late at night where for years there has been an ambience of peace and mostly tranquility at night
- Those leaving bar will cause problems - extra police needed
- Light pollution from floodlights

Traffic Congestion

- Recreation Road and Playfield's Drive are already traffic calmed - this was due to rat running and congestion - this will make the situation worse
- 600 Spectators could attend, but with pre league friendlies against Bournemouth FC this could be up to 1200 spectators
- Loss of car parking on match days for the existing users, and on street parking congestion

- Alder Road lacks a usable bus service
- Traffic congestion, parking and servicing problems
- Parking for the Match facilities will remove facilities of present users
- No coach parking is shown and Travel Plan is no more than a broad statement
- The parking predictions are flawed - with current fans walking - they would have to drive. more parking is necessary
- Even with the Circus this created a log-jam
- John Lewis have added further congestion
- Risk to children crossing roads

Next Steps

- This is stealth development - when the club moves up leagues what's next? As the Club moves up the league more supporters/noise and disturbance
- If the site can not take the next league then the site would be sold for a food store (ASDA) like at Weymouth
- What happens if the club cannot afford upkeep - who controls that?

Crime/Policing

- Antisocial problems are likely - the area already has problems and is declared an alcohol free area
- Police can not manage currently - this will make matters worse for the area

Flooding

- The pitches are waterlogged and need to be addressed - it is not clear whether this is part of this scheme

Residential Amenity

- Harm to amenity and quality of life of the local community, devaluation of adjacent properties
- Visual intrusion from stands, wall and flood lighting - areas for graffiti and barbed wire - prison
- Loss in value to residential property nearby
- Increase in litter

Character

- Loss of local distinctive of what makes Branksome a special area - peaceful area - our 'palm-fringed beach'
- Stadium has a detrimental impact upon the character of the park and on existing trees- 5 trees will be lost - which are subject to TPO's - PCS24
- Walls - will block a public right of way, will be unsafe as children dare to climb the walls
- Walls will dominate western half of open area
- Monstrous hideous building - a concentration camp appearance
- Bad language from football supporters is harmful to remaining sites use
- MUGAS - they lack proper supervision - lighting and noise will be unacceptable

Process

- Because the Cabinet has neglected the upkeep of the Recreation Ground and has not spent S106 contributions the quality of the playing area has deteriorated. This is now being used by the private club as an argument for their investment

- Are the Conservative involved behaving like petulant children and blatantly disregarding views of local people
- Perception of impropriety - Council has agreed the Lease
- The existing pavilion is used by a number of Committees (mostly local residents groups) will this be prevented? Who will get the profit?
- No objection to upgrading facilities, but PTFC seems to be short-sighted
- EIA/Screening should be undertaken as this development is an infrastructure project greater than 0.5 hectares
- Obvious supporters do not live nearby and will not suffer problems - are they real NIMBYS

FOR THE PROPOSAL

Over 200 other letters from some local residents, residents who live near to the existing Poole Town Grounds, supporters of the Club and residents from further afield such as Canada and Australia of all age groups, as well as Parkstone Cricket Club, Sydenhams Wessex League, Christchurch FC, Dorset County Football Association support the proposal stating:

Loss of Open Space

- Public Open Space is not lost - it is re-assigned from informal to formal use
- This land is for the whole of Poole - not just those who live nearby
- The Council currently charge for football matches to use the site

Community Benefit

- No one should be objecting to the principle of the pavilion refurbishment - The pavilion needs improvement - PTFC will rejuvenate the area
- The 'wreck' needs improvement - not just a dog toilet and waste of space
- Poole Council can't afford the money for a decent facility - let PTFC update the grounds
- Would resident prefer the existing to crumble and fall down
- Consider the proposal would benefit the football club and the local area.
- The facilities would also benefit the junior section (both boys and girls) and well as the inclusion of players with a disability.
- With only 20 games per year the rest is for community use
- PTFC are good neighbours - they need a home
- The facilities will benefit the local community - the MUGA's, improved pavilion will attract local use
- Young people want the new facility - MUGA's are needed in this area
- Football teaches life skills - creating better citizens to respect the environment
- Visitors will bring cash to the whole economy
- There is plenty of room left for Dog Walking

Crime/general disturbance

- Supporters are not monsters or hooligans
- The bar will have strict guidelines - no drink will be allowed to the grounds and must be consumed in the bar area - people only tend to have a quick drink after the game
- What problems with Anti-social behaviour - this does not exist at PTFC
- Noise/light or traffic is not a problem at Tatnam

Traffic

- Branksome is not quiet - it has 7 football matches most weekends - PTFC will not add further to the existing traffic and noise
- This is not another Wembly or Dean Court
- Tatnam parking is minimal - games only occur every other Saturday or Tuesday from August to April - so hardly a problem
- The youth games of Saturday have more cars than Poole Town on a match day
- Allot of supporters either Car Share or use public transport
- The school run causes more problems than the football would

General

- This is for the kids - don't let the elderly minority spoil it.
- PTFC should be a source of pride for the local community - we should support their expansion and chance of progression up the football league
- PTFC will deliver organised and modern sporting
- This is good for local businesses
- Don't let NIMBYism get in the way of a balanced decision and the facts

Planning Considerations

Context

Poole has in place the saved Poole Local Plan First Alteration adopted March 2004 as amended by the Secretary of State's Direction September 2007, which sets out the recreational needs of the Borough, based upon the Council's adopted Leisure Strategy. In addition the recently adopted Poole Core Strategy, (2009) and the 2008 review of the Leisure Strategy, informs the Site Specific Allocations Development Plan Document (due to reach submission stage in February 2010 and adoption in October 2010) and the Infrastructure Development Plan Document (due for submission in March 2010 and adoption in December 2010).

These documents will set out the detailed approach to recreation provision in Poole but, in the meantime, the current 'saved' local plan policies and in particular L1, (covering a plan period up to 2011, in line with the current saved Bournemouth, Dorset and Poole Structure Plan) will continue to determine how new development meets its recreational needs.

Branksome Recreation Ground is designated Public Open Space and is therefore covered by both of these policies. The Local Plan and its saved policies, together with the new Poole Core Strategy are the Development Plan for Poole and are the relevant documents against which this proposal will be determined.

Core Strategy

One of the key tenets of the Core Strategy's Spatial Vision is 'Local identity and strong community life are attributes of all parts of the Borough' and this is articulated, in part, as ensuring that 'Residents in Poole's communities should be able to live healthy lives with good, safe access to health care, schools, local centres, open space and community facilities.

Leisure and recreation provision has a key part to play in creating sustainable and self-

reliant places, and this is recognised in PCS 26 'DELIVERING LOCALLY DISTINCTIVE, SELF-RELIANT PLACES'

Character of Open Space

Policy PCS26 Delivering Locally Distinctive, Self Reliant Places
Policy PCS 23 Local Distinctiveness

PCS 26

THE COUNCIL WILL WORK JOINTLY WITH DEVELOPERS, BUSINESSES, RESIDENTS, OTHER PUBLIC SECTOR ORGANISATIONS AND NATIONAL AND REGIONAL AGENCIES, TO DELIVER PLACES WHICH OFFER HIGHQUALITY, LOCALLY DISTINCTIVE ENVIRONMENTS THAT MEET THE VARIED NEEDS OF LOCAL COMMUNITIES.

THIS WILL REQUIRE ALL PARTNERS TO ENSURE THAT THEIR STRATEGIES, PROPOSALS AND FUNDING PROGRAMMES CONTRIBUTE POSITIVELY TO THE RETENTION AND CREATION OF *Inter alia*

V. HIGH-QUALITY PUBLIC OPEN SPACES AND OTHER RECREATION FACILITIES WHICH ENABLE RESIDENTS WITHIN THE BOROUGH AND DISTRICT PARK CATCHMENTS TO GAIN EASY ACCESS TO SUCH FACILITIES;

PCS 23

PROPOSALS FOR DEVELOPMENT WILL EXHIBIT A HIGH STANDARD OF DESIGN AND WILL COMPLEMENT OR ENHANCE POOLE'S CHARACTER, LOCAL IDENTITY AND CULTURAL VITALITY. TO MEET THESE REQUIREMENTS, DEVELOPMENT WILL BE PERMITTED PROVIDED THAT: INTER ALIA

F FOR SITES CONTAINING OR ADJACENT TO TREES, OPEN SPACES AND WOODLANDS:

I. IT RETAINS WOODLANDS AND MATURE TREES AND TREE BELTS, PARTICULARLY WHERE SUCH TREES FORM A DISTINCTIVE EDGE, RIDGE OR CANOPY OR PROVIDE AN IMPORTANT ENCLOSURE FOR PUBLIC SPACES;

II. IT RESPECTS THE SETTING AND CHARACTER OF NATURAL AREAS AND VIEWPOINTS, INCLUDING COMPTON ACRES, LUSCOMBE VALLEY, THE HARBOUR, POOLE BAY AND EVENING HILL;

III. IT DOES NOT HAVE A DETRIMENTAL IMPACT UPON THE CHARACTER OF PARKS OR OTHER OPEN SPACES;

Open Space is defined in the Town and Country Planning Act 1990 as land laid out as a public garden, or used for the purpose of public recreation. Character should therefore consider not only its visual form but also its function.

Branksome was formerly open heathland until development of surrounding roads in the early part of 20th century. The space was eventually defined around 1937 as Bourne Moor Recreation Ground although there were a number of other sports and open spaces

around it. Eventual re-use of surrounding open space for development/housing later in the 20th century resulted in the shape and layout of the current space which has been used since then as a valuable public facility, public amenity and important urban green space within a largely built up area.

The existing Recreation Ground has an important open visual aspect encouraging free and unencumbered use with plenty of natural surveillance by surrounding houses. In this urban area the break in urban form to a large area of grass is an important characteristic of Branksome and provides a welcome visual contrast and critical amenity space for this area. Whilst it is acknowledged that the use of Open Space can be managed by means of leasing or letting land for sporting or other community activities the enclosure by fencing/walling would prevent 'public' access at other times and materially alter the character of the remaining area.

Function of the Open Space

The application does not assess the impact of this proposal on the character of the area. For example in assessing visual impact is this the best location for the pitch and walling? Furthermore if the assessment concludes this is the only location how might the design of the proposal mitigate this visual impact. Currently this relies on its safe use by informal natural surveillance by houses, streets and pavements surrounding the public land. Centrally placed this building and associated structures (concrete walls and fenced MUGA's) create an increased unwelcome visual impact issue from the east and the west.

Work (ground clearance) has already been carried out to the north west of the site to reduce the crime and disorder issues and it is likely that with reduced visibility this may return.

The Design and Access statement suggest use for the football club for only 2 days per month this is around 26 days out 365 per year. PPG 17 Companion Guide: says many open spaces are in practice multi-functional. Most grass pitches, for example, are probably used for purposes such as children's play, kite flying, exercising dogs or jogging as well as sport. This scheme unnecessarily restricts this existing function of the existing open space.

The saved policy L9 of the Local Plan is also applicable as the proposals are inappropriate in scale and character to the Public Open Space.

The scheme will also result in a large area of this land becoming private land walled off from use by the general public.

The proposal is therefore seen to be contrary to the provisions of PCS 26, PCS 23, PPG 17 and the saved policy L9

PCS 23 Local Distinctiveness. - Refurbishment of Pavilion

The quality of the proposed refurbishment and new building elements are lacking in design quality and do not match the CABI advice on how we develop within public open space. CABI set out a framework for how to use and adapt public open space so that it becomes more usable for more people. Its' thrust is for local authorities, as the main guardians of public open space, to address these points in strategies and decision making. It sets out the link between the quality of parks and the design of park and user

behaviour. As set out in PPG17 Quality depends on two things: the needs and expectations of users, on the one hand, and design, management and maintenance on the other - in other words fitness for purpose. In this context, 'users' means people of all ages, all social or ethnic groups and abilities or disabilities. Ensuring that something is fit for purpose requires clarity as to what that purpose is.

The boarding at lower levels on the scheme will become vandalised as has happened at upper levels where access is gained via the flat roof. The proposal for Perspex sheeting for upper levels is not a quality or robust material. It will discolour quickly and again is susceptible to vandalism. It is not clear that the architect has considered how this building will age and appear in a few years time. The scheme needs to be designed with simple and robust materials. The use of cheap materials that will age very quickly and become damaged easily (Perspex sheeting). With an existing structure being refurbished the opportunity to raise the quality of what is proposed should not be missed. As submitted this is not apparent.

Buildings in parks should take advantage of the potential for natural surveillance, e.g. from cafés and offices. The proposed scheme fails to activate lower levels and provide better overlooking around the building. The proposed scheme also removes the existing first floor balcony overlooking the remaining grounds, and replaces this with a clubroom, whose main aspect is towards the Stadium area.

The walling creates dead frontages, awkward edges and corners and areas of concealment. The new entrances to both the pavilion and public toilets are unclear and have poor legibility. They need enlarging so as to become more visually prominent for visitors and to create safe access.

The scheme fails to deal with or design out existing areas of damage/maintenance e.g. flat roofs that allow upper boarding and windows to be damaged. As a refurbishment these issues should have been addressed. Good design should "ensure attractive, usable, durable and adaptable places and is a key element in achieving sustainable development (PPS 1 para 33)

The proposal therefore is contrary to the provisions of PCS 23 and government guidance contained within PPS1

Enclosure and Visual Form

PCS 23 Local Distinctiveness - Landscape Issues -

It is acknowledged that the Football Association Regulations state: FA ground grading regulations state: "The boundary should be of solid construction of pre-cast concrete, brick, breeze block or metal cladding with steel or concrete posts and be of a minimum height of 1.83m".

Based on the information submitted with the Planning Application Leisure Services do not consider that the enclosure will have significant impact to the recreation grounds character, as the pavilion is dated and in need of investment. They consider that there are several dated buildings already in situ on the Recreation Ground, which have been subject to vandalism, and damage. This has downgraded the recreation grounds quality and this proposal would significantly improve the image of the recreation ground with

these planned improvements.

The erection of a 2 m high perimeter wall will have a major detrimental effect to the open visual appearance of this large green space. The view northwest from Alder Road is a significant open vista in this densely built up part of Poole. Interruption of these views will be negative to the quality of the green space and also its influence on the adjoining street scene is also contrary to the provisions of the saved policy L9,

Landscape around the building frontage and alongside the new wall is very sparse and in some cases non-existent.

PPG17 quotes:

'Local networks of high quality and well-managed open space help create urban environments that are attractive, clean and safe and can play a major part in improving people's sense of well being.' (page 2)

'Planning policies should promote high-quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted'. (key principle (iv), para 13)

'Good design should contribute positively to making places better for people.' (para 34)
'High-quality and inclusive design should be the aim of all those involved in the development process.' (para 35)

It is therefore concluded that these proposals are contrary to policies PCS 23 L9, government guidance contained within PPG17 and supporting guidance on good design from CABE.

Crime and disorder and areas of concealment, graffiti impact on walking routes etc.

PCS 27 - Safer Communities.

WHEN CONSIDERING DEVELOPMENT PROPOSALS, THE LOCAL PLANNING AUTHORITY WILL SEEK TO SECURE POSITIVE MEASURES DESIGNED TO IMPROVE COMMUNITY SAFETY. TO ACHIEVE THIS INTER ALIA :

I. DEVELOPMENT LAYOUTS, PEDESTRIAN ENVIRONMENTS AND PUBLIC SPACES SHOULD BE DESIGNED IN A MANNER WHICH MAXIMISES ACTUAL AND PERCEIVED SAFETY WITHOUT RESORTING TO 'GATED' PRIVATE RESIDENTIAL DEVELOPMENTS. THIS WILL BE ACHIEVED BY: CAREFULLY ARRANGING BUILDINGS, SPACES AND ACCESS POINTS TO MAXIMISE NATURAL SURVEILLANCE; MAKING GOOD USE OF NATURAL AND ARTIFICIAL LIGHT; AND ENSURING THAT THE MIX OF USES AND DWELLING TYPES CONTRIBUTES POSITIVELY TO THE AREA;

Whilst Dorset Police remain neutral they acknowledge the need to address this issue. A number of spaces around the wall and site will create management issues simply because they create concealed areas. For example the small spaces and areas around the

MUGA's and areas around trees 55 and 57 on the site plan. The proposed walls will have a significant impact on the safety and perceived safety of the footpaths especially those running around the north, south and east of the proposed stadium. The 2m high wall will attract graffiti and require an increase in revenue funding to cope with this cleaning/maintenance. Demountable or visually permeable walls would be far less visually damaging (up for approx 26 days a year) and incur fewer increased maintenance costs.

Safety and public use of public toilets

Whilst the existing toilets are in need of investment the current proposals lack overlooking and natural surveillance to the entrance. Whilst the amended plans have gone some way to provide a clearly legible entrance the layout remains poor with narrow constrained corridors, no daylight penetration with obscure windows, and no assessment to demonstrate robust and vandal proof facilities. The location of the Toilets beneath the proposed stand, and to the side/rear of the main pavilion, is out of sight to the remaining recreation ground and undermines its public value.

The proposal as submitted is therefore considered contrary to PCS 27.

Local Plan

The Local Plan drew upon significant research that identified that within the urban area and particularly in the older parts of the Borough, there are relatively low levels of open space provision. In 2004 the Council adopted an Open Spaces Strategy that reinforced the research undertaken for Poole Local Plan identifying Branksome West, (the ward within which Branksome Recreation Ground is located), as deficient in public open space, falling significantly below the minimum standard set out in the Local Plan.

It is also the lowest rated ward in the Borough for open space provision. The Local Plan standard is 3.2 hectares per 1000 population and in Branksome West there is 9.6 hectares of open space and 7035 residents (2001 census). This gives 1.4ha per 1000 population, less than half the open space requirement set out in the Local Plan.

The safeguarded Policy L1 is a key policy within the Local Plan that protects public space from further depletion, without rigorous assessment and mitigation.

L1 PUBLIC OPEN SPACE

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT RESULTING IN THE LOSS OF SIGNIFICANT AREAS OF PUBLIC OPEN SPACE. IN EXCEPTIONAL CIRCUMSTANCES PLANNING PERMISSION MAY BE GRANTED FOR SUCH DEVELOPMENT WHERE:

- i) REPLACEMENT OPEN SPACE OF AN EQUIVALENT OR GREATER AREA AND RECREATIONAL VALUE IS PROVIDED IN THE SAME LOCALITY; OR**
- ii) DEVELOPMENT FOR ESSENTIAL COMMUNITY PURPOSES IS AN OVERRIDING REQUIREMENT.**

Therefore, with regard to this proposal a judgement has to be made whether there is compliance primarily with Policy L1, but also other supporting policies. The key issues are

whether the proposals:

- (a) Do not result in the significant loss of open space if this cannot be demonstrated then it should be considered whether, alternative space is provided.*
- (b) Can prove the facilities proposed are for essential community facilities.*

If mitigation exists it then has to be assessed whether these represent sufficient grounds to justify a significant departure from the Development Plan.

Other considerations covered by supporting policies that need to be assessed are

- (a) Accessibility (looking at access for all and modes of transport),*
- (b) Impact on adjacent residential properties (whether by noise, smell, loss of use) and*
- (c) Impact upon Wildlife or Trees.*

Loss Of Public Open Space - L1 - Public Open Space

Public Open Space is a valuable and important resource for the residents of and visitors to Poole. It contributes to the quality of urban life in providing access to open spaces in support of the health, wellbeing and creation of sustainable communities. It also forms an important component of the green infrastructure network that enables Poole's growth ambitions to be met whilst at the same time helping to relieve the adverse effects of urban pressure upon internationally protected heathland.

It is important to understand the context for growth in Poole and the importance public open spaces have in providing green infrastructure for existing residents and the proposed level of new housing development proposed in the statutory Poole Core Strategy.

Poole is a tightly constrained urban area with the coast/harbour to the south and internationally protected heathland to the north and west of the Borough. In addition Poole's Green belt is tightly drawn around the edge of the urban extent of the built up area. Growth is predicated on a strategy of brownfield development concentrated in the town centre that presents significant regeneration opportunities.

The planned growth must not have an adverse effect upon internationally protected heathland and a robust approach to green infrastructure is required in order to provide alternative locations for informal recreation. Therefore the role of existing open spaces both green and otherwise, take on significant importance in reconciling enabling sustainable communities with Poole's growth ambitions.

For many residents living in the wards of Branksome West and East, the sizeable areas of green space available to them are Branksome Rec, Bourne Valley Park and Talbot Heath. With the emergence of the Green Infrastructure Framework it will be increasingly important to provide and safeguard open space in order to deflect types of recreational activity that occur on the heathland, such as dog walking and cycling.

Both the Local Plan and the Open Spaces Strategy not only recognise the deficiency in

open space provision in general but also in many instances the poor quality of open space that exists. The Local Plan policy was therefore adopted by the Council to help meet the following objectives:

- (a) to protect both public and private open space including school playing fields;*
- (b) prepare management plans for and improve the maintenance of open spaces;*
- (c) secure environmental improvements;*
- (d) acquire additional open space;*
- (e) enhance accessibility and access for the disabled; and*
- (f) to introduce a wider range of facilities into parks and open spaces.*

Importantly these objectives require new development proposals to retain and respect open space and where development would result in the loss or sterilisation of open space, then it is expected that replacement open space would be provided.

The proposal to locate Poole Town FC on public open space at Branksome Recreation Ground would result in the loss of a significant area of open space as well as sterilising a larger area by virtue of the location of the proposal and its relationship with residual open space to the north-west of the proposed ground. The resultant space to the west of the site now becomes smaller, constrained and visually concealed from the rest of the open space.

As a result of the proposed development, the overall impact of loss of usable and safe open space is increased above the stated 17%. The MUGA'S in themselves are usually suitable for open spaces, being generally small scale and enhancing the facilities within them. However, the relationship between the proposed football ground and the existing open space of the recreation ground results in an arrangement that is likely to be detrimental to their continued use and will, without mitigation, conflict with the strategy of safeguarding public open space.

Policy L1 does allow for planning permission to be granted in exceptional circumstances where:

- (a) Replacement open space of an equivalent or greater area and recreational value is provided in the same area; or
- (b) Development for essential community purposes is an overriding requirement.

The proposed football ground does not provide any replacement open space to compensate for what will be lost.

The proposal therefore fails the first test in that it results in the loss of public open space, particularly so as it is within a ward deficient in public open space provision. In this respect it is contrary to policy L1 of Poole Local Plan First Alteration

The next test of L1 is whether the proposal can demonstrate whether it is an essential community facility that can justify the loss of open space.

Essential Community Facility.

Whilst there is no objection in principle to the refurbishment of the pavilion facilities, and

their availability to the community, this does not justify the loss of a significant proportion of Public Open Space. Policy L1 only allows for loss of Public Open Space where development is for essential community purposes. According to the Community Benefit Statement submitted with the application these benefits are:

- Refurbishment of dilapidated public facilities
- Refurbished premises available for community groups, DCFA meetings/seminars and Focus Football initiative
- Facility managed to ensure community access
- MUGA's and mini soccer pitches available for school, youth and disabled organisations
- Schools can use premises on regular basis
- Disabled Facilities
- Main ground available for local Cup finals etc

In addition it is understood from Leisure Services that the clubs proposal states that any profit taken from the management of community facilities will be re-invested in the Recreation Ground. This includes a proposal to improve the drainage to the whole of the Recreation Ground. With the clubs proposal of improved facilities it is hoped that community groups such as mums and toddlers, Weight Watchers, Friends Groups will use the facilities.

Leisure Services state that the refurbishment of the pavilion and drainage works to improve the grounds is unlikely to be achievable without 'private investment'.

Planning Policy Guidance17: Planning for open space, sport and recreation considers this but states "planning obligations may be used where improvements are required to meet identified needs" and that "Local Authorities should seek opportunities to improve the value of existing facilities...better management or by capital investment".

The Head of Leisure Services acknowledges the loss of Public Open Space but considers it important to note that education land at Turners Nursery (14,000 sqm) is located in Newtown an adjoining ward to Branksome West and there is a proposal to open currently enclosed land for joint school and community use. In relation to Branksome he advises that the most up to date version of demand on the pitches at The Recreation Ground has been supplied showing the 2008/09 season. The bookings were recorded as being 52 public bookings on Saturday and 250 bookings on Sundays.

The local strategy produced in 2008 by Leisure Services shows demand for an improved football facility, as:

“At present there is no ‘premier pitch’ (i.e. one used to host cup finals, senior team fixtures etc.) in Poole. This effectively restricts development and progression of senior football teams. Proposals to relocate Poole Town Football Club to Branksome Recreation Ground would help to resolve this situation.”

“Changing accommodation on sites with more than one grass pitch and shared by two or more teams are generally poor quality and insufficient to cater for peak demand.”

This proposal will seek to address this issue with refurbishment of the pavilion creating adequate changing facilities to cater for community use of the additional sports pitches, as well as the demand for a premier pitch within the Borough.

Also highlighted in the local strategy is the lack of facilities for girls and women's sport including football. PTFC proposal seeks to ensure community-changing facilities are female friendly to develop their girls and women's sections, as they are currently the only provider of women's football in the Borough.

The proposal states that PTFC would deliver and maintain the pavilion, which includes the community facilities in the shape of the community room and kitchen, changing rooms for additional pitches. PTFC will be responsible for the maintenance of the pitches but included in any lease will be a requirement to be available to host a minimum number of special events including those from schools, the FOCUS community football project and community groups. The public toilets will be delivered by PTFC. PTFC will oversee the development and maintenance of the MUGA's.

It is noted, however, that the club have asked for financial contributions for the development of the MUGAS from the council via S106 L17 contributions. It is also noted that Continental, the Borough's contractor for Open Spaces, currently marks out and maintains sports pitches. During preliminary discussions it has been agreed in principle that Continental continue to provide and maintain the additional sports pitches on the Rec. It is therefore concluded that the MUGAS and additional sports pitches should not be indicated as essential community facilities brought about directly from this scheme as these are due to be provided by the L17 Contributions.

Turning, to the pavilion, it is noted that this scheme will deliver an improved building and modern facilities, and it is arguable whether that investment could otherwise be secured through L17 contributions. It is, however, this type of investment through planning obligations that should be used, as opposed to private investment that results in the loss of open space.

The proposal therefore fails the second test in that it has not been proven that this is an essential community benefit. In this respect it is contrary to policy L1 of Poole Local Plan First Alteration

Departure from Policy L1

It has been concluded that no alternative Open Space is provided, and that the proposal is not essential community facilities. Any favourable decision would be contrary to Policy L1 and a significant departure from the Development Plan. It is therefore necessary to consider whether exceptional reasons have been demonstrated or whether exceptions have been permitted in the past.

Poole Cycle Speedway Club moved to Baiter in 1981. The club provide a unique recreational opportunity that is well used and can be accessed by club members and members of the public. This area of land, however, was not Public Open Space in 1981.

Turlin Moor Pavilion is currently home to Poole Borough Football Club and Poole Rugby Club, who both use the ancillary open space for matches and training. Both clubs have been in situ for many years maintaining and developing parts of the pavilion and adjacent pitches including dugouts, railings and function rooms. Both clubs provide valuable sporting opportunities to the local community and recent ambitions to develop a community sports club at the site and provide a lease for both clubs did not materialise, so

separate leases have been drafted. Access is retained across the pitched at all other times of day for community use

Leisure considers that both Turlin Moor and Poole Cycle Speedway add value to the open spaces and should be considered recreational assets for the Borough.

As members will be aware PTFC currently operate at Tatnam. Leisure Services advise that PTFC are a highly successful club and in order for them to gain promotion up the football league the FA require their ground to be enclosed by a permanent boundary. This prevents spectators from viewing the game from outside the ground. They advise that the club are unable to build a permanent boundary at Tatnam as their pitch forms part of the schools playing fields. The club attempted to rectify this by installing a temporary boundary, which could be removed for the school use, but on inspection by the FA it was deemed unsuitable as it clearly states in the regulations the boundary must be permanent. Last season PTFC won the league but due to constraints at their current ground they couldn't gain promotion and this season they are currently top of the league.

Leisure, in consultation with PTFC undertook an assessment of alternative sites and concluded that Branksome is the most viable option. During the assessment a total of 20 potential sites within the Borough were assessed using the following criteria:

- Size – suitability to house Poole Town FC's proposed facilities
- Proximity to natural areas and Accessibility
- Existing pavilion/structure and Land type

Short listed sites were:

- Canford Arena & Sports Pitches
- Turlin Moor Recreation Ground
- Branksome Recreation Ground

These 3 remaining sites were assessed using the following criteria:

- Viability of construction – financial/physical
- Restrictions on land due to legal position; licenses, leases and tenancies
- Existing suitable site buildings and proximity to green belt or natural features

Following this assessment Canford Arena and Sport Pitches were discounted as the land is currently leased to Woodlands Manor Estates Limited, an external organisation, who are not willing to consider this proposal while the site is leased to them unless they receive compensation reflecting the value of the land, making it non viable for PTFC. Turlin Moor Recreation Ground Pavilion is currently home to rugby and football clubs.

This assessment did not consider possible co-location with Hamworthy Football Club, or other similar facilities as according to Leisure Services ' PTFC have not expressed a wish to co-locate and feel their proposal will bring great opportunities into the Borough through the developments at Branksome'. The assessment also did not evaluate the environmental/social value of the loss of a significant area of Open Space against the financial value of co-leasing at for instance Canford Magna, and did not consider why a permanent enclosure could not be constructed at its current location.

It is therefore concluded that there is no sound justification for a departure from Policy L1.

The proposal therefore fails the tests of policy L1 in its entirety

Accessibility (looking at access for all)

Policy T13 - Traffic Generated by development

Whilst the proposal excluded the existing car parking area from the red line (application boundary) it is understood by both Leisure Services and the applicants that PTFC will have use of the existing car park during match games (62 spaces incl. 5 disabled spaces)

In accordance with **Policy T13** it is necessary to consider accessibility for all modes of transport and to assess whether existing Open Space Users would be prejudiced.

Whilst the Travel Plan identifies means of encouraging other modes of transport, such as use/subsidy for bus service and links to the train station, it is noted by Transportation Services that following several surveys of the existing activities at Tatnam Farm, and on reviewing the attendance figures for both this club and other similar clubs, that an average attendance would attract 127 cars.

Looking at Branksome Recreation Ground and surrounding roads (Recreation Rd, Gloucester Road, Binnie Road, and Library Road (lower part)) it has been estimated that the roads could accommodate a further 117 cars, excluding Playfields Drive which abuts the northern boundary of the Recreation Grounds. Therefore, with the 62 spaces on site it is anticipated that there could be up to 65 cars parking in the surrounding roads. In addition, with a recorded 30 cars present on site for existing users, this would further increase the number of cars displaced onto the surrounding roads.

Whilst it is accepted that this is an inconvenience to users, and nearby residents, this is not a daily occurrence and therefore whilst having impact it is not considered that it would represent significant highway harm.

Government and the Council Parking guidelines does not expect a stadium development to provide large car parks that would be substantially under used for most of the time. The level of parking satisfies the Parking Guidelines, provided the Travel Plan is secured and a £2000 Waiting Restriction contribution is secured to enable the Council to consider parking restrictions in the area.

Subject to those conditions and a restriction (S106 agreement) limiting promotion to no higher than the next league up (Zamaretto Division One South & West), no highway objections are raised.

Advice by the applicant is that to progress to the next league the Club would be required to provide further facilities. These would require planning permission where parking and access issues could be considered through another planning application.

Impact on adjacent residential properties (whether by noise, smell, loss of use or light)

L06 - floodlit sports facilities - The proposal details floodlights to the stadium. With modern floodlights, and as detailed within the design specification, and given the distance to neighbouring properties and the topography and intervening landscape no

unacceptable harm to residential property is identified.

NE01 - Pollution and Noise - The proposal will not result in material harm to nearby residential properties by virtue of noise or smell. However, had the scheme been acceptable in all other respects conditions would be imposed on the opening times for the club house, the stadium, and requiring mitigation measures for any cooking smells from the pavilion and tea rooms.

Impact upon Flora/Fauna and potential impacts to designated Dorset heathland

NE16 and NE19 of the Poole Local Plan (First Alteration) Adopted 2004 and Policies PCS28 and PCS29 of the Poole Core Strategy 2009.

As the site lies in close proximity to Bourne Valley Spa and SSSI, and in any event within 5km from other protected heathland, Local Authorities are required by Regulation 48 and 49 of the Habitats Regulations 1994 to undertake an appropriate assessment before deciding whether to approve a proposal that will potentially have a significant impact. Whilst the Dorset Heathlands Interim Planning Framework considers impact from Residential Development the framework identifies that to mitigate pressure from increased residential development contributions should be used to divert recreational pressure away from heathland. The significant loss of Public Open Space would by default increase pressure on the heathlands.

If the Council had been minded to grant permission in all other respects it would have to carry out an appropriate assessment in accordance with the advice and procedure set out broadly in Circular 06/2005. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from English Nature that residential development would in combination with other plans and projects within close proximity to heathland and in the absence of any form of acceptable mitigation be likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Given the close proximity of this site to the SPA/SSSI and heathland, and given the deficiency in open space for the occupants of the ward, it is likely that the significant reduction in available public open space would result in further pressure from residents seeking alternative provision to the detriment of the SPA/SSSI. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary.

The applicant has failed to demonstrate in accordance with the Habitat Regulations 1994 that the proposals will cause no harm to the SPA and SAC heathland. In the absence of any acceptable mitigation the Local Authority cannot conclude that no harm will be caused to the Dorset Heathlands. Therefore the proposal is considered contrary to the Environmental policies A, B, C and D of the Bournemouth, Dorset and Poole Structure Plan as well as the recommendations of the Berne Convention Standing Committee on urban development adjacent to the Dorset Heathlands, Policies NE16 and NE19 of the Poole Local Plan (First Alteration) Adopted 2004 and Policies PCS28 and PCS29 of the Poole Core Strategy 2009.

NE27 - Individual or Grouped Trees - The Arboricultural Method Statement provided by Barrell Treecare provides some guidance to the developer about working within the Root Protection Area of some of the trees that form the avenue at the Recreation Ground. The

conclusion is that if precautions are taken then the trees will not suffer. Whilst ideally the stadium structures (walls etc) should be located outside the Root Protection Areas if this is not feasible because of space then details of any structures to be built within the RPA of any trees to be retained should be provided. While the detail contained in appendix 5 & 6 of the Barrell report is sufficient for a planning condition to protect trees from damage where works associated with the building have to occur within the RPA, appendix 7 is not sufficiently detailed to accept the proposals for new structures with any certainty.

Insufficient detail exists as to whether harm to important landscape trees is likely, therefore the proposal is contrary to policy NE27.

Compliance with Policy L4 - Small Scale, and L9 - Recreation and Leisure Facilities of the Local Plan

Whilst Leisure Services consider that this is a small scale facility that only encompasses one pitch in addition to adding positive enhancements to the ageing pavilion, the proposals cannot be considered as small scale, or ancillary, and will significantly dominate the remaining open space.

It is therefore concluded that the proposal cannot be considered acceptable in the context of L4, or L9

Conclusion

In conclusion the proposal as submitted primarily results in the significant loss of Public Open Space, in a ward where deficiencies of this facility have been recognised over a number of years. Without any mitigation and with no concluding evidence that the proposal constitutes an exceptional community facility the material harm and conflict with the primary Policies L1, L9, PCS 23, 26,27 and 28 coupled with the inability to assess under the Appropriate Assessment (Habitat Regulations) 1994, cumulative impact on the nearby SPA's results in substantive reasons to resist this application

RECOMMENDATION

It is therefore recommended that this application be REFUSED for the following reasons:

1 - RR000 (Non Standard Reason)

The significant loss of Public Open Space in an area identified as being deficient in Open Space, together with the significant structures and facilities proposed, would both materially harm the character of the retained open space, its function and visual appearance and fail to achieve wider community needs and benefits in the following ways:

- (a) The loss of Open Space would restrict access to areas of Public Open Space in an area identified of most need
- (b) The location of the Stadium would restrict use of the remaining Open space to the disbenefit of its users and would be likely to result in areas of seclusion leading

to crime and disorder

(c) The location of the Multi Use Games Area's would be likely to result in incidents of crime and disorder

(d) The proposed walling would physically divide this significant area of green space, reducing its openness and important characteristics, as well as providing opportunity for graffiti that would further erode the character of the area

(e) The design and form of the spectator stands, lack of integrated landscaping and materials and articulation to the pavilion, lack design quality and would erode the character of the area

(f) Whilst the proposal would achieve some community benefit these are not considered to be of such significance as to amount to essential community facilities. Furthermore these benefits could otherwise be secured through the use of Policy L17.

(g) There is no sound justification for a departure from Policy L1 or other policies.

The proposal is therefore contrary to policies

Poole Local Plan

L1 -Public Open Space, L4 - Small Scale, L9 - Recreation and Leisure Facilities, NE30 - Network of Urban Green space of the Poole Local Plan and

Core Strategy 2009

PCS 23 Local Distinctiveness, PCS 26 -Delivering locally distinctive, self reliant places and, PCS27- Safer Communities of the adopted Core Strategy 2009

2 - RR000 (Non Standard Reason)

In the absence of details demonstrating how the proposed structures can be accommodated within the root protection areas to important landscape trees within the Branksome Recreation Ground, it is considered that harm to these important trees is likely, contrary to policy NE27 of the Poole Local Plan.

3 - RR060 (5Km of a Site of Specific Interest)

The proposal is within 5Km of a Site of Specific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site, and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Habitat Regulations 1994, in particular Regulations 48 and 49.

If the Council had been minded to grant permission in all other respects it would have to carry out an appropriate assessment in accordance with the advice and procedure set out broadly in Circular 06/2005. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from English Nature that residential development would in combination with other plans and projects within close proximity to heathland and in the absence of any form of acceptable mitigation be likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Given the close proximity of this site to the SPA and heathland, and given the deficiency in open space for the occupants of the ward, it is likely that the significant reduction in available public open space would result in further pressure from residents seeking

alternative provision to the detriment of the SSSI. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, the proposal is considered contrary to the Environmental policies A, B, C and D of the Bournemouth, Dorset and Poole Structure Plan as well as the recommendations of the Berne Convention Standing Committee on urban development adjacent to the Dorset Heathlands, Policies NE16 and NE19 of the Poole Local Plan (First Alteration) Adopted 2004 and Policies PCS28 and PCS29 of the Poole Core Strategy 2009.