

Planning Committee

15 February 2018

Reference:
APP/17/01383

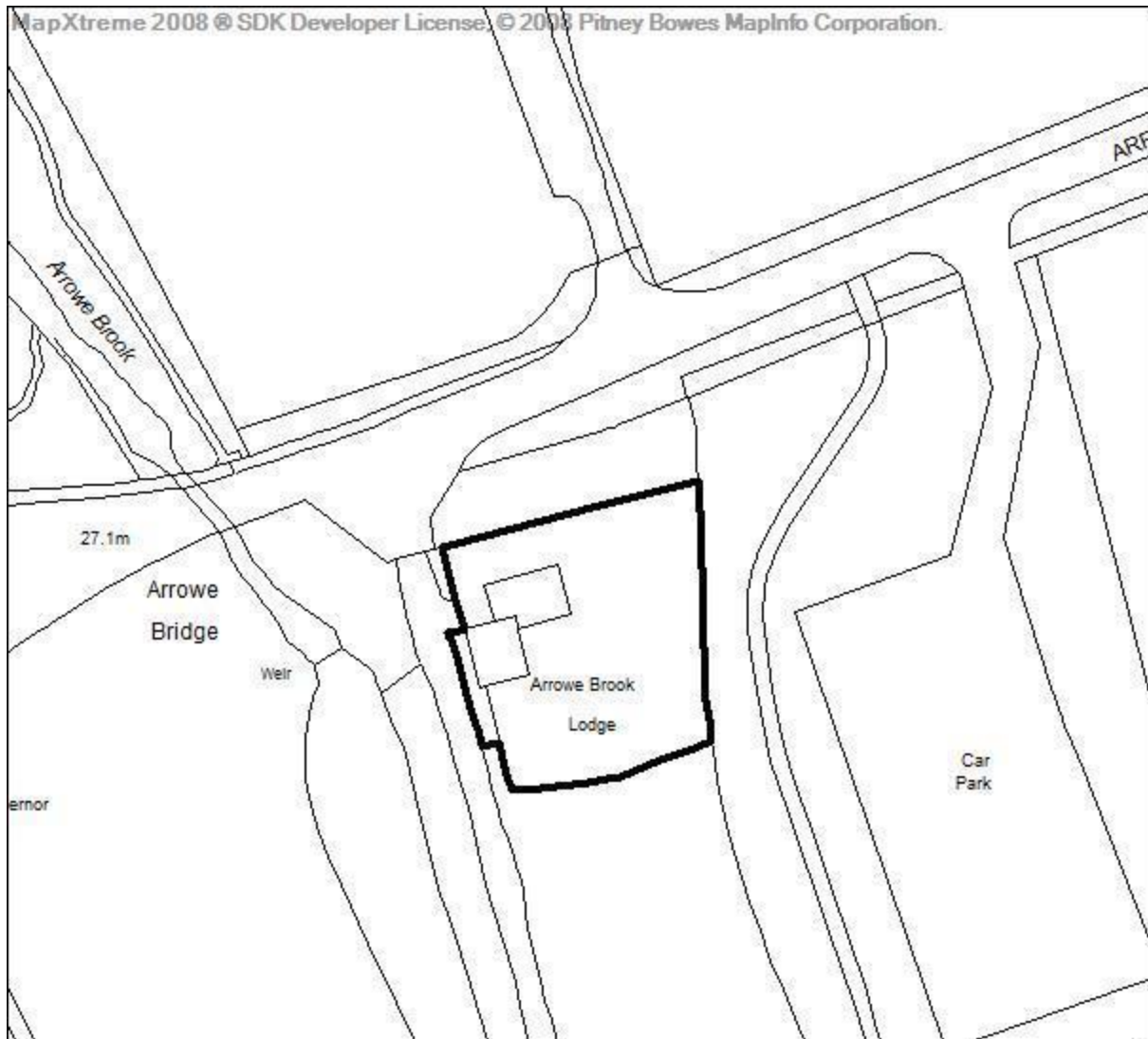
Area Team:
North Team

Case Officer:
Mrs S Lacey

Ward:
**Greasby Frankby
and Irby**

Location: Arrowe Brook Lodge, ARROWE BROOK ROAD, UPTON, CH49 1SX
Proposal: Proposed extension to residential property to be used as a small business for dog grooming (3 dogs per day).
Applicant: Mr & Mrs Owen
Agent :

Site Plan:



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Development Plan designation:

Site of Biological Importance
Green Belt
Countryside Recreation Site

Planning History:

Location: Arrowe Brook Lodge, Arrowe Brook Road, Upton, Wirral, L49 1SX
Application Type: Full Planning Permission
Proposal: Single storey kitchen and lounge extension at rear.
Application No: APP/97/06648
Decision Date: 11/12/1997
Decision Type: Approve

Location: Arrowe Brook Lodge, Arrowe Brook Road, Upton, Wirral, CH49 1SX
Application Type: Full Planning Permission
Proposal: Erection of a detached double garage.
Application No: APP/02/07191
Decision Date: 07/01/2003
Decision Type: Approve

Summary Of Representations and Consultations Received:**REPRESENTATIONS:**

Having regard to the Council Guidance on Publicity for Applications, 1 notification was sent to the adjoining property. A site notice was also displayed. No objections have been received.

CONSULTATIONS:

Highway Engineers - no objection

Environmental Health - no objection

Wirral Wildlife - noted the proposal lies close to the River Birket, and pollution of the river is to be avoided and good construction practices are essential.

DIRECTORS COMMENTS:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is a departure from the Unitary Development Plan.

INTRODUCTION

The proposal is for a single-storey side extension to an existing dwelling to be used as a small business by the owner for dog grooming, with no more than 3 dogs per day.

The main issues are whether the proposed development would be inappropriate development in the Green Belt and, and whether there is any adverse impact on protected wildlife species.

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PRINCIPLE OF DEVELOPMENT

The application site is designated as part of the Green Belt, a Site of Local Biological Importance and a Countryside Recreation Site in the Wirral Unitary Development Plan (UDP), where there is no provision for dog grooming businesses. The application has been advertised as a departure from the UDP. Consequently, the proposal must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

SITE AND SURROUNDINGS

The site comprises of a detached brick property in use a dwelling with detached garage. The building is well screened from the highway by mature vegetation. There is existing off-street parking. Work has commenced on the extension.

POLICY CONTEXT

There is no provision in UDP Policies GB2 and TL11 for dog grooming businesses which has no fixed Use Class. Such uses are commonly found in town centres. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in

accordance with the plan unless material considerations indicate otherwise.'

Material considerations in this case include the National Planning Policy Framework (NPPF) and whether the proposal would constitute sustainable development.

NPPF paragraph 89, indicates that the construction of new buildings such be regarded as inappropriate in the Green Belt. However, exceptions to this include the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

UDP Policy GB5 Extension of Existing Dwellings in the Green Belt, which can be considered relevant for assessing whether the extension can accepted as proportionate, states extensions of existing dwellings in the Green Belt will be permitted provided the floor space of the resultant dwelling is no more than 50 percent larger than the habitable floor space of the original dwelling. This is designed to safeguard the open appearance of the Green Belt and to avoid any disproportionate extensions to the original dwelling.

UDP Policy HS11 House Extensions, would also be relevant in that require the scale of the extension does not dominate existing building and provides design criteria to ensure there is no significant adverse effect on the appearance of the original property. Development that would adversely affect protected wildlife is not permitted under UDP Policy NC7, unless protection can be secured.

APPEARANCE AND AMENITY ISSUES

The single-storey extension measures 3.1m x 4.2m and is 3.3m in height with a lean-to roof. The scale of the proposed building is acceptable and does not over dominate the original property or harm the openness of the Green Belt. There is a detached garage 9.5m away from the existing house which does not represent an extension to the property. There has been a previously approved extension (ref APP/97/06648). The combination of this previous extension and the proposed extension results in approximately 54 sq. m of development, which represents a total percentage increase of 49%. Therefore the scale of the proposal is considered to comply with UDP Policy GB5.

One amenity issue that commonly arises where a non-residential use is proposed close to residential properties is the issue of noise and disturbance, including noise from dogs barking and customers dropping off/picking up.

The applicant is proposing a maximum of 3 dogs per day which is considered small scale, and the hours of use 09:00 hours until 18:00 hours Monday to Saturday. There is a 50 metre separation distance to the nearest residential property, and it is unlikely the scale of the proposal will result in noise and disturbance that would be detrimental to the amenities of neighbouring properties. Pollution Control Division have no objection to the proposal.

The premises are close to a public car park at entrance to Arrowe Country Park which is in frequent use by dog walkers.

The Site of Local Biological Importance at Arrowe Park supports legally protected species and provides a habitat for plants, invertebrates, birds and mammals.

SEPARATION DISTANCES

The proposal is not considered to result in overlooking or loss of privacy to neighbouring properties.

HIGHWAY/TRAFFIC IMPLICATIONS

The proposal will result in a low intensity of use. There are no highway safety implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

It is not considered the proposal will result in a significant noise nuisance to neighbouring residential properties.

CONCLUSION

. The scale, siting and appearance of the extension to the existing dwelling house is considered acceptable within the established use of the site and can be considered to be appropriate development in the Green Belt under the terms of NPPF, paragraph 89. . While dog grooming businesses can be typically found within existing centres throughout the Borough, given the location at the entrance to Arrowe Country Park, the small number customers that could be attracted to the premises and the opportunity to make linked trips or walk to the site from the nearby residential area it can be reasonably contended, in this particular case, that the proposal constitutes sustainable development. Consequently, in this particular case, on balance, the material considerations are considered sufficient to outweigh the provisions for development in the Green Belt and Countryside Recreation Site through UDP Policies GB2 and TL11. . The proposal would otherwise be acceptable in terms of its visual impact under UDP Policies GB2, GB5, HS11, Hof the Wirral 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:- The scale, siting and appearance of the extension to the existing dwelling is considered acceptable and can be considered to be appropriate development in the Green Belt under the terms of NPPF, paragraph 89. While dog grooming businesses can be typically found within existing centres throughout the Borough, given the location at the entrance to Arrowe Country Park, the small number customers that could be attracted to the premises and the opportunity to make linked trips or walk to the site from the nearby residential area it can be reasonably contended, in this particular case, that the proposal constitutes sustainable development. Consequently, in this particular case, on balance, the material considerations are considered sufficient to outweigh the provisions for development in the Green Belt and Countryside Recreation Site through UDP Policies GB2 and TL11. The proposal would otherwise be acceptable in terms of its visual impact under UDP Policies GB2, GB5, HS11 and the National Planning Policy Framework

Recommended Approve
Decision:

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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 20 November 2017 and listed as follows: drawing numbers A0-1A (dated October 2017) and A0-2A (dated October 2017).

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

3. There shall be no more than 3 dogs groomed on the premises in any one day.

Reason: In the interest of amenity and to comply with both National and Local Plan Policy.

4. The premises shall not be used as a dog grooming business except between the hours of

0900 hours and 1800 hours Mondays to Saturdays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

5. This permission allows use of the application premises for dog grooming by Mr and Mrs Owen only and cannot be transferred with the land or used by any other person or persons obtaining an interest in it.

Reason: The proposed use or development would not normally be permitted, but personal permission is given because of the special circumstances put forward by the applicant in this instance. The Local Planning Authority is satisfied that the specific development, managed as proposed, will not be detrimental to the amenities of the area.

6. When the dog grooming business ceases to exist, the extension hereby approved shall only be used in association with the existing dwelling house and shall not be occupied or sold off separately as an independent unit.

Reason: To prevent an over-intensive use of the site as two independent units and ensure there is no detrimental impact on the amenities of the area.

Further Notes for Committee:

Last Comments By: 03/01/2018 08:44:49

Expiry Date: 15/01/2018