

Planning Committee



Application Address	Arrowsmith House, Arrowsmith Road, Wimborne, BH21 3BG
Proposal	Demolish existing property and outbuilding and erect replacement property
Application Number	APP/21/00678/F
Applicant	Amirez Limited
Agent	Chapman Lily Planning Ltd
Ward and Ward Member(s)	Bearwood & Merley Cllr David Brown Cllr Marcus Andrews Cllr Richard Burton
Status	Public Report
Meeting date	16 December 2021
Recommendation	Refuse for the reason(s) set out below
Reason for Referral to Planning Committee	<p>This application is brought before committee as it has been called-in by Councillor Slade for the following reasons:</p> <ul style="list-style-type: none"> • Property already in place, and application will reduce potential occupancy by demolishing annexe therefore reducing impact on Green Belt. • The NPPF allows replacement of properties in Green Belt where the new property is not materially larger than that which is being replaced. This increases the footprint by around 2%. • Enhanced environmental standards of home will also reduce the impact No objections raised by Natural England, neighbours or Dorset Wildlife Trust who confirm no negative impact on the SSSI.
Case Officer	Caroline Palmer

Description of Proposal

1. Planning consent is sought to demolish existing property and outbuildings and erect replacement property.

Description of Site and Surroundings

2. The application site is located on the northern side of Arrowsmith Road and within the South East Dorset Green Belt and adjacent to the Arrowsmith Copse SNCI (SZ09/14) A large, detached, brick built two storey property is located in approximately the middle of the sylvan plot. A number of outbuildings are also present.
3. The dwelling is within an area characterised by low density, large open sites many with paddocks/fields attached to the residential curtilage.
4. The site is largely surrounded by woodland and a number of trees on the application site are subject to TPOs, creating a sylvan setting.
5. The site falls within 400m of Canford Heath, a protected lowland heath habitat supporting protected species.

Relevant Planning History:

6. There is a large amount of planning history on this site, the most recent and relevant is as follows:
7. **08/11/2021:** Certificate of lawfulness for proposed use to erect a single storey side and rear extension (APP/21/01009/K) **Grant of CLEUD.**
8. **06/04/2021:** Prior approval for the enlargement of a dwelling house by construction of an additional second storey. (APP/21/00238/PA). **Grant of Prior Approval.**
9. **18/03/2021:** Certificate of Lawfulness for Proposed Use or Development for two single storey extensions and one rear extension to the original dwelling. (APP/20/01252/K). **Refusal of CLOPUD.**
10. **26/07/2007:** Demolish existing house and annex and erect new two storey dwelling. (07/00219/004/F). **Refuse.**

Reason for refusal:

The proposed replacement dwelling would be inappropriate development because it would be materially larger than the dwelling it replaces. It would significantly increase the mass and scale of buildings on this site and would therefore compromise the purposes of including land in the Green Belt, contrary to the provisions of Policies NE2, NE3, NE4 and NE13 of the Poole Local Plan First Alteration 2004 and paragraphs 3.4 and 3.6 of PPG2 on Green Belts. The resultant dwelling would therefore be harmful to the open character and appearance of the Green Belt.

11. Relevant Appeals

- Appeal Ref: **APP/V1260/D/20/3251886 - 19 Salisbury Road, Burton, Christchurch, BH23 7JG. September 2020**
- Appeal Ref: **APP/V1260/D/21/3275332.** Tubbs Cottage, Merley Park Road, Poole, BH21 3DD. **July 2021.**
- **Appeal Ref: APP/V1260/W/20/3265524 - 34-35 (Park Cottages), Moortown Drive, Poole BH21 3AR. July 2021.**

Constraints

- In the 400m buffer zone around Canford Heath SSSI, SPA;
- In the South East Dorset Green Belt

Public Sector Equalities Duty

12. 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.

Consultations

13. **BCP Highway Authority:** Support the proposal subject to conditions.
14. **Dorset Wildlife Trust (DWT):** No objection to the scheme in relation to its potential harm to the adjacent SNCI (SZ09/014 Arrowsmith Copse). However, the following advice is given;
15. DWT consider it unlikely that the development will have any adverse impacts upon the SNCI, due to the moderate scale of the proposals, however, the presence of the SNCI should be noted and it is essential to ensure that any direct or indirect impacts are avoided. It is noted that the proposals include removal of two small outbuildings immediately adjacent to the SNCI boundary. This must be undertaken in such a manner as to ensure that there is no encroachment on the SNCI and all waste materials must be disposed of appropriately off-site. The submitted Tree Protection Plan will be sufficient to ensure any indirect harm to the habitats of the SNCI is avoided and it is important that no materials are stored or heavy vehicles used outside the proposed tree protection fencing.
16. **Lighting:** The woodland habitats surrounding the site provide foraging and roosting opportunities for bat species and the proposals must mitigate any potential negative impacts on these and other nocturnal wildlife. DWT recommend that a sensitive lighting scheme is designed in accordance with

Guidance Note 08/18: Bats and artificial lighting in the UK (Bat Conservation Trust and Institute of Lighting Professionals 2018). Any new external lighting must not illuminate the woodland edge.

17. **Natural England:** No Objection.

Representations

18. In addition to letters to neighbouring properties a site notice was posted outside the site on 28th June 2021, with an expiry date for consultation of 23rd July 2021.

19. No representations have been received.

Key Issues

20. The main considerations involved with this application are:

- Impact on the Green Belt and the character of the area
- Impact on the amenities of neighbouring homes
- Impact on parking and highway safety
- Impact on protected trees
- Ecological issues
- Sustainability issues
- CIL

Policy context

21. 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).

22. **Poole Local Plan (Adopted 2018)**

PP01	Presumption in favour of sustainable development
PP02	Amount and broad location of development
PP27	Design
PP33	Biodiversity and geodiversity
PP35	A safe, connected and accessible transport network
PP37	Building sustainable homes and businesses
PP38	Managing Flood Risk

23. **Supplementary Planning Document**

Dorset Heathlands Planning Framework 2020-2025

24. **National Planning Policy Framework (February 2019)**

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.”

Chapter 13 - Protecting Green Belt land.

Planning assessment

The Impact on the Green Belt and the character of the area

25. With regard to proposals affecting the Green Belt, Policy PP02 of the Poole Local Plan states that those parts of the SE Dorset Green Belt falling within the Poole Local Plan area will continue to be managed in accordance with national policy. The National Planning Policy Framework (NPPF) 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147). In relation to what is relevant in this case, it goes on to state, at paragraph 149, that:
26. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are;
 - (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
27. As such, the starting point for the consideration of this application is that this new replacement house is inappropriate development in the Green Belt unless it is not materially larger than the one it replaces (under exception (d)) and would not

have a greater impact on the openness of the Green Belt than the existing development (under exception (g)).

28. The scheme proposes to demolish the existing property and outbuildings and erect a replacement house. It would be sited largely on the footprint of the existing house, however the proposed house would be substantially larger than the existing house on the site.
29. Taking the potential exception under part (d) of paragraph 149 first, it is considered that the proposed new building would be materially larger than the one it replaces. The NPPF wording is specific in referring to the materially larger test as relating to 'the one it replaces' rather than being a cumulative exercise of existing outbuildings to be added together. However, this may be a factor in considering whether there are very special circumstances to make an exception to green belt policies.
30. The submitted plans state that the existing house (excluding the outbuildings) has a gross internal area of 656.3m² and the proposed house would have a gross internal area of 822.8m², with a volume of 2440m³ at ground floor level and 995m³ to 1st floor. Whilst the NPPF does not provide a set formula for what is considered 'materially larger', an increase of 166.5m² (more than 25%) in floor area is considered to plainly be materially larger.
31. The Prior Approval for the additional floor is noted, as is the approved CLOPUD for the single storey extensions. It has been argued that these would constitute a 'fall back position'. However, not only would the proposed scheme go beyond the added mass that would be created by those additions, a recent Appeal decision within the borough assists in clarifying the situation with the regard to a 'fall back' position in the context of the Green Belt. In the decision notice for the Appeal at 34-35 (Park Cottages), Moortown Drive, Poole BH21 3AR (Appeal Ref: APP/V1260/W/20/3265524, decision July 2021) 34-35 Moortown Drive, the Inspector states that:

*'The Framework establishes that **the construction of new buildings in the Green Belt is inappropriate**, subject to several exceptions, two of which are of potential application here, at Paragraph 149 d) and 149 g) respectively. Firstly, the replacement of a building, provided the new building is **in the same use and not materially larger than the one it replaces**. Secondly, the limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. The **baseline for assessment under these exceptions is the existing development on site, not that which could be constructed pursuant to permitted development rights**.' [my emphasis].*

32. As such, it is clear that the consideration of an application for a replacement house in the Green Belt should be compared with the size and scale of the existing house on the site and not what could potentially be built by adding on what would be allowed under prior approval and permitted development.

33. Furthermore, the impact of a building on the openness of the Green Belt is not solely measured by the floor space, but by the impact of the built form in its entirety. In his decision notice for the Appeal at Tubbs Cottage, Merley Park Road, July 2021 (details above), the Inspector states that:

'Neither the Local Plan nor the Framework define what would constitute a disproportionate addition to an original building. However, in my view, assessing proportionality is primarily a test based on size and, therefore, floorspace is not the only possible measure of the degree of change. It is important and useful to compare any changes to the original physical size and scale of a building, including the degree of bulk or mass that might be added'.

34. The scheme at Arrowsmith House proposes a building that would be considerably bulkier than the existing house on the site. The submitted plans for the proposed elevations are somewhat misleading as the dotted blue outline shows the existing house plus what would be allowed under prior approval and permitted development, not what is actually currently on site, which is what the decision making process should be based on.
35. Turning to the potential exception under part (g) of paragraph 149 of the NPPF, that the proposed house would not have a greater impact on the openness of the Green Belt than the existing development. As discussed above, the proposed building would be substantially larger than the existing house on the site in terms of its bulk, scale and mass and as such it would certainly have a greater impact on the openness of the Green Belt. It is acknowledged that the house would not be highly visible within broader views, however, the essential characteristic of the green belt is an absence of buildings and this is not judged solely on what can be seen from publicly accessed vantage points. The Inspector for the Appeal at Tubbs Cottage, Merley Park Road in July 2021 states that:

'Openness is an essential characteristic of the Green Belt. Openness can mean the absence of development irrespective of the degree of visibility of the land in question from public vantage points; development which would harm openness could be acceptable visually. In this respect, openness of the Green Belt has a spatial aspect as well as a visual aspect and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of development'.

36. Therefore, regardless of the fact that there would not be broader views of the proposed house from public vantage points, the scheme would impact upon the openness of the Green Belt as a result of its larger bulk, scale and mass.
37. As such, the proposed replacement house would fail to class as one of the permissible exceptions in the NPPF and would therefore be inappropriate development in the Green Belt. The applicant has failed to demonstrate there are very special circumstances which would warrant making an exception to policies designed to protect the openness of the green belt. The proposals would therefore be contrary to the provisions of the NPPF and Policy PP02 of the Poole Local Plan.

The impact on the amenities of neighbouring homes

38. The proposed scheme would cause no material harm to the light, outlook or privacy currently enjoyed by the occupiers of any neighbouring home, due to distance between the proposed house and its neighbours.

The impact on parking and highway safety

39. The proposal would have no adverse impact on highway safety and as such the Transport Policy Team support the proposal, subject to the imposition of conditions requiring parking and turning provision and the provision of EVC points.

The impact on protected trees

40. An Arboricultural Method Statement has been submitted with the application and a condition requiring the implementation of the details of this would have been imposed had the application been acceptable in all other ways.

Ecological issues

41. Due to the nature of the proposals and their size and position, there would be no greater impact on the protected habitats and species therein on Canford Heath. However there is no survey of the ecological value of the existing site, most particularly the presence of bats, or proposals for bio-diversity enhancement. A condition could be used to secure details of bio-diversity enhancement and require a survey of the existing bungalow for the presence of protected species.

Sustainability issues

42. Being a new build it would be readily possible to deliver an energy efficient and sustainable development. Whilst it would achieve no means of reducing reliance on the private car, a significant contributor to climate change, the existing reliance would continue irrespective of a decision on this application. A condition could be imposed to ensure that the scheme would comply with the provisions of Policy PP37 could be imposed.

Section 106 Agreement/CIL compliance

43. Mitigation of the impact of the proposed development on recreational facilities; Dorset Heathlands and Poole Harbour Special Protection Areas; and strategic transport infrastructure is provided for by the Community Infrastructure Levy (CIL) Charging Schedule adopted by the Council in February 2019. In accordance with CIL Regulation 28 (1) this confirms that dwellings are CIL liable development and are required to pay CIL in accordance with the rates set out in the Council's Charging Schedule. The site is located within CIL Zone C.

Planning balance and Conclusion

44. The openness of the Green Belt would be compromised due to the scale and mass of the proposed house being materially larger than that of the existing buildings on the site. Residential amenity and highway safety would be preserved.
45. There would be a minor economic benefit during the construction stage. Any social factors are considered to be neutral. The scheme would however have significant environmental impacts in its detrimental impact on the openness of the green belt.
46. The scheme would fail to preserve the openness of the Green Belt as detailed in the NPPF as it does not fall into one of the exception categories due to its scale and mass. The applicant has not demonstrated any very special circumstances which are necessary to make an exception to policies designed to preserve the openness of the green belt. The proposal is therefore contrary to Policy PP2 of the Poole Local Plan (November 2018) and paragraphs 147-149 of the Framework.

RECOMMENDATION

47. Refuse for the following reasons

Reason

1. Due to the increase in footprint, volume and massing, the proposed house would be materially larger than the one that it would replace. As such, the proposals would have a greater impact on the openness of the Green Belt than the existing development. The proposed scheme would represent inappropriate development, which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. The associated social, economic and environmental benefits would be limited and insufficient to outweigh the harm identified or give rise to 'very special circumstances'. The proposed development is therefore contrary to the provisions of Policy PP2 of the Poole Local Plan (November 2018) and paragraphs 147-149 of the National Planning Policy Framework (July 2021).

Informative Notes

1. IN76 (List of Plans Refused)

The development is hereby refused in accordance with the following plans:

Proposed site plan (drawing number FB-6474 / 100 revision D) received 18/10/2021

Proposed floor plans (drawing number FB-6474 / 102 revision B) received 18/10/2021

Proposed elevations (drawing number FB-6474 / 103 revision C 1 of 2) received

18/10/2021

Proposed elevations (drawing number FB-6474 / 103 revision C 2 of 2) received
18/10/2021

2. IN73 (Working with applicants: Refusal)

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 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 did not take the opportunity to enter into pre-application discussions
- In this case the applicant was offered the opportunity to submit amended plans

3. IN75 (Community Infrastructure Levy - Refusal)

The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 2nd January 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes. This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.
Reference to published works is not included