

Planning Committee

21 November 2013

Reference:
APP/13/00780

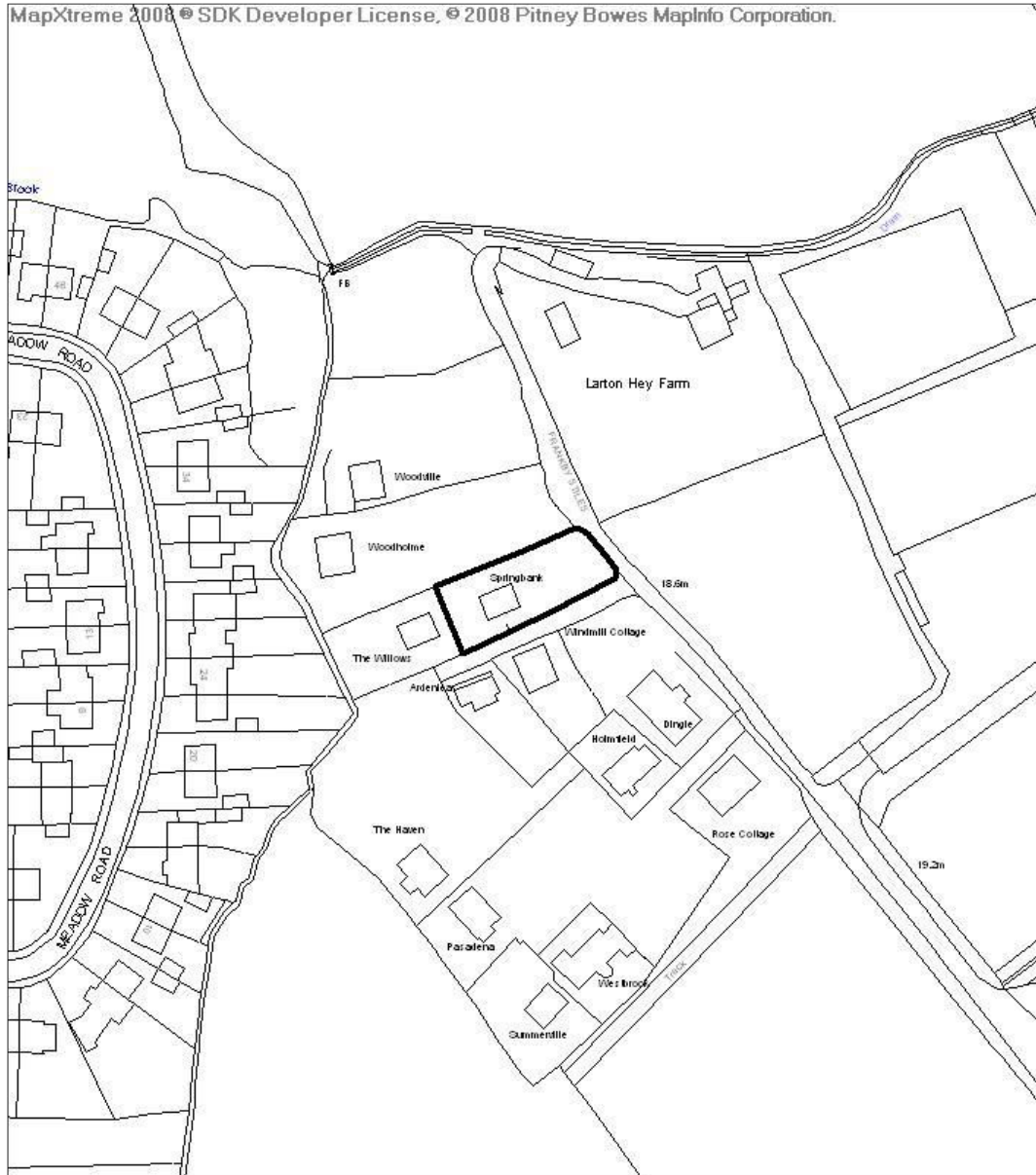
Area Team:
North Team

Case Officer:
Mr M Rushton

Ward:
**Greasby Frankby
and Irby**

Location: Caravan At Springbank, FRANKBY STILES, FRANKBY, CH48 1PL
Proposal: Construction of a dwelling house
Applicant: Mr & Mrs Sweeney
Agent : CS-PES Planning Consultant

Site Plan:



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Development Plan allocation and policies:

Green Belt

Planning History:

Location: Springbank, Frankby Stiles, Larton Hey, Frankby, Wirral, CH48 1PL
Application Type: Full Planning Permission

Proposal: Removal of existing unit and erection of a new bungalow.
Application No: APP/08/06940
Decision Date: 28/01/2009
Decision Type: Refuse

Location: Springbank, Frankby Stiles, Larton Hey, Frankby, Wirral, CH48 1PL
Application Type: Full Planning Permission

Proposal: Demolition of existing single storey dwelling and erection of a new bungalow.
Application No: APP/09/05322
Decision Date: 19/06/2009
Decision Type: Approve

Location: Land adjoining/west of, Springbank, Frankby Stiles, Frankby, Wirral, CH48 1PL

Application Type: Full Planning Permission
Proposal: Change of use of annexe to a separate dwelling.
Application No: APP/08/05493
Decision Date: 07/05/2008
Decision Type: Refuse

Location: Springbank, Frankby Stiles, Frankby, Wirral, CH48 1PL
Application Type: Full Planning Permission

Proposal: Removal of existing unit and erection of a new bungalow.
Application No: APP/08/06525
Decision Date: 28/10/2008
Decision Type: Withdrawn

Location: Springbank, Frankby Stiles, Frankby, Wirral, CH48 1PL
Application Type: Outline Planning Permission

Proposal: Demolition of existing dwelling and erection of a new dwelling.
Application No: OUT/07/05524
Decision Date: 09/05/2007
Decision Type: Withdrawn

Location: Springbank, Frankby Stiles, Frankby, Wirral, CH48 1PL
Application Type: Full Planning Permission

Proposal: Retention of a mobile home
Application No: APP/04/07987
Decision Date: 13/05/2005
Decision Type: Approve

Location: Springbank, Frankby Stiles, Frankby, Wirral, CH48 1PL
Application Type: Full Planning Permission

Proposal: Change of use to independent dwelling
Application No: APP/06/06316
Decision Date: 18/10/2006
Decision Type: Refuse

Location: Springbank, The Stiles, Larton Hey, Frankby, Wirral L48 1PL
Application Type: Full Planning Permission

Proposal: Erection of replacement dwelling house.
Application No: APP/98/05644
Decision Date: 15/06/1998
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the adopted Guidance on Publicity for Planning Applications, a total of 7 letters were sent to neighbouring landowners and a Site Notice posted on a post adjacent to the site. At the time of writing, no representations have been received.

CONSULTATIONS

Head of Environment and Regulation (Traffic and Transportation Divisions) – no objection.

Head of Environment and Regulation (Environmental Health Division) – no objection.

Director's Comments:

PROPOSAL

The application seeks permission for a replacement dwelling on land known as Springbank, at Frankby Stiles, and in addition enclosing land further to the east within the residential curtilage.

The application site has a complex planning history, with planning permission secured for the replacement of the dwelling known as Springbank in 2009 (APP/09/05322), and an annexe to the dwelling (a caravan/mobile home) having been granted planning permission under strict planning conditions in 2005 (APP/04/07987). The mobile home persists at the site (to the west of the area currently identified for development), and the current proposal offers not to continue the implementation of the replacement dwelling (APP/09/05322), rather to provide an alternative replacement dwelling on a footprint further to the east.

The application seeks to expand the residential curtilage from that identified when permission was granted for the replacement of Springbank under permission APP/09/05322, with land to the east included. The applicant outlines that this land has been most recently used for storage - bricks having been stored on the land since it was used incidental to the construction of the adjacent dwelling, Dingle Cottage.

The application site as a whole has, at the time of the application, been cleared of vegetation and is open with hardcore forming the surface of the site. There are access tracks running immediately to the south and east of the site, whilst to the north, west and beyond the access to the south there are single storey residential properties. Further to the east is Larton Livery, with horsiculture and associated land uses and buildings (including stabling, tack buildings and cafe).

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

Wirral Unitary Development Plan

GB2: Guidelines for Development in the Green Belt.

GB4: Replacement of Existing Dwellings in the Green Belt.

National:

National Planning Policy Framework – notably part 9 'Protecting Green Belt Land'.

The main policy consideration is whether the proposal presents appropriate development in the Green Belt. There are two key decisions – is the dwelling proposed materially larger than that it would replace (the 'original' dwelling at the site), and can the extension of curtilage proposed be accepted.

Considering the scale of the building, whilst a larger footprint is proposed than that previously granted as a replacement dwelling (APP/09/05322), the development would include a shallower pitch to the roof, which limits the expansion in volume. The original property had a volume of approx. 145 cubic metres, whilst the replacement had a volume approx. 225 cubic metres, and the current proposal is for approx. 245 cubic metres.

Whilst a replacement dwelling can be considered not to be inappropriate development, the National Planning Policy Framework (at paragraph 89) sets out that a replacement must not be materially larger than the building it replaces. The paragraph also sets out the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) is excluded from

inappropriate development, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Policy GB4, which was adopted at a time when Planning Policy Guidance PPG2 set out national guidance establishes that a replacement dwelling is acceptable so long as it is not more than 15% larger or larger than the dwelling plus any remaining permitted development allowance for extensions. It is noted that under the current permitted development rights (2013 amendments), the original dwelling might have been extended quite significantly - though since it no longer exists this is perhaps irrelevant - permitted development rights had been removed in the grant of permission APP/09/05322.

Regardless of volume comparisons, the dwelling proposed is not considered to be materially larger than the original property, nor is the site an isolated or visually prominent one. There is considered to be no detrimental impact to openness through the built development proposed, and paragraph 89 of the National Planning Policy Framework and Policy GB4 are met.

Considering the curtilage set out, whilst different from that accepted as the curtilage under the most recent permission, APP/09/05322, the 'larger' curtilage indicated in the current application does match that accepted by the Council in some previous applications at the site - APP/08/06525, OUT/07/05524 and APP/04/07987. Given this, it is not considered that the proposal would conflict with bullet point (iv) of Policy GB4, which requires the replacement dwelling to occupy the same curtilage as the 'existing' dwelling. Even had a view been taken that the curtilage was an expanded area, it is considered that very special circumstances might exist to support to enlargement - namely the last use of the site for a storage purpose, and the physical characteristics of the expanded area - it is located immediately adjacent to the access road within Frankby Stiles, and in line with the established curtilage for residential uses at Woodville and Dingle Cottage. Given this, there would be no demonstrable impact to openness from the curtilage proposed.

In the absence of conflict with UDP Policy GB4 and the NPPF, it is considered that the development can be accepted as appropriate in the Green Belt.

SITE AND SURROUNDINGS

As noted above, the application site is within a cluster of residential properties. The application site as a whole has, at the time of the application, been cleared of vegetation and is open with hardcore forming the surface of the site. There are access tracks running immediately to the south and east of the site, whilst to the north, west and beyond the access to the south there are single storey residential properties. Further to the east is Larton Livery, with horseculture and associated land uses and buildings (including stabling, tack buildings and cafe). The properties are single storey, the majority having originally formed 'mobile' accommodation which has been replaced with permanent residential units over time.

APPEARANCE AND AMENITY ISSUES

The development proposed would not be dissimilar in design and scale to properties located in the vicinity, and would be in keeping with the character established. The low roof pitch would assist to limit potential impact to openness in this Green Belt location. The proposed development would be acceptable having regard to Policy HS4, which sets out criteria for new housing development.

SEPARATION DISTANCES

The proposal is for a single storey dwelling, and separation distances do not readily apply to this form of development, since the potential for impact to privacy and outlook is negated by boundary treatment. In this instance, east and west elevations would support habitable rooms, and achieve a good separation from the nearest residential properties - 26m. To the south Dingle Cottage is at 25m, but a blank gable is proposed, whilst to the north there are no directly facing properties.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no significant highway/traffic implications.

ENVIRONMENTAL/SUSTAINABILITY/HEALTH ISSUES

There are no significant environmental/sustainability/health implications.

CONCLUSION

The proposed development is appropriate development in the Green Belt, and would accord with the criteria set out in UDP Policies HS4 and GB4, as well as the National Planning Policy Framework. Given that the footprint for the proposed unit would not overlap with that granted under APP/2009/05322, and that permission is implemented, a s106 Legal Agreement is required to remove the right to implement that permission.

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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is appropriate development in the Green Belt, and would accord with the criteria set out in UDP Policies HS4 and GB4, as well as the National Planning Policy Framework.

Recommended Decision: **Approve Subject to S106 Legal Agreement**

Recommended Conditions and Reasons:

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

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

2. 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 amenities of the occupiers of adjoining property and the Green Belt generally and to accord with Policies HS4 and GB4 of the Wirral Unitary Development Plan and the NPPF (paragraph 89).

3. Before any construction commences, details of the facing and roofing 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 HS4 of the Wirral Unitary Development Plan.

4. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 17th June 2013 and listed as follows: 69/FS/04/13-003, 69/FS/04/13-004, 69/FS/04/13-005 (dated May 2013).

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no building, enclosure or swimming pool falling within Part 1, Class E, shall be erected on any part of the land.

Reason: To safeguard the amenities of the adjoining occupiers & appearance of the area and to accord with Policy GB4 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 24/07/2013 14:24:19
Expiry Date: 12/08/2013