



Planning Committee

Application Address	Land off Neville Gardens, Neville Gardens, to the west of Wheelers Lane, Canford Magna
Proposal	Erection of 45 dwellings with associated parking, public open space and related infrastructure, accessed through the current development being constructed under APP/17/00008/F
Application Number	APP/21/00620/F
Applicant	Barratt David Wilson Homes Southampton
Agent	
Ward and Ward Member(s)	Bearwood & Merley Ward Councillors Marcus Andrews, David Brown and Richard Burton
Status	Public Report
Meeting Date	20 January 2022
Summary of Recommendation	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	Call-in request by the three Bearwood & Merley ward councillors on the grounds of traffic generation: Especially significant when considered in light of the UE2 application being successful.
Case Officer	Paul Ricketts

Executive Summary

Summary of Key Issues

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received

Objections were received from 7 individual addresses objecting to the proposal. A summary of the objections have been provided within the consultation section of the report.

Principle of Development

The scheme is for a residential development of 45 units linked to the existing Canford Paddock development under construction to the west and north. The site lies within the urban area and is acceptable in principle for residential development. There is a requirement to deliver 1900 units in such areas across the Local Plan period (Policy PP2)

and the scheme would contribute to meeting this target. In the most recent assessment, the authority did not meet the Housing Delivery Test for the area concerned and the tilted balance is potentially engaged as result subject to satisfactorily addressing the impacts on protected habitats, adding weight to the delivery of residential units within a sustainable location.

Affordable Housing and Housing Mix

The proposal would provide 27 open market dwellings and 18 affordable dwellings as two-storey buildings within a mix of detached, semi-detached, terraced houses and an apartment block. The affordable dwellings would be provided within a mix of semi-detached and terraced houses and an apartment block. The open market dwellings would all be dwelling houses and comprise 13 x 4-Beds; 7 x 3-Beds and 7 x 2-Beds as a mix of detached, semi-detached and terraced houses. The affordable housing contribution is policy compliant.

Design, Layout Scale and Appearance

The scheme layout consists of a single access road which will in effect be a cul-de-sac. The scheme is 2-storey throughout. The proposed materials are red brick with slate effect and concrete tiles. The majority of the properties are standard house types. The scheme will appear as a continuation of the existing estate adjacent. The omission of a pedestrian/cycle link onto Wheelers Lane (for habitats reasons) at the eastern end means all access will be through the new estate.

Impact on Residential Amenity

The scheme will be adequately separated from existing properties to ensure privacy and acceptable living conditions are retained at existing properties. The scheme will not result in an overbearing impact or unacceptable loss of outlook to neighbouring dwellings. Living conditions for occupiers of the proposed properties is considered to be adequate.

Transport Considerations

The highways authority have advised that there are not grounds to object on the basis of the impacts of traffic generation on the capacity of the highway network. The scheme complies with BCP Council Parking Standards Supplementary Planning Document (January 2021) in its parking provision. Amendments have been secured to address issues of visitor parking and cycle parking.

Habitats and biodiversity

The scheme provide acceptable mitigation for its impacts on protected areas through proposed contributions in the s106 and CIL. This is dependent on ensuring there are no links from the site onto Wheelers Lane.

Trees

The scheme retains the majority of the existing trees within and adjoining the site. A mature oak will be felled to facilitate providing the access from the western side. Whilst a negative impact of the scheme, there is scope to provide semi-mature compensatory planting within the scheme.

Summary

Subject to the heads of terms in the proposed s106 agreement and the proposed conditions, the scheme is considered to be acceptable and is recommended for approval.

Description of Proposal

1. Erection of 45 dwellings with associated parking, public open space and related infrastructure, accessed through the current development being constructed under planning permission reference APP/17/00008/F dated 28/06/2018 for the erection of 324 dwellings with associated parking, public open space and related infrastructure accessed from Magna Road and change of use of land north of Magna Road to Suitable Alternative Natural Greenspace (SANG).
 - The 45 dwellings would comprise 27 open market dwellings and 18 affordable dwellings as two-storey buildings within a mix of detached, semi-detached, terraced houses and an apartment block.
 - The 27 open market dwellings would all be dwelling houses and comprise 13 x 4 Bedrooms; 7 x 3 Bedrooms and 7 x 2 Bedrooms. Provided as a mix of detached, semi-detached and terraced houses.
 - The affordable housing would comprise 13 x affordable rented dwellings (6 x 1 bed, 4 x 2 beds, 2 x 3 beds and 1 x 4 beds) and 5 x shared ownership dwellings (2 x 2 beds and 3 x 3 beds).
 - The affordable dwellings would be provided within a mix of semi-detached and terraced houses and an apartment block (the 6 x 1 bed affordable rented dwellings).
 - The proposed density would be 43.74 units per hectare (17.71 units per acre).
 - Parking provision for the development would be a total of 93 spaces with each house having 2 parking spaces (regardless of dwelling size) and the 6 x 1-bed apartments each having 1 space per unit totalling 84 spaces for residents plus 9 visitor spaces for the overall development
 - Two separate open amenity spaces are provided with one providing a residents' play area.

Description of Site and Surroundings

2. The site is 1.64 hectares and is an open field located to the west of Wheelers Lane. It is situated on the edges of the suburban residential area at Bearwood, located on the junction of minor roads of Wheelers Lane and Barons Road. It is bounded by mature hedgerow and trees, a portion of which protected under a Tree Preservation Order (TPO), the site is screened from Wheelers Lane which lies to the easterly boundary. The site is bounded to the north by further trees and hedgerow screening the site from Bearwood Primary School and its playing field. To the west of the site is the Canford Paddock site which was granted planning permission in 2018 for the erection of 324 dwellings, the scheme is under construction and nearing completion. The application site would be accessed via the Canford Paddock main site. Canford Paddock a typical modern housing estate, constructed in regimented perimeter blocks and utilising standard housing types.

3. The existing properties on the west of Wheelers Lane are large individually detached dwellings in spacious plots, with a semi-rural character. On the east side of Wheelers Lane is the main Bearwood Estate, built in the 1970s and typical of architecture from this period. Properties near Bearwood Primary school front onto Wheelers lane, this changes further south where the backs of properties abut the Lane.
4. The proposed site is located on land identified on the Poole Brownfield Land Register Site Reference: P/BLR/0080 and has an existing use for farming agricultural activities. It surrounds the farmhouse Eastlands Croft consisting of open grassland subdivided by fencing, the land is currently used as grazing land for horses. One structure exists on the site this being a concrete shed adjacent to the western boundary which will be demolished. There is a general downward slope from south to north on the site forming existing site topography. The south-west of the site opens to green space and the Canford Heath Nature Reserve, part of the site lies within the 400 metres Special Protection Area (SPA) for the preservation of Dorset Heathlands as part of the Nature Reserve. The village of Bearwood, largely developed in the twentieth century, forms part of the suburban spread of Poole and Bournemouth and includes a number of residential housing estates from that time. The village core focused on local amenities, namely the community centre located on King Johns Avenue. The village boasts several local schools and numerous commercial sites spread throughout the limits of Bearwood village. The village is served by a network of pedestrian green links woven between residential pockets linking local parks and amenity spaces.

Relevant Planning History:

5. June 2018 planning permission granted for the erection of 324 dwellings with associated parking, public open space and related infrastructure accessed from Magna Road and change of use of land north of Magna Road to Suitable Alternative Natural Greenspace (SANG) under LPA reference APP/17/00008/F. Implemented.

Constraints

6. Wheelers Lane leads to three public bridleways: 26, 24 and 129, two of which allow access onto the nearby Canford Heath (SPA). TPO trees on Wheelers Lane boundary.

Public Sector Equalities Duty

7. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties

8. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.

For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.

For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

Consultations (responses received)

BCP Transport

9. Network impact/sustainable travel connectivity

"The application contains a detailed Transport Assessment. The Highway Authority consider that the impact on the highway network of vehicle trips generated by the proposal, set against existing network trip levels, would not be such a significant increase as to warrant refusal of the proposal. However, the proposal needs to meet sustainable development aims by encouraging the use of sustainable modes of transport (Local Plan Policy PP35).

10. *The proposal indicates a "pedestrian link" to the north east corner of the site, linking to the Wheelers Lane area. A link in this corner of the site would provide a significant sustainable walking and cycle connection to access local schools, bus routes and a shorter route to the Bearwood centre area via Barron Road, and beyond, for residents of this development and the currently being constructed larger adjacent residential development. However, the link is currently shown connecting to land that is not within the applicant's control, nor is it Highway land and therefore we would not be able to secure the path link provision in this location as part of this planning application. Wheelers Lane to the east of the site including the small section of footway on entering Wheelers Lane is adopted Highway.*

11. The path link needs relocating

There are level differences between the site and the Wheelers Lane footway. The path link should take the form of a ramp to allow for disabled access, pushchair/pram movement and cycling provision to connect with the adopted footway/carriageway of Wheelers Lane. Inclusive Mobility Guidance should also be considered. We'd wish to see details of a ramp path connection, with levels so that we can ensure an appropriate path scheme can be delivered by the applicant to connect with the Wheelers Lane existing adopted highway level.

12. Further details are needed

The proposal shows a wide footway accessing the site on the north side but then this diverts to the south side, and then diverts back to the north side. This is an attempt to provide a continuous path link to connect with the aforementioned Wheelers Lane connection. However, it seems fairly straightforward to realign the access road to have

the path continue on the north side of the access road. This would provide a more direct and convenient route.

13. *Amendments needed to provide a more direct ped/cycle route*

The small section of highway to the end of the path route, indicated in yellow below, could take the form of a highway hardstanding to provide some on-street cycle parking hoops and potentially a future bike hire scheme parking bay area.

The development will be expected to commit to a Travel Plan with incentives to encourage sustainable travel. The delivery of the aforementioned path link is a significant benefit to the wider public as well as occupiers of the site. Further commitments in the Travel Plan should include vouchers per household for a minimum of 3 months free bus travel and cycle purchase vouchers. S106 legal agreement/condition needed for Travel Plan.

14. *General layout*

Traffic calming features are required along the access road to ensure road speeds are below 20mph in this residential environment. The plans indicate some such features and also changes in surface materials which help to create a more pedestrian environment. These elements can be further secured as part of the road adoption / construction process. Vehicle tracking for larger vehicles such as a refuse vehicle has been supplied and this road layout is satisfactory for these movements subject to on-street parking restrictions being imposed (see parking comments below).

15. *A legal agreement will be required to secure land to be given over for adoption, including the roads, footways and the path link to Wheelers Lane. I'd also suggest the following visitor parking bay (VP) areas to be part of the adopted highway due to their positioning – bays opposite plots 15 to 18, plots 26 & 27, plots 41 & 42, adjacent to plot 39. S106 Legal agreement clause required for land to be given over for adoption & S38.*

16. *Car parking has been assessed against the Parking Standards SPD and the parking provision level proposed is acceptable. There are limited opportunities for visitor parking on the access road due to the amount of parking or driveways accessed from this road. The applicant has proposed some generally visitor parking bays to overcome this lack of road space parking areas. Our preference would have been for the main road width to be 6m wide in areas and to have less direct accessed parking bays as this would of given more road space opportunities for visitor parking.*

However, with 9 visitor bays being proposed which complies with SPD guidance and with the road width being similar to the adjacent development, I do not consider we could insist on a wider road width. Further, for properties with driveways, visitor parking can take place on the driveway. With the road width and parking layout proposed we'd seek a contribution (£2000) towards the introduction of Traffic Regulation Orders (TRO's) on the road to ensure road space is kept clear to allow larger vehicle access, such as the refuse vehicle to move efficiently. S016 Legal agreement clause required for £2,000 TRO contribution.

17. *Electric vehicle charging should be provided in line with the requirements of the Parking Standards SPD. This could be dealt with by way of planning condition. As indicated on the road amendment sketch, there is an opportunity to provide some on-highway visitor cycle parking provision, which is a requirement of the Parking Standards SPD for this development. On-street cycle parking provision (e.g. hoops)*

should be indicated on the plans. Residential garden areas are capable of accommodating sheds (as indicated on the plans) to facilitate private bicycle parking.

18. *Summary - The above requested further amendments/details should be considered by the applicant. Once submitted please refer amendments back to the Highway Authority for further consideration.*
19. Following the issuing of comments from Natural England in August 2021, the scheme was amended to remove the footpath/cycle link to Wheelers Lane and BCP Transport accepted that Natural England's comments regarding the impact on the Heath as having primacy at this time. The previous request for a financial contribution, heads of terms to include a sum of £5,000 to cover potential costs to create a path link to Wheelers Lane has now been omitted from the draft S.106 agreement.
20. Revised scheme comments: BCP Transport accepts the revised layout and amended travel plan and suggests the following planning conditions and S.106 heads of terms:

S106

- Land to be given over for highway adoption, Section 38 agreement required.
- Traffic Regulation Order contribution of £2,000. (Traffic Regulation Orders maybe required around the cul-de-sac turning head area to prevent parking in this area which may obstruct large vehicle turning).
- Each household to be offered a free bus travel voucher which permits a minimum of 90 days bus travel.

Conditions:

- Submission of further details required (Road/path construction, road drainage and street lighting details).
- Road completion in 2 years or 75% of development.
- Building operatives parking
- Access and parking to be implemented
- Details of visitor cycle parking stands to be located in the "Visitor Cycles" area.
- The submitted *Travel Plan Statement (November 2021 – Barratt David Wilson Homes)* shall be implemented prior to first occupation of any approved residential unit.
- At no time shall vehicle access to the site be created from Wheelers Lane.

BCP ECPS Contaminated Land

21. No objections subject to conditions

BCP ECPS Biodiversity

22. *"In principle do not have objection to the house building but do object to the "pedestrian link" to the north east corner of the site, linking to the Wheelers Lane area. Fully support comments by Nick Squirrell, Natural England, in his letter dated 11 August 2021. A lighting assessment of current and planned levels of illumination is required to assess impact of site on bats and nightjars. While an assessment of the site's potential for bat use has been supplied these do not always match actual use so a bat survey is required to be undertaken and report supplied. It should be noted that Barbastelle bat (Annex II species) has been recorded just to the north on 8/8/2020, this record may now be available from Dorset Ecological Records Centre. The content of this to be provided in a new report, which should clearly mark where bat and boxes*

will be installed, so that may be assessed that they are in suitable locations and can be maintained into the future.

A Landscape and Ecological Management Plan (LEMP) is required, this to cover how biodiversity features will be maintained and who will carry out this work. If this application is granted permission, suitable planning conditions would need to be imposed on the decision to secure the following:

- a Biodiversity mitigation and enhancement plan;*
- a Lighting strategy in accordance with Bats and Artificial Lighting in the UK;*
- a Landscape and Ecological Management Plan;*
- and for vegetation clearance on this site should be carried outside the bird breeding season of 1st March to 31st August inclusive.”*

BCP Flooding and Risk Management Team

23. *“The drainage proposals are broadly acceptable and the extensive use of permeable paving is to be complimented. However, putting all the water into an underground tank is disappointing but technically a SuDs solution so I would have difficulty objecting. I therefore suggest that our normal SuDs condition be applied and once all the details are finalised then a final design can be submitted for approval. I would also like to see clarification on who will be responsible for what so we can ensure that whoever does it is competent and adequately resourced.”*

BCP Urban Design

24. *In respect of the original scheme:- “It is concluded that the scheme provided is a typical of modern suburban housing estates. It meets some of the basic design requirements, overlooking its own internal streets and spaces and providing and scale and architecture that integrates with its surroundings. There is a clear distinction between public and private areas and the inclusion of public open spaces for the use of local residents. The scheme is however inward looking with a lack of consideration of the wider context and there are several areas where the design could be enhanced.*
25. *From a design perspective, amendments would be beneficial to:*
- Enhance the visual appearance of the pedestrian connection to Bearwood.*
 - Address the dominance of on street parallel parking through the inclusion of soft landscaping and street trees.*
 - Address and integrate with Wheelers Lane.*
 - Improve the quality of the play offer within the play space.*
 - Provide a pedestrian link from the play area/open space into the adjacent open space in Canford Paddock.*
 - Link the public places together and ensure any link is overlooked.*
 - Insert additional hipped roof forms on plots 6 to 9.*
 - Explore a different architectural solution to enhance the quality of the scheme.*
26. *Together these points would likely require some relatively significant amendments to the layout, however, they would ensure that the high-quality design aspirations sought by the NPPF, National Design Guide and the adopted Poole Local Plan are achieved. It should be noted that if the pedestrian/cycle link to Wheelers Lane is removed to*

address habitat concerns then the scheme would not be acceptable from a design perspective.”

BCP Trees

27. The application proposes the erection of an additional 45 dwellings with associated parking, accessed through the current development being constructed under APP/17/00008/F. Part of the site is affected by an ‘Area’ type tree preservation order (TPO 69/00044 Bearwood-No1) which was made by the council in 1969 to protect amenity trees during the development of the surrounding land.
28. A tree survey (Ref. 20029-AA-PB dated 22 Feb, 2021) has been prepared in accordance with British Standard 5837: 2012 to support the development proposal. This has identified the crown and root constraints associated with the existing trees on and adjacent to the site. The proposed development will require the removal of a number of existing trees which make a positive contribution towards the character and visual amenity of the locality; In summary, One (T18) category A (high quality) tree and a small number of category C (low quality) trees.

The impact of tree removals on local character - T18

29. This mature oak tree is located at the northern end of a line of equally mature oaks that border the western perimeter of the site. The proposed establishment of a new roadway that enters the site from the west at the location of this tree will require it to be completely removed resulting in the loss of a significant established landscape feature. The impact of the removal of this tree will be noticeable from localised publicly accessible vantages. However, given the tree is situated at the end of the linear feature I accept that its removal will be a partial loss and consequently a diminishing act as the majority appearance of the linear tree feature will remain intact. However, we must not lose sight that such a significant landscape feature takes many years to reach this size and maturity, accordingly we must balance the harm of loss against the potential benefits.

Tree T29 and part of G17

30. These small trees are unremarkable and not of sufficient sustainable worth or visual amenity for them to impose a constraint on the proposed development of the site. They have little importance in the wider landscape and as such, it is not considered appropriate to enforce their retention.

Post development considerations

31. If trees are retained or planted too close to occupied buildings and/or garden amenity space, there is potential for claims of excessive shade or anxiety, which interferes with the normal use of the property. Over time, the future occupants of plots 42, 43 and 45 are likely to experience or become impacted by such issues which may result in future pressure to fell or heavily prune, thus reducing the long-term contribution of the trees to local character. I would therefore consider it expedient for the council to exercise its powers in making a new tree preservation order to ensure long term retention and appropriate management of this important linear group of mature trees prior to occupation.

Conclusion

32. The proposed removal T18 is seen to be contrary to policy PP27 (1)(b) and therefore an objection; the resultant loss of an existing tree that makes a positive contribution towards the character and appearance of the locality. In isolation I would not consider the usual provision of soft landscape tree planting within such a scheme to be adequate mitigation. Therefore, if the committee are minded to approve the scheme then I would expect to secure, by way of condition or other means, a minimum of 5 new semi mature trees to be planted at suitable locations, agreed in writing by the LPA, over the wider layout within 12 months together with adequate provision of aftercare and watering to ensure successful establishment. The council tree team to make provision of a new TPO for Oaks T19, T21 , G22 and T23.

BCP Education

33. We will require an educational contribution of £163,000 towards the expansion of Bearwood School. BCP is committed to expand Bearwood Primary on the back of the allocated site UE2 and a contribution will be required from this application site: the quantum being proportionate to the basic approach agreed at Site UE2.

External Consultees:

Natural England

34. Wrote in August 2021 stating that it does not object to the application in principle but requests further details to allow our advice to be informed.

“The location is in very close proximity to Canford Heath SSSI, SAC, SPA and Ramsar. Natural England is concerned that the proposal should not compromise carefully developed avoidance and mitigation measures (SANG and links to the SANG) established in application 17/00008/F. In particular there should be no direct public access to Wheelers Lane from the development; rather access should be limited to exiting at the Magna Road end of the residential area. NE is concerned that it appears that such a proposal may be being made. The authority should require specific boundary treatment specifications for the site’s boundary with Wheelers Lane and Eastlands Croft to ensure that access towards the designated sites is not established in the future. Further the authority should secure binding agreements on the properties backing onto Wheelers Lane which prevent the opening of access by future residents. If this is the case then Natural England would raise an objection to the current proposal.”

35. *“The authority will need to carry out an Appropriate Assessment under Reg 63 of the Habitats Regulations to consider the mitigation measures proposed. This will include measures relating to the mitigation required for additional nutrients entering Poole Harbour SPA, Ramsar and SSSI as well as additional recreational pressures on the Harbour. These mitigation measures are enabled through the adopted SPDs. The development is also likely to generate additional air pollution impacts which will need to be mitigated through the Air Quality avoidance SPD.”*
36. Following negotiations with the applicant, the scheme was revised to remove the footpath/cycle link to Wheelers Lane; an agreement reached as to what site boundary

enclosures should be provided around the development site to include the residential plots and the open space areas; and a subsequent Habitat Regulations Assessment has been made and passed and an Appropriate Assessment issued on 29/11/2021 by Natural England withdrawing its initial objection stating:

37. *“Natural England has provided some comments on the document and can advise that on the basis these are acceptable to the authority it can be concluded that the mitigation/avoidance measures set out in the document allow a conclusion that the application will not have an adverse effect on the integrity of the designated habitats sites. Natural England has no objection to the application being approved by the authority.”*

NHS Dorset Clinical Commissioning Group

38. The development is expected to add a further 45 dwellings with an estimated population therefore arising in the region of 108 (based on current guidance of 2.4 persons per dwelling). This increase in population is significant and will impact on the local NHS resources in terms of the Primary and Community Care. Should the planning application be successful, we would require a financial contribution towards a surgery or a number of surgeries in the catchment area of Poole Central locality. From recent premises surveys Dorset CCG can confirm that the current GP surgery building although slightly dated is in a reasonable decorative state for fit for the purpose of delivery primary care services to the location population. It is ideally located for their catchment population and provides good access with parking available close to the surgery.
39. The Department of Health’s “Health Building Note 11-01: Facilities for primary and community care services” is the design guide for primary care premises which should be considered as a minimum standard for sizing and configuration of surgery buildings and health centres taking into account patient list size. For local primary care services the estimated cost of creating an additional clinical room (plus increased ancillary space (i.e. corridors, amending waiting areas, etc) in the region of £60,000, which equates to £3,600 from this planning development.

Dorset Council Archaeology

40. The application is accompanied by an archaeological desk-based assessment, produced by RPS Heritage. In my opinion this report has considered the appropriate sources of evidence, and I agree with its conclusions that the proposed development could have an impact on archaeological remains (paragraph 6.4). In paragraph 6.6 the report makes reference to a next stage of work, suggesting geophysical survey followed by trial trenching. I agree that this is the appropriate next stage, however these techniques are standard ones on rural sites for an archaeological evaluation. Such evaluations are normally undertaken before a planning application is determined, enabling an informed planning decision to be made. In my opinion this would be appropriate in the present case. Hence, I advise that the applicant should be requested to submit the results of an archaeological evaluation of the site, before the application is determined, in order for an informed planning decision to be made.
41. The archaeological evaluation was subsequently provided and concluded that there would be found little or nothing of major significance, and as such, DCA has advised that an archaeological condition does not need to be added to any grant of planning consent.

Representations

42. Site notices were posted on 26 May 2021 with an expiry date of 18 June 2021. Seven representations received raising the following points:
- Child safeguarding (no evidence that the Council has considered the implications of siting a housing estate alongside a primary school and nursery);
 - The Poole Local Plan which covers the housing needs of the Borough until 2032, restricts the urban extension on land south of Magna Road (APP/17/00008/F refers) to 324 houses. There is no provision for an additional 45 houses in the Plan. In consequence this application is not plan-led and is merely speculative;
 - Certificate B does not give the names of the owners only their addresses. The Council has an obligation to be open and transparent and this omission should have been picked up and corrected before validating the application;
 - No evidence that Condition 5 (secure site boundary enclosures/treatment) details have ever been discharged; in the absence of site boundary some residents are cutting through hedgerows to access Wheelers Lane;
 - More biodiversity information is required to be able to assess the impact of the scheme on protected species and their habitat;
 - The last green field joining Wheelers lane, currently covered in meadow flowers, in the evening different bats, nightjars, foxes and badgers regularly seen;
 - Next to the school which is always full;
 - Traffic in the area is at bursting point now;
 - There are already over 300 homes being built on this green belt space;
 - Homes here would further impact on the full to capacity primary school, as well as cause noise and traffic pollution for existing homes.
 - Many families (including ours) walk their children to school along Wheelers Lane and the inevitable increased traffic along here from homes built on this field would prove extremely hazardous;
 - We have already seen an increase of cars parked on Wheelers Lane blocking access for residents with gates backing onto the lane, and this would only get worse;
 - This is our patch of nature leading up to the Heath and the main reason people like living here. To build yet more homes will make this a less desirable place to live;
 - Density and over development of the site.
 - Will be subject to increased noise and disturbance, my living room and bedroom will be overlooked and my property will be overshadowed by new builds which unless single storey will block out some of my natural light;
 - The offer of a play park and some landscaped areas will not support wildlife in the way this amazing space does currently;
 - If you decide that houses are more important than nature I hope you will at least ask the developers to treat those impacted fairly and equally compared to Phase 1 who enjoy a 20 metres wide strip of grass planted with new trees in between themselves and the new houses to reduce noise and loss of privacy. This would also preserve the existing hedgerow for the creatures who live there;
 - In an ideal world I would love to see the council acquire this land and use it for your "Green Infrastructure" project to benefit all the local community and the local wildlife. Or to provide land in the future for additional accommodation for local services such as schools and GP services so these match the increased demand;
 - This being called phase 2 of Canford Paddock, as this is an entirely new application. It would appear that they intend to ignore the requirement for no access to Wheelers Lane as specifically required in the permission for that development, where they are clearly in breach of that condition. One might surmise that this is deliberate and has been done so they can merge the 2 developments;
 - Speculative expansion of Canford Paddocks.

- Supports principle of residential redevelopment of the site. Considers that the scheme should be treated as an extension of the Canford Paddock scheme and as such, a separate SANG is required as appropriate mitigation for the development.
- Object on transport grounds as the local roads cannot sustain the additional traffic from another 45 dwellings from a site with only one access point at the Knighton Lane/Magna Road junction.
- Object to this premature and incomplete application that exacerbates existing infrastructure difficulties and undermines the safeguarding of children whilst prolonging the retention of derelict or misused urban land elsewhere in Poole. Also, it is noted that to promote the policy of "brownfield recycling first", the 'public interest' would be served more effectively if this application was not approved for implementation at this stage and pending the adoption of a BCP Local Plan that deals with congestion and infrastructure issues.

Key Issue(s)

43. The key issue(s) involved with this proposal are:

- Principle of development
- Housing delivery/supply
- Habitats Regulations Assessment
- Urban design
- Landscape impact
- Trees
- Affordable Housing
- CIL/S.106 mitigation
- Impact on neighbouring living conditions
- Highways & parking

44. These issues will be considered along with other matters relevant to this proposal below.

Policy context

Development Plan

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Poole Local Plan (2018)

46. Poole Local Plan (2018)

PP01: Presumption in favour of sustainable development

PP02: Amount and broad location of development

PP07: Facilitating a step change in housing delivery

PP08: Type and mix of housing

PP11: Affordable housing

PP24: Green Infrastructure

PP25: Open space and allotments

PP27: Design

PP32: Poole's nationally, European and internationally important sites

PP33: Biodiversity and Geodiversity

PP34: Transport Strategy
PP35: A safe, connected and accessible transport network
PP37: Building sustainable homes and businesses
PP38: Managing Flood Risk
PP39: Delivering Poole's Infrastructure
PP40: Viability

47. **Supplementary Planning Documents**

Parking SPD (January 2021)
Dorset Heathlands Planning Framework Supplementary Planning Document (SPD)
Dorset Heathlands Interim Air Quality Strategy
Nitrogen Reduction in Poole Harbour SPD
Poole Harbour Recreation SPD

National Planning Policy Framework (“NPPF” / “Framework”)

48. Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Section 4 – Decision making

Paragraph 38 –

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

Pre-application engagement and front loading – paragraphs 39 to 46.

Determining applications – paragraphs 47 to 50.

Planning conditions and obligations – paragraphs 55 to 58

Section 5 – Delivering a sufficient supply of homes - Paragraphs 60 to 77

Section 8 – Promoting healthy and safe communities – paragraphs 92 to 103

Section 9 – Promoting sustainable transport

Considering development proposals – paragraphs 110 to 113.

Section 11 – Making effective use of land – paragraphs 119 to 125

Section 12 – Achieving well designed places – paragraphs 126 to 135

Section 13 – Protecting Green Belt land – paragraphs 137 to 151

Section 14 – Meeting the challenge of climate change, flooding and coastal change – paragraphs 152 to 169

Section 15 – Conserving and enhancing the natural environment – paragraphs 174 to 188.

Planning Assessment

Principle of development

49. The application site is an open field, land identified on the Poole Brownfield Land Register Site Reference: P/BLR/0080 and has an existing use for farming agricultural activities. It lies within the urban area and is not designated as green belt land nor does it form part of land which is within the protected Dorset heathlands. The site is not allocated for residential development within the Poole Local Plan and neither is it precluded for such development. It can therefore be treated as a windfall site.
50. Policy PP2 of the Local Plan in respect of the broad location of housing development advises that Developments outside of the town centre, transport corridors/local centres and the allocated urban extensions will be permitted provided that the scheme is capable of delivering sustainable patterns of development, including achieving a policy compliant level of affordable housing. The proposal will also be expected to demonstrate how suitable sustainable transport measures have been incorporated into the proposal to connect the development with town, district and local centres, as an alternative to reliance upon the car.
51. Policy PP2 identifies a need to provide 1900 dwellings within these areas – described as “Elsewhere within the urban area”. This represents 13% of the total units to be built over the plan period of a total supply of 14,200 units. There will therefore continue to be a need to deliver new housing across the urban area on sites such as these. It is noted the Authority accepted the sustainability and suitability of developing the adjacent land for residential purposes under Policy PP9 with its allocation U2 West of Bearwood. The scheme would in effect be a continuation of this allocation where it would be able to link into infrastructure delivered as part of this scheme.
52. Overall the principle of the scheme is considered is considered to be supported by Policy PP2 and is acceptable subject to compliance with the remainder of the development plan.

Housing Supply/Delivery

53. The Housing Delivery Test for the Poole Local Plan area was published in January 2021. In high level terms, the Housing Delivery Test (HDT) compares the net homes delivered over three years to the homes that should have been built over the same period (the housing requirement). The HDT shows that the total number of homes delivered in Poole compared to those required over a defined 3 year period was 73% which is slightly below the government's threshold of 75% - the number of homes required between 2017 and 2020 was 1,860 whereas the number of homes delivered in that time period was 1,361. This results in a shortfall of 499 dwellings over the Local Plan target for that period. As a reminder the 5-year housing supply and HDT results continue to relate to each legacy area separately until the existing legacy local plans are superseded by a BCP Local Plan.
54. In accordance with NPPF para 11 (footnote 8) there are 2 ways of dropping into the para 11(d) requirements of the presumption in favour of sustainable development, namely lack of a 5 year housing supply or the failure to meet 75% of a local plan housing target over a defined 3 year period. So, regardless of whether Poole can demonstrate a 5 year housing land supply, the tilted balance is potentially engaged.
55. It is recognised that as the site is not designated and does not engage any of the policies relating to protected areas and assets as set out in footnote 7 of paragraph 11 of the NPPF (2021) provided that acceptable mitigation for any impacts on the nearby habitats sites/SSSIs is secured.
56. Given the shortfall of number of homes delivered in Poole, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The tilted balance approach forms a material consideration in this case.

Habitats Regulations Assessment and Biodiversity

50. The application has been formally considered as being having likely significant effects on the European wildlife sites identified below (including Ramsar sites where relevant), arising from identified impact pathways, albeit the residential accommodation is more than 400 metres from the SPA.
51. In accordance with the Habitats Regulations, an appropriate assessment, which includes checking and confirming that avoidance and mitigation measures can be secured to address or mitigate effects on the integrity of the European sites identified below has been undertaken. This project level appropriate assessment has been undertaken to check that the proposal provides the necessary measures to prevent adverse effects on site integrity in accordance with the following strategic mitigation schemes:
 - Dorset Heathlands Planning Framework Supplementary Planning Document (SPD);
 - Dorset Heathlands Interim Air Quality Strategy;
 - Nitrogen Reduction in Poole Harbour SPD; and
 - Poole Harbour Recreation SPD.
52. These strategic mitigation schemes set out avoidance/mitigation measures that are supported by an extensive and tested evidence base which has been scrutinised at various levels from planning appeals, public consultation processes and Habitats Regulations Assessments prepared for local plans or projects.

53. There are no direct losses of land within the protected sites and the housing within the scheme is more than 400 metres distant from the SPA . The proposal has been assessed against the likely significant effects. Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the Dorset Heathlands and Poole Harbour designated sites, an Appropriate Assessment has been undertaken by BCP Council in consultation with Natural England as the Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of European wildlife sites is a matter of government policy set out in the National Planning Policy Framework. The BCP ecologist, Dorset Wildlife Trust and Natural England have assessed the ecological impacts and biodiversity information submitted with the application and consider it sufficient to make a recommendation supporting the scheme subject to there being no links from the development onto Wheelers Lane.
54. Natural England in association with BCP have assessed the application and consider that the number of the proposed dwellings would not require a specific SANGs contribution and that it can be appropriately covered by way of CIL contributions. In order to comply with the strategic mitigation schemes, the Heathland SAMMs mitigation is calculated at £17,865.00; The Poole Harbour SAMMs mitigation is calculated at £6,345.00; the SANG/HIP; Heathlands Air Quality; Poole Harbourside and nitrogen contributions will be covered by the CIL contribution. As regards, the bespoke mitigation there shall be no vehicular or pedestrian/cycling link to Wheelers Lane from the development whether from individual residential plots or the two open spaces. With this mitigation for the impacts secured, the development is considered to comply with Policy PP32.

Urban Design

55. The layout of the scheme is as a cul-de-sac as a continuation of the adjoining development to the west. The majority of the properties front onto the main access road with smaller dead-ends off the main access providing access to small clusters of units. Two open spaces are shown, one to the south, adjoining Wheeler's Lane and one to the western corner to the other side of the Eastlands Croft. Properties are shown fronting onto the open spaces to provide surveillance. The provision of the two open spaces, one with a children's play area and equipment is welcomed and offers a good buffer between the residential development and the adjoining heathlands. There are smaller open areas adjoining Units 1, 10-14 & 45, again the scheme shows these units orientated to front onto these spaces. There are also areas shown for landscaping along the boundaries and within the site.
56. Whilst there is a broad mix of the units across the scheme, the larger detached units are predominantly towards the western end of the site, closest to the existing estate under construction with the smaller terraced and flatted units predominantly to the eastern end bordering Wheeler's Lane. The overall density is shown as 43 dwellings per ha. Overall the scheme would be broadly similar to the adjacent development.
57. There are compromises with the scheme, most notably the removal of the proposed pedestrian/cycle link to Wheeler's Lane. The reasons for this are set out in the Habitats assessment above. Nonetheless from an urban design perspective, this is a negative and in other situations it would be a pre-requisite to ensure permeability for occupants and facilitate walking and cycling by providing safe and accessible routes along desire lines to local services and facilities. As a result this will turn what would have been a maximum of around 200m distance to the school to a journey of

potentially up to 1500m (around 1 mile) via the new estate, onto the A341 and then back up Wheelers Lane. Due to the inconvenience of this, it seems likely this will result in more of these school runs being made by private car.

58. Within the site, the development will be dominated by hard surfacing and frontage car parking. This will particularly be prevalent from Units 6 & 38 eastwards into the site where there is a combination of frontage parking, lengthy driveways and parking courts. Overall the scheme will result in a prevailing character of parked cars, competing against the intended semi-rural character. In response to this, the applicant has amended the landscape proposals to include further tree planting to the frontages to break up the hard landscaping/parking areas and this has resulted in an improvement.
59. The proposed materials are slate effect tiles, duo-concrete tiles (rustic brown) with red multi bricks and feature brick with corner units having tile hanging to 1st floor. These are typical of modern estates. The architectural and urban design of the scheme has been amended to ensure that the much larger dwellings and plot sizes from the Canford Paddock site is not continued through to this site and the roofscape amended to provide more hipped forms to reflect its more semi-rural location. However, overall this is only partially successful and the scheme's predominantly consists of standard house types and its appearance will be as a typical suburban housing estate, noting that this would nonetheless not be particularly at odds with the adjoining development.
60. It is not proposed that a pedestrian link is provided between the two open spaces and that the area between the two spaces is used as a landscape buffer.
61. There is a conflict with Policy PP27 in that the scheme does not deliver a well-connected network of streets and spaces that considers the needs of all transport users prioritising the needs of pedestrians, cyclists and public transport users before private cars. This negative aspect will be weighed in the balancing exercise.

Landscape Impact

62. Currently the site is an open field seemingly divided into a series of paddocks. Following the development of APP/17/00008/F, the site will in effect be surrounded by development on its western side, the school site to the north and existing development beyond Wheeler's Lane to the east. To the south Eastlands Croft sits in substantial grounds and there is a more open, urban fringe character.
63. As noted above, the site lies within the urban area and is not within the green belt. The development of the site will inevitably result in the urbanisation of the site, significantly affecting its current character. Currently there are well established tree and hedging belts along the western, northern and eastern boundaries contributing to the semi-rural/urban fringe character of the site but also limiting views across the site itself. These are in the main shown for retention meaning the main boundaries to the site will still be of mature lands. These are in the main shown for retention meaning the main boundaries to the site will still be of mature landscaping, filtering views into the site. There are no public rights of way across the site itself but there are glimpsed views across the site from Wheeler's Lane adjacent which is a public bridleway. It is understood there is no public right of access across the land. Overall the sensitivity of the site to development is considered to be low in terms of landscape impact

64. The site is not allocated as open space in the Local Plan, nor identified as being necessary to be retained as an undeveloped area. Therefore whilst there will be impacts from the development of the site, the extent of harm arising from this is considered to be acceptable on account of the lack of current public access, the current limited views across the site from the public realm and the retention of established boundary landscaping filtering views into the site from surrounding areas and the overall low sensitivity to development. In addition, the overall density and proposed open spaces provide a transition to the more open character to the south. Overall the scheme is considered to comply with Policy PP31 in having had regard to the landscape setting of the town by integrating with the open heathland character of Canford Heath.

Trees

65. As noted above, there are a number of mature trees on or adjoining the site, forming well-established field boundaries. These are most notable on the eastern and western boundaries. These contribute to the current character and appearance of the area. As noted, the majority of these will be retained and will The approval of the residential development on the adjacent Canford Paddock showed an estate road extending towards, but stopping short of the western boundary of the site. Due to the nature of the tree boundary along the western boundary, extending the already approved estate road into the site would inevitably impact on this tree belt. In order to facilitate the provision of the access road a mature oak tree on the western boundary will need to be removed. The remainder of the tree belt along this boundary will be retained.
66. There will be a negative impact from the loss of the tree which is identified as a Category A tree in the arboricultural assessment as noted by the Trees Officer. The units identified by the Trees Officer as potentially being affected in the long-term in their relationship with the retained trees are also adjoining this retained tree belt on the western side. No concerns have been raised in respect of the long-term relationship between the proposed units on the eastern side of the site and the retained trees along Wheeler's Lane (which appear to lie outside of the site). In addition, no objections have been raised to the other trees shown for removal as part of the development.
67. Policy PP27 requires that development responds to natural features on the site and does not result in the loss of trees that make a significant contribution, either individually or cumulatively, to the character and local climate of the area. Any scheme that requires the removal of trees should, where appropriate, include replacement trees to mitigate their loss. There will often be a balance to be struck in the removal of some tree or landscape features in order to facilitate development and a scheme which results in the loss of some trees on the site is not automatically unacceptable. It can be seen that in respect of the remainder of the landscape constraints, the scheme has been designed to ensure the long-term retention of the remaining mature trees within or adjoining the site. However, in order to provide access into the site from the adjacent development, tree loss is necessary and as noted by the Trees Officer, the harm from this is partly mitigated by the retention of the remainder of the linear tree belt feature.
68. A key issue as set out in Policy PP27 is the ability to mitigate the impact of any tree loss within the development. In this case, the scheme offers opportunity to provide this within the development, particularly as part of the open space provision. The

Trees Officer's comments in respect of the time taken to reach maturity are noted. Nonetheless, in this case, the loss of this tree is considered to be acceptable when considering the development as a whole and with suitable conditions to require the mitigating replacement tree planting, the scheme is considered to comply with Policy PP27 in respect of its impacts on trees.

Affordable Housing:

69. The proposal provides a policy compliant 40% of dwellings (18 out of 45) with a good mix of dwelling sizes (1 bed to 4 beds) within a mixture of buildings (apartment block, semi and terraced dwellings) with 13 No. being affordable rent and 5 No. being shared ownership.

CIL/S.106 mitigation:

70. An appropriate assessment has been carried out by BCP in consultation with Natural England under the Habitats Regulations Assessment and been passed to cover financial payments itemised within the HRA section of the report. The affordable housing provision will also be protected and delivered by a suitable clause within the S.106 agreement as well as financial and non-financial contributions for transport, education and the NHS.

Impact on neighbouring and occupier's living conditions

71. The nearest property is Eastlands Croft which will border the development along its northern boundary. There will be approximately 38m window-to-window distance to the closest property to the north (Unit 35). There will be around 29m to Plot 41 to the NW and approximately 27m to Plot 27 to the east. With the 2-storey scale of the proposed development and with these separation distances, adequate privacy will be retained and the scheme will not result in an overbearing impact.
72. The current outlook from the north of this neighbour will inevitably change from the development of the site, however an outlook onto other dwellings is not considered in itself to be harmful. There will also be a managed buffer between this property and the new dwellings and on the eastern and western sides the property will adjoin the proposed open spaces.
73. A number of properties on the western side of Viscount Walk have gardens that border onto Wheeler's Lane & 57 & 59 Wheeler's Lane front onto the lane opposite the site. Overall the window-to-window distances along this stretch range from approximately 28 – 30m. At these distances, adequate privacy will be retained with views to the development also being filtered through the retained vegetation along the eastern boundary. With the proposed scale of the development, there is not considered to be an overbearing impact or loss of outlook to these neighbours.
74. The scheme adjoins the school boundary to the north along its access drive and parking area. Notwithstanding the comments raised by 3rd parties, there is no in-principle planning reason why a school cannot adjoin residential properties and this is a common relationship across the urban area. There are existing residential properties to the east and north adjoining the school as well as the permission to develop to the west.

75. With regards to occupier's living conditions, the table below sets out the unit sizes against the Nationally Described Space Standards. In paragraph 9.5 of the Local Plan, it is stated that the Council encourages applicants to comply with the national prescribed space standards (NDSS). Schemes that are significantly below these standards e.g. more than 20% of floor space will need to demonstrate how the development will achieve an acceptable standard of living for future occupants.

House Type	Floorspace (m2)	NDSS Standard (m2)	Less than 20%
Ashdown	69	79	N
Hadley	93	93	N
Archford	77	93	N
Ingleby	100	106	N
Hollinwood	113	115	N
SF58	40	50	N
SF59	48	50	N
SH67	64	79	N
SH65	91	106	N
SH69	77	93	N

76. As can be seen from the table above, no proposed unit exceeds the NDSS and only one unit meets this standard. However, in terms of the wording of para. 95, no unit is more than 20% below the NDSS standard although SF58 is exactly 20% below the standard & SH67, SH69 & Archford are also small. However, there is no additional requirement in this instance for the applicant to demonstrate the occupiers will enjoy adequate living conditions.
77. Compliance with the NDSS is not a requirement of PP27. The test in the policy is that development provides satisfactory external and internal amenity space for both new and any existing occupiers. External amenity space is acceptable for the proposed units and with less space given over to parking and garaging, the scheme could provide larger units and larger gardens. However, the scheme needs to be determined on its merits. On balance, there is not considered to be a reason to refuse the entire scheme on the basis of the unit sizes bearing in mind the wording of the Local Plan. However, due to the failure of the majority of the scheme to meet the NDSS, no additional weight is given to this aspect as a benefit of the scheme.
78. Overall the scheme is considered to comply with Policy PP27 in its impacts on surrounding properties and proposed occupiers.

Highways and Parking

79. The site will be served by a vehicular access from the adjacent estate, connecting onto Magna Road via Provence Drive. The traffic generated by the development has

been assessed by the highways authority and they have confirmed that the proposals will have an acceptable impact on the capacity of the road network.

80. The scheme has been amended following the initial comments by the highways authority. They have confirmed that the parking provision is adequate and complies with the adopted BCP Council Parking Standards Supplementary Planning Document (January 2021). With the exception of the omission of the link to Wheeler's Lane, the amendments have sought to meet the requirements in the Local Plan and Parking SPD to promote other transport means. However, without this pedestrian/cycle link it seems inevitable that journeys which would otherwise be made on foot or cycled will instead be made by car.
81. The highways authority have identified a series of conditions and contributions to be included within the proposed s106 agreement (Recommendation section below). With these safeguards and mitigation secured via the legal agreement and conditions, it is considered that there are not grounds to object to the proposal purely on highway safety reasons.

Planning Balance / Conclusion

82. The development of the site is acceptable in principle and complies with Policy PP2 in delivering housing development within the remainder of the urban area. The scheme provides a policy-compliant affordable housing contribution on site. The scheme delivers on-site open space provision and a play area. The scheme delivers a range of housing types and sizes. The dwellings are predominantly below the Nationally Described Space Standards but do not breach Local Plan policy. The scheme provides adequate living conditions for occupiers and has acceptable impacts on neighbouring dwellings. The scheme would appear broadly comparable to the adjacent development.
83. The development of the site will have acceptable landscape impacts on the wider character of the area. There is a degree of harm from the loss of a mature oak in order to provide the access into the site. However, the scheme responds to the landscape constraints over the remainder of the site and there is opportunity within the site to provide mitigating planting.
84. With the proposed s106 set out below, the scheme would provide acceptable mitigation for its impacts on education and healthcare provision. The traffic generation from the development would comply with the test in para. 111 of the NPPF as it would have acceptable impacts on highway safety and the residual cumulative impacts on the road network would not be severe. The scheme provides adequate parking to comply with the Council's Parking SPD.
85. The scheme would provide acceptable mitigation for its impacts on protected heathlands, Poole Harbour and air quality via the proposed s106 and CIL.
86. A critical aspect of ensuring acceptable impact on the protected heathlands is the prevention of links from the site onto Wheeler's Lane and thereby via the public right of way onto Canford Heath. Without this there would be an objection to the scheme from Natural England. This does however create a conflict with other policies in the Local Plan and the Parking SPD which seek to create a well-connected network of streets and spaces that considers the needs of all transport users prioritising the needs of

pedestrians, cyclists and public transport users before private cars (Policy PP27). The design of scheme does not therefore deliver on convenient links from the site towards existing services and facilities in Bearwood, particularly the adjacent school. Whilst occupiers may still choose to make such journeys on foot or by bike, they will be considerably less convenient.

87. Balanced against this is that if the scheme results in significant harm to biodiversity from cumulative impacts on the nearby heathlands, then the development of the entire site is potentially stymied. In such a situation, the benefits of delivering additional housing, including a policy-compliant affordable housing contribution would be lost.
88. These matters are finely balanced. However, in this instance it is concluded that notwithstanding the conflict with PP27 over the lack of pedestrian and cycle links, the need to ensure the scheme results in acceptable mitigation for its impacts on habitats sites and the consequent benefits of delivering housing on this site significantly and demonstrably outweigh any harm from the lack of a pedestrian/cycle link onto Wheeler's Lane.
89. The scheme would provide economic and social benefits from the additional housing during the construction phase and increased population along with the increased choice of housing in a broadly sustainable location as well the delivery of affordable housing. Overall the scheme is considered to have positive environmental impacts. Therefore, notwithstanding there is a conflict with Policy PP27, it is considered that there are material considerations in light of the housing shortfall and the need to ensure the integrity of the protected heathlands which warrant making an exception to policy in this case and the scheme is recommended for approval.

Recommendation:

GRANT permission subject to:

- (a) **the following conditions with power delegated to the Head of Planning (or any other officer nominated by them for such a purpose) to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (or other relevant nominated officer) does not go to the core of the decision; together with**
- (b) **a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the following terms with power delegated to the Head of Planning (or any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant nominated officer) does not result in a reduction in the terms identified as required:**
- **Provision of 40% of the dwellings to affordable housing comprising 13 No. affordable rented dwellings and 5 No. shared ownership dwellings**
 - **Scheme for the provision of and ongoing maintenance of the proposed open space**

Financial contributions for the following:

- **Heathland Strategic Access Management and Monitoring
£17,865.00**
- **Harbour Recreation Strategic Access Management and Monitoring
£6,345.00**
- **Education £163,000**
- **NHS £3,600**

- **Land to be given over for highway adoption, Section 38 agreement required.**
- **Traffic Regulation Order contribution of £2,000. (Traffic Regulation Orders maybe required around the cul-de-sac turning head area to prevent parking in this area which may obstruct large vehicle turning).**
- **Each household to be offered a free bus travel voucher which permits a minimum of 90 days bus travel.**

SANG/HIP; Air Quality; harbourside and Nitrogen contributions to be covered by CIL contribution.

Conditions

GN150 Time Expiry 3 years

1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

PL01 Plans Listing

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan; Drawing number 21-1001-001A received 21 April 2021
 Site Layout Plan; Drawing number 21-1001-005M received 22 November 2021
 Coloured Site Plan; Drawing number 21-1001-006F received 22 November 2021
 Street Scenes; Drawing number 21-1001-007C received 22 November 2021
 Materials Layout; Drawing number 21-1001-0010D received 22 November 2021
 Ashdown House Type; Drawing number 21-1001-0020B received 29 October 2021
 Archford Hipped; Drawing number 21-1001-0021B received 29 October 2021
 Hadley House Type; Drawing number 21-1001-0022B received 29 October 2021
 Hadley House Type - Tiled; Drawing number 21-1001-0023B received 29 October 2021
 Ingleby House Type; Drawing number 21-1001-0024B received 29 October 2021
 Hollingwood House Type - Tiled; Drawing number 21-1001-0025B received 29 October 2021
 Hollingwood House Type; Drawing number 21-1001-0026A received 29 October 2021
 Affordable Type 65; Drawing number 21-1001-0028B received 29 October 2021
 Affordable Type 67; Drawing number 21-1001-0029B received 29 October 2021
 Affordable Type 69; Drawing number 21-1001-0030B received 29 October 2021
 Affordable Type Flats 58 & 59; Drawing number 21-1001-0031B received 29 October 2021
 Single Garage; Drawing number 21-1001-0032A received 21 April 2021
 Double Garage; Drawing number 21-1001-0032A received 21 April 2021
 Archford, Gable; Drawing number 21-1001-0034B received 21 April 2021
 Landscape Masterplan; Drawing number BDWS23167 10F received 21 April 2021
 Soft Landscape Plans; Drawing number BDWS23167 11J Sheets 1 - 4 received 22 November 2021
 Hard Landscape Plans; Drawing number BDWS23167 12H Sheets 1 - 4 received 22 November 2021

Design and Access Statement, prepared by SCA Design Dated November 201 Revision A received 22 November 2021

Biodiversity Mitigation and Enhancement Plan, prepared by Tetra Tech dated October 2021 received 29 October 2021

Soft Landscape Management and Maintenance Plans prepared by ACD Landscape dated November 2021 Revision A received 29 October 2021

Soft Landscape Specification, prepared by ACD Landscape dated October 2021 received 29 October 2021

Bat Report, prepared by Tetra Tech reference B026570 (Issue 1) dated October 2021 received 29 October 2021

Ecology response to BCP Council, prepared by Tetra Tech reference 784-B026570 dated 19 October 2021 received 29 October 2021

Ecological Mitigation Plan, prepared by Tetra Tech reference B026570 Revision V1 dated 25 October 2021 received 29 October 2021

Post development UK Hab Plan, Canford Paddock; Figure No. 3 Revision A dated 29 October 2021 received 29 October 2021

Written Scheme of Investigation for an Archaeological Evaluation, prepared by Cotswold Archaeology reference JAC27041 dated October 2021 received 29 October 2021

Archaeological Evaluation, prepared by Cotswold Archaeology reference AN0409_1 dated October 2021 received 29 October 2021

Travel Plan Statement, prepared by Paul Bashan Associates dated November 2021 received 22 November 2021

Travel Information Pack, prepared by Paul Bashan Associates dated November 2021 received 22 November 2021

Flood Risk & SUDS Assessment, prepared by Richard Jackson Engineering Consultants reference 61117 Final dated 16 June 2021 received 18 June 2021

Reason - For the avoidance of doubt and in the interests of proper planning.

NP100 Contaminated Land

3 In the event that unexpected contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and all development ceased. An investigation and risk assessment must be undertaken in accordance with the Environment Agency "Land Contamination Risk Management (LCRM)" procedures and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme recommencing. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason - To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Contaminated Land: more details required

4 Unless otherwise agreed by the Local Planning Authority, development shall not commence until the following four parts have been complied with:

a/ Desk Study

A Phase 1 Desk Study report shall be submitted for approval in writing by the Local Planning Authority. The Desk Study report should incorporate a “conceptual model” of all the potential pollutant linkages on site based on the proposed layout and use of the site.

b/ Site Characterisation

An intrusive site investigation, based on (a) above, and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

c/ Remediation Scheme

If site characterisation identifies the need for remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and controlled waters must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation

d/ Implementation of approved remediation scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and is subject to the written approval of the Local Planning Authority.

Reason

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Biodiversity mitigation and enhancement plan required

5 A Biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be implemented in full and maintained thereafter.

Reason: In order to be compliant with paragraphs 8, 174 and 180 of the National Planning Policy Framework (2021) and Policies PP24 (2)b and PP33 of the adopted Poole Local Plan (November 2018).

Lighting strategy compliance for bats

6 The Lighting strategy shall be implemented in accordance with Bats and Artificial Lighting in the UK (BCT, 2018), if luminaires with less than 2700 K, not obtainable then up to 3000K would be acceptable.

Reason: In order to be compliant with paragraphs 8, 174 and 180 of the National Planning Policy Framework (2021) and Policies PP24 (2)b and PP33 of the adopted Poole Local Plan (November 2018).

Landscape and Ecological Management Plan required

7 No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be fully implemented in accordance with the approved details. The LEMP is to cover how biodiversity features will be maintained and who will carry out this work.

Reason: In order to be compliant with paragraphs 8, 174 and 180 of the National Planning Policy Framework (2021) and Policies PP24 (2)b and PP33 of the adopted Poole Local Plan (November 2018).

Boundary Treatments

8 No above ground works shall commence until a scheme for boundary treatments to the Wheeler's Lane boundary, the northern boundary to Bearwood Primary School and the proposed open spaces has been submitted to the Local Planning Authority. The boundary treatments as agreed shall be implemented in full prior to the first occupation of any residential unit and thereafter retained.

Reason: In order to ensure the impacts of the development on protected heathlands are acceptable.

HW140 Road Layout

9 Plans and particulars showing the layout, road/path construction, together with details of levels, sections, road drainage, and street lighting details of the proposed road(s), shall be submitted to, and approved in writing by, the Local Planning Authority and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. The development shall be carried out in accordance with the approved details.

Reason - In order that the Local Planning Authority may be satisfied with the details of the proposal and in accordance with Policies PP34, PP35 and PP36 of the adopted Poole Local Plan (November 2018).

HW160 Road Completion in 2 years or 75%

10 Within a period of two years (or such longer period as may be defined in any separate Agreement concluded with the Local Highway Authority pursuant to Section 38 of the Highways Act 1980), or within six months of the completion of 75% of the buildings if this is sooner, completion of the roadworks shall occur. This will entail the making good of works previously undertaken and the final surfacing, grassing and landscaping, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of highway safety and convenience, and a well co-ordinated development in accordance with Policies PP27, PP34, PP35 and PP36 of the adopted Poole Local Plan (November 2018).

HW210 Building Operatives Parking

11 Parking for building operatives must be provided in accordance with the agreed plans for the whole contract period, unless otherwise agreed in writing by the Local Plan Authority.

Reason - In the interests of highway safety and convenience and in accordance with Policies PP27, PP34, PP35 and PP36 of the adopted Poole Local Plan (November 2018).

HW100 Parking/Turning Provision

12 Prior to the occupation of the respective plots, the access, turning space, garaging, vehicle parking and cycle parking shown on the approved plan shall have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason: In the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the adopted Poole Local Plan (November 2018).

Visitor cycle parking stands details required

13 Details of visitor cycle parking stands to be located in the “*Visitor Cycles*” area shown on the approved site layout plan shall be submitted to the LPA for written approval and the approved stands shall be erected prior to occupation of the 34th residential unit (75% occupation). The approved stands shall remain in situ for cycle parking use at all times thereafter.

Reason: In the interests of encouraging sustainable forms of transport and providing appropriate cycling facilities in accordance with the adopted Poole Local Plan Policy PP35 (November 2018).

Travel Plan to be implemented prior to first occupation

14 The submitted *Travel Plan Statement (November 2021 – Barratt David Wilson Homes)* shall be implemented prior to first occupation of any approved residential unit.

Reason: In the interests of encouraging sustainable forms of transport in accordance with Policy PP35 of the adopted Poole Local Plan (November 2018).

No access to Wheelers Lane

15 At no time shall vehicle, pedestrian or cycle access to the site be created from Wheelers Lane. There shall be no access created from any approved dwellinghouse onto Wheelers Lane.

Reason: In order to mitigate potential impacts on protected heathlands in accordance with Policy PP32 of the adopted Poole Local Plan (November 2018).

LS040 Landscaping scheme to be implemented

16 Notwithstanding the submitted landscape proposals for the site, as indicated on the approved plans Drwg. No. BDWS23167 11, no development above ground level shall take place before submission of a revised landscape plan to incorporate a minimum of 5 new semi mature trees to be planted at suitable locations across the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved amended plans and during the appropriate planting season. The landscape shall be maintained in accordance with the recommendations of the Landscape Maintenance and Management Plan, replaced where necessary and thereafter retained for public access, except in the event of maintenance works where temporary closure is required for public safety.

Reason: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Policies PP27 and PP33 of the adopted Poole Local Plan (November 2018).

GN050 Matching Materials

17 The development shall be implemented using the materials as per the approved plan Drwg. No. 21-1001-010-D.

Reason - To ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policy PP27 of the adopted Poole Local Plan (November 2018).

Visitor parking to be retained as such

18 The 'V' visitor parking shown on the approved plans shall be provided prior to first occupation of the site and shall thereafter be retained for visitors of the site only and not allocated to a specific dwelling.

Reason: In accordance with the adopted BCP Parking SPD, January 2021 and policies PP27, PP34 and PP35 of the adopted Poole Local Plan, November 2018.

Play space details required

19 Prior to the first occupation of the dwellings hereby approved, details, specification and layout of play equipment for the 'play space' shown on the approved plans and a scheme for its implementation and ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented in accordance with the approved details and scheme.

Reason: In order to provide an appropriate range of facilities to meet the amenity and play needs of residents and in accordance with policy PP27 of the adopted Poole Local Plan, November 2018.

TR070 Tree Protection – Protective Fencing

20 Protective tree fencing, conforming to specifications in BS5837:2012 "Trees in Relation to Construction", and as shown on the approved arboricultural method statement and plans shall be erected prior to the commencement of excavations/site levelling and there after retained until occupation of the first house, to which the trees are located.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

Reason - To prevent trees that are to be retained on-site from being damaged during the construction works, in accordance with Policy PP27 of the adopted Poole Local Plan (November 2018).

DR020 Drainage

21 Concurrent with implementation of the scheme hereby approved, the on-site surface water drainage shall be implemented as indicated on/in the approved plans and drainage

report. Prior to occupation of the first house, the drainage shall be completed. The scheme shall thereafter be retained in order to prevent surface water flooding and to the satisfaction of the Local Highway Authority and Lead Local Flood Risk Authority.

Reason - To ensure there is adequate provision of drainage facilities and in accordance with Policy PP38 of the adopted Poole Local Plan (November 2018).

Construction Environmental Management Plan required

22 Prior to the commencement of works on the site, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include, but not restricted to, managing the impact of construction on air, noise and water quality, protecting the surrounding environments, conditions on the public highway and mitigation or emergency measures to limit the effect of the proposals being breached. The agreed details shall then be implemented in accordance with the agreed plan, for the duration of construction.

Reason: In the interests of the surrounding residents, environment and road safety, significance of protected habitats and species near the site.

GN162 Renewable Energy – Residential

23 Prior to the commencement of construction of the dwellings hereby permitted, details of the use of on-site renewable energy sources to meet a minimum of 20% of predicted energy use of the residential development, shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented prior to occupation of the relevant dwelling, and thereafter retained.

Reason: In the interests of delivering a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply, and in accordance with Policy PP37 of the adopted Poole Local Plan (November 2018).

Informatives

1 In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.
- in this case the applicant was advised of issues after the initial site visit
- in this case the applicant was provided with pre-application advice and this was reflected in the proposals
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified
- the application was considered and approved without delay

2 The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

3 Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations

The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended).

In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which this Planning Permission first permits development. The Liability Notice will confirm the chargeable amount for the chargeable development referred to in this Planning Permission and will be calculated by the LPA in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted charging Schedule. Please note that the chargeable amount payable in respect of the chargeable development referred to in this planning permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the website:

<https://www.bcpCouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

4 This application is subject to a project level Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, concluding that the likely significant effects arising from the development can be mitigated and have been mitigated ensuring there would not be an adverse effect on the identified designated sites of Nature Conservation Interest.

Background Documents: APP/21/00620/F

All documents as on public files including internal and external consultees, third party representations, statutory consultees responses; planning application documents; development plan; NPPF; BCP SPDs

Case Officer Report Completed

Officer: Paul Ricketts

Date: 07/12/2021