



Appeal Decision

Site visit made on 17 November 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/V1260/W/20/3253524

47 & land rear of Newlyn Way, Poole, Dorset BH12 4DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Echo Bravo Developments Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application APP/20/00004/P, dated 9 January 2020, was refused by notice dated 10 April 2020.
 - The development proposed is an outline application for the demolition of the existing dwelling and the erection of 10 no. 3 bedroom semi-detached houses with associated access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development is described on the application form as 'erection of 5 no 3 bedroom semi detached houses. Total 10 houses with parking'. I have used the wording adopted by the Council in the banner heading above as a more accurate description of the development proposed.
3. The application is made in outline with access and layout to be considered at this stage. Matters relating to appearance, landscaping and scale are reserved for later consideration.
4. Subsequent to the Council's decision, the appellant submitted a sustainable drainage system maintenance and management plan. The Council is satisfied that this plan addresses its concerns about drainage and that, subject to a condition, would overcome their third reason for refusal. I shall therefore not consider this issue any further.
5. The appellant has submitted a unilateral undertaking securing financial contributions towards mitigation of potential impacts on nearby European sites of ecological importance. I have taken this undertaking into account and address it in more detail in my reasoning below.

Main Issues

6. The main issues are the effect of the development on:
 - The character and appearance of the area, including the removal of trees
 - The biodiversity of the site

- The nature conservation interests of nearby European sites of ecological importance.

Reasons

Character and appearance

7. The larger part of the appeal site forms a steeply sloping wooded area between the rear gardens of properties fronting Newlyn Way and Arne Crescent. The wooded area contains a variety of mature and semi-mature trees that form a green backdrop to the dwellings facing these roads. On my site visit, even with the leaves coming off the trees, the belt of woodland served to soften views from the surrounding roads and add colour and visual interest to the suburban form of development in this part of Poole. The trees in the woodland area are protected by an area tree preservation order because of their public amenity value.
8. The proposed development would lead to the loss of the majority of trees on approximately half of the site. This would severely reduce the verdant nature of this part of the woodland. Although individually the trees are of mixed quality, their value lies in their combined visual impact, which would be disrupted by the removal of such a large amount of the woodland.
9. Replacement tree and hedge planting is proposed as part of the application, albeit landscaping is a reserved matter and so only indicative at this stage. I do not consider this would adequately compensate for the loss of the mature and semi-mature trees that are proposed to be removed from the site. Replacement trees would take a long time to grow to the same maturity as those trees shown to be removed, and given the extent of building and hard surfacing, and the relatively small size of the garden areas, there would be insufficient space to accommodate the number of trees of the size and height currently on the site.
10. I conclude that the loss of trees and other foliage on the site would significantly harm the character and appearance of the area, thereby conflicting with policies PP27 and PP28 of the Poole Local Plan 2018 which, amongst other criteria, require new development to respond to natural features on the site and not result in the loss of trees that make a significant contribution to the character and local climate of an area.

Biodiversity

11. A report on biodiversity has been submitted by the appellant. A preliminary survey of the site did not find any protected species in situ, although the report notes that the site has potential for bat roosts, as a foraging area for bats and also for nesting birds. An old badger sett is present on the site, although observations made at the time of the survey suggest that it is no longer in use. No evidence was found of hedgehogs and the likelihood of reptiles or amphibians on the site is low.
12. There is conflicting evidence as to whether the woodland acts as a foraging area for badgers and other wildlife. The use of trail cameras as part of the preliminary survey did not record any commuting or foraging badgers, although evidence submitted in representations by local residents indicates that badgers are active in the area, including trails entering and leaving the site, and that bats have also been observed in and around the site.

13. Whether or not protected species actively make use of the site is not clear from the evidence, but it is apparent that the site has potential as a foraging ground for bats and badgers, and supports other wildlife to varying degrees. Removal of trees and other foliage on the site on the scale proposed in the appeal scheme would significantly reduce this potential foraging area and habitat for wildlife as well as reducing connectivity within the woodland and with other green spaces in the area.
14. I am not persuaded that replacement tree planting, enhanced management of the remaining woodland and the inclusion of features such as bird and bat boxes in the developed part of the site would adequately mitigate for the loss of such habitat. As noted previously, new trees would take a long time to grow to maturity, and would not approach in size or number those currently on the site. It is also not clear how a more active management of the remaining woodland would increase the potential for wildlife, as it appears to me that its biodiversity value lies largely in the size and undisturbed nature of the block of woodland.
15. I conclude that, notwithstanding the suggested enhancements to biodiversity put forward by the appellant, the development would harm the net biodiversity value of the site, reducing the potential foraging grounds for protected species and habitat for other wildlife, including nesting birds. Consequently, it would conflict with policy PP33 of the Poole Local Plan 2018, which requires that development should not result in any adverse impacts and secure a net gain for biodiversity.

European sites of ecological importance

16. The appeal site lies within the zones of influence of the Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Poole Harbour Special Protection Area. All these areas are designated under the Conservation of Habitats and Species Regulations 2017 as European sites of ecological importance, as well as in some cases also being designated as Ramsar sites and sites of special scientific interest.
17. Having regard to the evidence provided by the Council and the advice of Natural England, I consider that, when taken in combination with other residential development in the area, the appeal scheme has the potential to have a significant adverse effect on the ecological value of these sites, in the case of the heathlands through additional recreational pressures, and in the case of Poole Harbour through an increase in nitrogen pollution as well as recreational pressure.
18. The Council, in partnership with other statutory bodies, has formulated strategies for mitigating the potential harm from new development on these designated sites¹. The mitigation strategies include the provision of suitable alternative natural greenspace, normally funded through the Community Infrastructure Levy, and strategic access management and monitoring plans, funded directly by developers. The appellant has submitted a unilateral undertaking that would secure appropriate financial contributions. However, as

¹ Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document, Nitrogen Reduction in Poole Harbour Supplementary Planning Document 2017 and Poole Harbour Recreation 2019-2024 Supplementary Planning Document.

I am dismissing the appeal for other reasons there is no need for me to consider this matter in detail.

Other Matters

19. The appellant has questioned the delivery of housing in the area, because the latest housing delivery test published in February 2020 indicated under-delivery of housing of some 74%, which necessitates the Council applying a 20% buffer to its housing land supply. However, even with this 20% buffer requirement the Council is able to demonstrate a 5.2 years' supply of housing land. Housing land supply continues to be calculated on the basis of extant local plans, in this case the Poole Local Plan 2018, as recommended by Planning Practice Guidance². While the Council's strategic housing land availability assessment was published in April 2019 it forms the most up-to-date information available on housing land supply before me. On that basis, I consider that the Council can demonstrate an adequate housing land supply. The 'tilted balance' in paragraph 11 of the National Planning Policy Framework is therefore not triggered in this case.
20. Notwithstanding the housing land supply position, the net addition of 9 houses is still of benefit in helping to meet housing demand in the area, and I give modest weight to that benefit. There are also modest benefits arising from the development being a small to medium sized site, and it being located in an accessible location within the existing built up area of Poole. I also assign some limited benefit to the suggested active management of the remainder of the site, not from a biodiversity standpoint for the reasons given earlier, but in terms of tree maintenance and clearance of fly tipping.

Conclusion

21. I have acknowledged that there are modest benefits to the scheme, including the provision of additional housing, it being a small to medium sized site in an accessible location, and that it could lead to better management of the remainder of the site. Weighed against these modest benefits, I have found that the development would cause significant harm to the character and appearance of the area through the loss of a substantial number of mature and semi-mature trees, and would have an adverse impact on the net biodiversity value of the site.
22. I consider the development would therefore conflict with the Development Plan when taken as a whole, and that the significant harm would not be outweighed by the modest benefits.
23. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR

² Planning Practice Guidance, paragraph 025, ID: 68-025-20190722