

Planning Committee

17 August 2017

Reference:
APP/16/01508

Area Team:
North Team

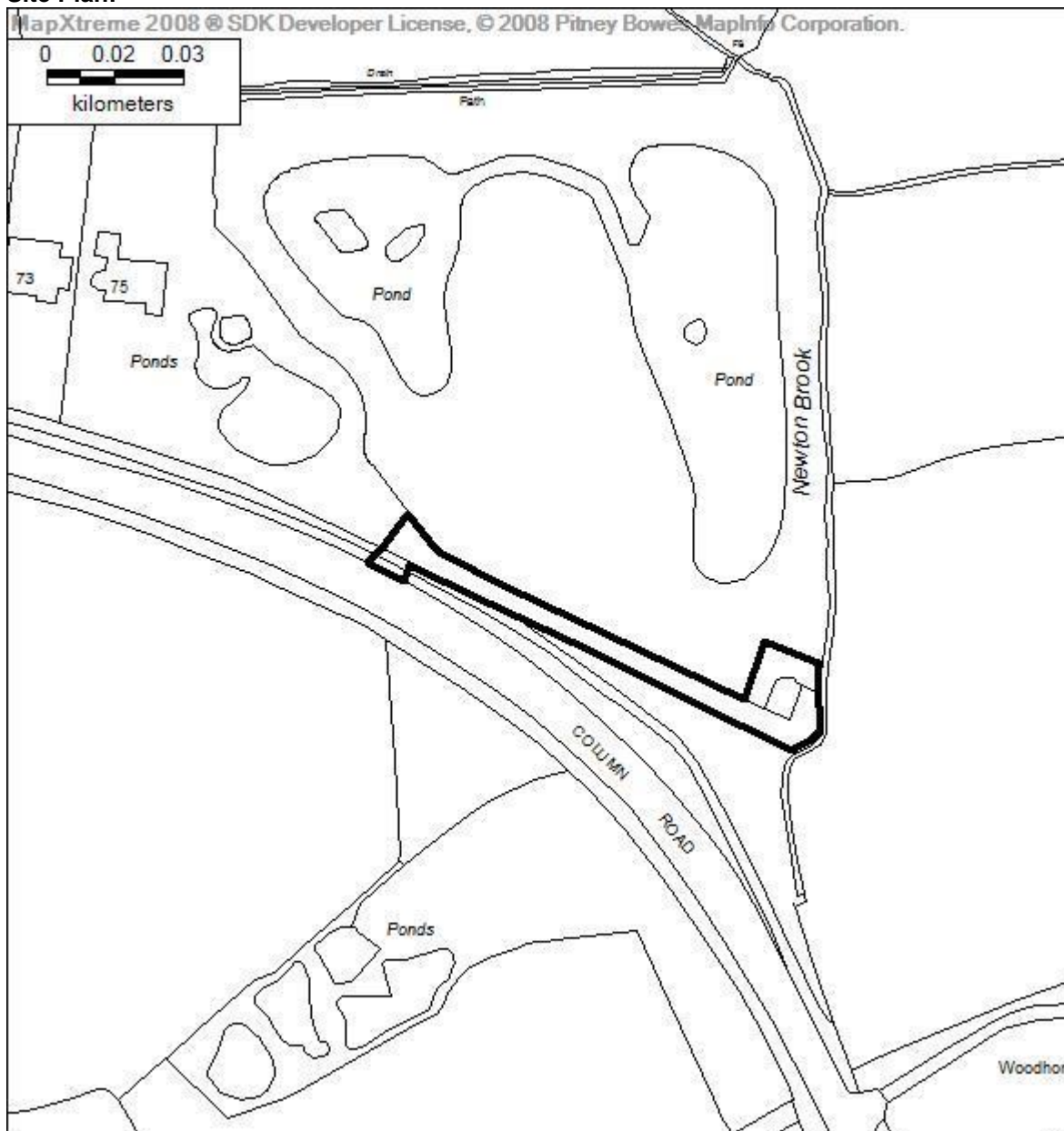
Case Officer:
Mr K Spilsbury

Ward:
**West Kirby and
Thurstaston**

Location: Six Acres, 75 COLUMN ROAD, NEWTON, CH48 1PX
Proposal: Conversion of existing barn to dwelling.

Applicant: Mr Ron Armstrong
Agent : Peter Hinton

Site Plan:



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Development Plan allocation and policies:
Green Belt

Planning History:

Location: Land south of (side) Six Acres, Column Road, West Kirby. L48 1L
Application Type: Full Planning Permission
Proposal: Change of use to private garden.
Application No: APP/85/05477
Decision Date: 16/05/1985
Decision Type: Refused

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council's Guidance for Publicity on Planning Applications, 8 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing 2 objections from the same address have been received stating:

1. Whilst reassured that the profile of the building will be substantially unchanged my main issue is with the provision of 2 car off road parking space and fencing around the north and western aspects of the property. The presence of 2 vehicles will substantially alter the open aspect of the green belt and give a residential feel to what is currently basically an agricultural outbuilding and for this reason I oppose the application.
2. I recognise there is a sympathetic component to the planning application: size, height and the comment on "affordable housing".
3. My concern, however is that this is an erosion of Green Belt.
4. There will be vehicular access and thus increase in number of vehicles across the land. This and the physical process of building and installing the outstanding utilities such as waste water management will potentially threaten the wild life (mainly birds and water birds) which currently live in this area.

A further objection has been received outside the consultation period. The objection reads as follows:

The barn has been used for agricultural purposes. It stands in a very prominent position, just off the bend in Column Road.

At present the barn blends in with the land, and is not very conspicuous. However, should permission be given to convert this to a dwelling, the building would be most noticeable in this position, right in the centre of this area of greenbelt. Indeed, in years to come there may well be applications to enlarge/extend the building, making it even more conspicuous.

The National Planning Policy Framework, under 'Protecting Greenbelt Land', states that 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.

The proposed building is not in the same use class, and therefore should not be considered an exception. Further, this will create a precedent, further encouraging conversions which will encroach into Wirral's Greenbelt.

I feel that this application should be rejected as it encroaches onto the Greenbelt.

CONSULTATIONS:

Highways - No objection

Environmental Health - No objection

Local Lead Flood Authority - No objection

Environment Agency - No objection

Natural England - No objection

Merseyside Environmental Advisory Service - No objection

THIS APPLICATION WAS DEFERRED FROM THE LAST COMMITTEE FOR A MEMBERS SITE VISIT.

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Watt has requested the application be taken out of delegation on the grounds that "The proposed development is situated within Wirral's Green Belt and may be contrary to Policies GB2 and GB3 of the Unitary Development Plan and the National Planning Policy Framework. As such it merits consideration and decision in public by the Planning Committee".

INTRODUCTION

The proposed development is for the conversion of the existing barn to a dwelling.

PRINCIPLE OF DEVELOPMENT

The site is designated as Green Belt in the Wirral Unitary Development Plan (UDP). Having regards to UDP Policy GB3 the re-use of buildings in the green belt is acceptable in principle subject to various criteria that are outlined below.

SITE AND SURROUNDINGS

The barn is located in the south eastern corner of a large field. There is an existing access track leading to the barn from Column Road. The barn is well screened from the road by a mature belt of trees that runs around the corner of the site and forms the boundary with the neighbouring field to the east.

The barn was constructed in 1985 to support the introduction of long horn cattle on the land, but has recently been used for storage.

The overall site area is approximately 6 acres and includes two large ponds, a large well maintained grass area and a detached dormer dwelling (75 Column Road) located on the western area of the site.

POLICY CONTEXT

The proposed development is for the conversion of the existing cattle byre to a dwelling house.

UDP Policy GB3 permits the conversion or change of use of buildings in the Green Belt, provided that:

- i. the proposal does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it;
- ii. the proposal does not involve extensive external storage, extensive hard standing, vehicle parking, intrusive boundary walling, fencing, or introduce intrusive domestic elements, particularly by the creation of a residential curtilage;
- iii. the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction;
- iv. the form, bulk and general design of the buildings are in keeping with their surroundings;
- v. the proposed use can be adequately serviced in terms of access;
- vi. the proposed use will not in itself, or through likely traffic generation, have a detrimental effect on the appearance or quiet enjoyment of the surrounding area.

When granting consent for the non-agricultural re-use of an agricultural building in the Green Belt, the Local Planning Authority may impose a condition withdrawing permitted development rights for new agricultural development where it is necessary to prevent the proliferation of agricultural buildings.

If the existing building is a tenanted agricultural building the Local Planning Authority will take into consideration the contribution of the building to the viability of local agriculture.

If the existing building has a detrimental impact on the landscape in terms of visual amenity, the Local Planning Authority will, in connection with any proposed structural changes, impose conditions to secure an improvement in the external appearance of the building.

The National Planning Policy Framework, paragraphs 87 and 88 protects Green Belt sites from inappropriate development.

However, NPPF paragraph 90 indicates that the re-use of buildings that are of permanent and substantial construction is not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Joint waste Local Plan Policies WM8 and WM9 are also relevant to this proposal.

APPEARANCE AND AMENITY ISSUES

The applicant plans to convert the existing barn without extending beyond the existing floor area. The development includes the creation of a bungalow including entrance hall, living room with kitchen, two bedrooms and a small conservatory. The development includes the movement of the existing front and rear wall of the original barn to the edge of the roof and adding a 3.8m x 1.4m extension. This will replace an 8m³ building attached to the original barn. The existing conservatory will also be replaced by a new light weight conservatory.

Whilst the eaves of the building will remain the same height, the roof will increase slightly (130mm) to ensure the building meets building regulations as insulation will be needed to be added. A purlin and rafter vaulted roof will also be added.

It is considered that whilst the roof will be slightly taller than that originally built structure the overall impact of the building will be negligible. The overall design ensures the building remains barn like and the overall changes will result in a floor space that is slightly less than that of the original barn.

The design of the barn has been amended at the request of the Local Planning Authority so as to retain more of the original structure as Wirral's UDP policy GB3 only permits the change of use of buildings in the green belt provided that the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction.

This building requires a number of alterations to make it habitable and thereby comply with building regulations, however the more recent NPPF adopted 2012, permits the extension or alteration of a building in the green belt provided that it does not result in disproportionate additions over and above the size of the original building. The volume of the existing building is 218.69m³ and following conversion the volume will increase by 12.30m³ to 230.99m³. This is an increase in volume of only 5.62% and as such in this instance is not deemed to be a disproportionate addition to the building in the context of green belt policy. In addition whilst the developer is not planning on replacing the existing building under policy GB4 (as it is not yet a dwelling), this policy permits a 15% increase in volume plus any remaining permitted development for dwellings in the green belt, as such this slight 5.62% increase in volume is not deemed unacceptable in this instance. In order to ensure no further extensions, additions or outbuildings are imposed upon this property conditions removing permitted development rights will be applied should members be minded to approve the scheme.

At the time of writing this report 3 objections have been received. The objections relate to the erosion of the green belt due to the provision of 2 off road car parking spaces and fencing around the north and western aspects of the property. Stating the presence of 2 vehicles will substantially alter the open aspect of the green belt and give a residential feel to what is currently basically an agricultural outbuilding and the physical process of building and installing the outstanding utilities such as waste water management will potentially threaten the wildlife (mainly birds and water birds) which currently live in this area. Further concern is raised over the precedent the development will make, encouraging further conversions.

The access to the dwelling would remain as existing. There is currently a track leading from the main access into the site from Column Road that will be utilised by the proposed dwelling as well as an area of hardstanding to the side of the barn where the applicant could already park two vehicles and as such the parking of vehicles on the site would have negligible impact upon the green belt.

The applicant is proposing a small curtilage surrounding the site that provides private amenity space for the residents. This residential curtilage was originally denoted on the plans by a 1.2m high post and rail timber fence. At the request of the Local Planning Authority this fence was deleted from the scheme and

the domestic curtilage of the dwelling denoted by soft landscaping. If members are minded to approve the application a condition will be imposed to state; notwithstanding the approved plans details of all hard and soft landscaping shall be submitted to and agreed in writing with the local planning authority.

The application site is located within the Caldry Fields WeBS count sector and is near to the following European sites:

- Dee Estuary SPA; and
- Dee Estuary Ramsar.

These sites are protected under the Habitats Regulations 2010 (as amended) and as such the Merseyside Environmental Advisory Service (MEAS) have been consulted.

MEAS have reviewed the proposal submitted by the applicant and considered the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. They advise there is no pathway that could give rise to likely significant effects on the European sites and it does not warrant a detailed Habitats Regulations Assessment report for the following reasons:

- The proposed development is minor in nature, affecting an existing building, and will not involve any significant construction or demolition works. Any disturbance to adjacent land which may be functionally linked to the SPA and Ramsar sites is likely to be minimal; and
- The affected building is relatively enclosed by trees and hedgerows. The presence of these features are likely to deter qualifying species from the area which falls within the zone of influence to the proposed works.

The application site is within the recently updated (March 2017) Natural England SSSI Impact Risk Zone (IRZ) and the proposed development meets the qualifying category 'All planning applications outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures.' Natural England must be consulted on the planning application prior to determination. Natural England have been consulted and have raised no objection to the scheme and agree with MEAS that there would be no impact on the Dee Estuary SSSI as a result of the proposed development for those reasons outlined above, as the features of interest of the designated sites are essentially the same.

Having regards to ecology and in line with the comments of MEAS the applicant was instructed to carry out a Bat Roost and Breeding Bird Survey. The report states that the full searches along with 2x dawn and dusk surveys provided no evidence of bat habitation in any parts of the building. Due to the findings of these surveys, it is thought that the proposed development is unlikely to have any negative effect on any bat or bird populations at the present time. However in accordance with Natural England Bat Mitigation Guidelines 2004, should members be minded to approve the application a condition for bat boxes will be imposed as an appropriate form of mitigation prior to commencement of development.

The development is therefore considered acceptable having regards to policy NCO1 – Principles for Nature Conservation and NC7- Species Protection.

In terms of surface water drainage the Local Lead Flood Authority have been consulted and raised no objection to the scheme. However should members be minded to approve the scheme a condition requiring the developer to submit a scheme for the disposal of foul and surface waters for the entire site shall be imposed.

Having regards to potential setting of precedence, the Local Planning Authority reviews each planning application it receives on its own merits and as such a refusal on setting of precedence could not be sustained at appeal.

The current building is in a poor state of repair and detracts from the visual amenity of the surrounding area. The proposed development will considerably tidy up the site without having a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it. The building is of permanent and substantial construction. The proposal does not involve extensive external storage, extensive hard standing, vehicle parking, intrusive boundary walling, fencing, or introduce intrusive domestic elements. The proposed use can be adequately serviced in

terms of access as there is an existing road running into the site from Column Road and therefore the proposed use will not in itself, or through likely traffic generation, have a detrimental effect on the appearance or quiet enjoyment of the surrounding area. The development is deemed acceptable in terms of the Policies outlined in Wirral's UDP and the guidance in the National Planning Policy Framework.

SEPARATION DISTANCES

Separation distances are easily met as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal. The Engineers Department has raised no objection to the proposed scheme.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

It is considered that the proposed conversion of the existing building to a dwelling, in this particular case, will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it. The building is of permanent and substantial construction. The proposal does not involve extensive external storage, any additional hard standing, vehicle parking, intrusive boundary walling, fencing, or introduce intrusive domestic elements. The alterations required to make the building habitable and to ensure compliance with building regulations do not constitute disproportionate additions to the building in the context of Green Belt Policy. The proposed use can be adequately serviced in terms of access as there is an existing road running into the site from Column Road and therefore the proposed use will not in itself, or through likely traffic generation, have a detrimental effect on the appearance or quiet enjoyment of the surrounding area. The development is deemed acceptable in terms of the policies outlined in Wirral's UDP and the National Planning Policy Framework.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the proposed conversion of the existing building to a dwelling will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it. The building is of permanent and substantial construction. The proposal does not involve extensive external storage, any additional hardstanding, vehicle parking, intrusive boundary walling, fencing, or introduce intrusive domestic elements. The proposed use can be adequately serviced in terms of access as there is an existing road running into the site from Column Road and therefore the proposed use will not in itself, or through likely traffic generation, have a detrimental effect on the appearance or quiet enjoyment of the surrounding area. The development is deemed acceptable in terms of the policies outlined in Wirral's UDP and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Before any construction commences, samples of the facing/roofing/window materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy GB3 of the Wirral Unitary Development Plan.

3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 19th June 2017 listed as follows:
PWH/16/SA/1 Rev A (Dated 14.06.17) & PWH/16/SA/2 Rev A (Dated 14.06.16).

Reason: For the avoidance of doubt and to define the permission.

4. Notwithstanding the approved plan reference PWH/16/SA/1 (Dated 1/11/16) the area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

The detailed landscaping plans shall include:

- (i) details of boundary treatments and hard surfaces
- (ii) the location, size and species of all trees to be planted
- (iii) the location, size, species and density of all shrub and ground cover planting
- (iv) a schedule of implementation

Reason: In the interests of visual amenity and to ensure that the development complies with Policy GB3 of the Wirral Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area and to accord with Policy GB3 of the Wirral Unitary Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

Reason: To safeguard the green belt and to accord with Policy GB3 of the Wirral Unitary Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no walls, fences

or other means of enclosure shall be erected on any part of the land.

Reason: To preserve the visual amenities of the area and to accord with Policy GB3 of the Wirral Unitary Development Plan.

8. Prior to commencement of development bat boxes shall be erected around the site in accordance with the Bat Roost and Breeding Bird Survey produced by EBS (Dated 30th May 2017). The type, number and location of the bat boxes shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of development and retained as such thereafter.

Reason: In the interest of species protection having regard to policy NC7

9. Unless otherwise agreed in writing and in line with the surface water management hierarchy, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt this site must be drained on a separate system combining just prior to connection to the public combined sewerage system. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 10 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Further Notes for Committee:

Last Comments By: 24/05/2017
Expiry Date: 10/01/2017