

# Public Document Pack

**Date of meeting** Tuesday, 16th August, 2016  
**Time** 7.00 pm  
**Venue** Council Chamber, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact** Geoff Durham

## Planning Committee

### SUPPLEMENTARY AGENDA

#### PART 1 – OPEN AGENDA

- a Application for Minor Development \_ Newlyn, Acton Lane, (Pages 3 - 8)  
Acton. Mr & Mrs Bialowski. 16/00456/FUL

**Members:** Councillors Burgess, Fear, S Hambleton, Heesom, Mancey, Northcott,  
Owen, Panter, Pickup (Vice-Chair), Proctor (Chair), Reddish, Simpson,  
Sweeney, Turner, G Williams and J Williams

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

**FIELD\_TITLE**

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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**NEWLYN, ACTON LANE, ACTON**  
**MR & MRS BIALKOWSKI**

**16/00456/FUL**

The application is for full planning permission for a replacement dwelling involving the demolition of the existing dwelling and outbuildings and the repositioning of the access.

The application site is located within the hamlet of Acton but that has no defined development boundary and so is classed as open countryside, washed over by the North Staffordshire Green Belt and on land designated as an Area of Landscape Maintenance, all as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on the 27<sup>th</sup> July and the applicant has agreed to an extension of time until the 18<sup>th</sup> August 2016.**

## **RECOMMENDATION**

**Permit subject to the following conditions;**

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as submission**
- iv) Removal of permitted development rights for extensions, outbuildings and hardstandings**
- v) Hard and soft landscaping scheme as submission**
- vi) Provision of tree protection during construction**
- vii) Development carried out in accordance with submitted Arboricultural Method Statement**
- viii) Completion of access, parking and turning areas prior to occupation**
- ix) The existing access being made redundant and access crossing reinstated**
- x) Provision of visibility splays, drainage interceptor and porous material,**
- xi) Surface water drainage interceptor rear of the highway**
- xii) Gates located a minimum of 6m rear of carriageway boundary**
- xiii) Construction and demolition hours**

## **Reason for Recommendation**

The application is a resubmission following planning permission in 2013 for the same proposals, application no. 13/00564/FUL. National and local planning policy has not changed since the previous decision and whilst the proposed replacement dwelling would be materially larger than the building it replaces and it constitutes inappropriate development in the Green Belt there are very special circumstances which justify the development in this instance - a fall-back position with the volume of the replacement dwelling having no greater harm on the openness of the Green Belt than extensions that would be allowed to the existing dwelling. Furthermore, the proposed replacement dwelling also represents a high standard of design which takes advantage of the site characteristics which minimises its impact on the openness on the Green Belt. The impact on visual amenity, character and quality of the landscape, trees and highways safety would also be minimal. There would also be no significant and harmful impact to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light. Subject to the removal of permitted development rights and a number of other conditions the proposed development accords with Policies N12, N17 & N19 of the Local Plan and policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

**Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application**

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework and no amendments were necessary.

### **KEY ISSUES**

The application is for full planning permission for a replacement dwelling involving the demolition of the existing dwelling and outbuildings and the repositioning of the access.

The application site is located within the hamlet of Acton but that hamlet has no defined development boundary and so is classed as open countryside, located within the North Staffordshire Green Belt and on land designated as an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The application is a resubmission following permission in 2013 (application no. 13/00564/FUL) for the same proposal. The permission has not been implemented and is due to expire in September 2016. Therefore the purpose of this application is to secure a further permission.

Information to satisfy conditions of the original permission has also been previously agreed by the LPA and much of this information is now submitted as part of this application.

The previous proposal was considered to be inappropriate development within the Green Belt by virtue of it being materially larger than the building it replaces. However, the view was taken that as the applicant could carry out extensions to the existing property that would have a similar volume and would not be classed as disproportionate additions, this represented a fall-back position with the volume of the replacement dwelling having no greater harm to the openness of the Green Belt than if the existing dwelling were extended. The proposed replacement dwelling also was considered to represent a high standard of design, notwithstanding the concerns raised then, as now, by the Parish Council and a design which took advantage of the site characteristics which minimised its impact on the openness on the Green Belt. These points amounted to the very special circumstances required to justify the development. The impact on visual amenity, character and quality of the landscape, trees and highways safety would also be minimal. There would also be no significant and harmful impact to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light. Therefore, subject to the removal of permitted development rights and a number of other conditions the proposed development was considered to accord with Policies N12, N17 & N19 of the NLP and policy CSP1 of the CSS and the requirements of the NPPF.

As discussed the proposal remains the same as that permitted in September 2013 and local and national planning policy has not changed since the previous decision and the very special circumstances that were accepted for the permitted scheme are still valid. In all other respects the proposal is still in accordance with policies of the Local Plan, CSS and the requirements of the Local Plan.

## **APPENDIX**

### **Policies and Proposals in the approved Development Plan relevant to this decision:-**

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Strategic Aim 16:	To eliminate poor quality development;
Policy SP1:	Spatial Principles of Targeted Regeneration
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

#### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt  
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy N17: Landscape Character – General Consideration  
Policy N19: Area of Landscape Maintenance

#### Other material considerations include:

National Planning Policy Framework (March 2012) as amended  
Planning Practice Guidance (2014) as amended

#### Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)  
Whitmore Village Design Statement (September 2002)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)  
Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

#### Relevant Planning History

13/00564/FUL Demolition of existing house and outbuildings and the erection of new detached house (Resubmission of 13/00275/FUL) Permitted

14/00194/FUL Variation of condition 2 regarding development being built in accordance with approved plans, and variation of condition 11a regarding visibility splays, of planning permission 13/00564/FUL for demolition of existing house and outbuildings and the erection of new detached house Permitted

#### Views of Consultees

The **Highways Authority** raise no objections subject to conditions relating to the provision of the access, parking and turning areas; the existing access being permanently closed and crossing reinstated; the submission and approval of surfacing; visibility splays; surface water drainage interceptor provided across the access and location of gates.

The **Environmental Health Division** indicate that previous concerns about the potential for land contamination, associated with historic landfills, have been addressed via the Sladden Associates site investigation and there are no further concerns with land contamination. A construction and demolition hours condition is recommended.

The **Landscape Development Section** raises no objections subject to the relevant conditions for the previous application for this scheme, 14/00194/FUL, being retained.

**Whitmore Parish Council** wish their comments of the previous application to be noted which were that the PC strongly objects to the application on the grounds that the extremely modern (futuristic) design is totally out of keeping with the general appearance of the existing mix of properties in this small rural village and so directly contravenes the 'Whitmore Village design Statement 2002'. In particular guidance notes no's 1, 4, 6 and 10.

#### Representations

No letters of representation have been received.

#### Applicant/agent's submission

The application is supported by the following documents;

- Arboricultural Method Statement & Tree Protection Plan,
- Schedule of tree works,
- Arboricultural Implications Assessment,
- Report of Ground Investigation,
- Landscaping plan.

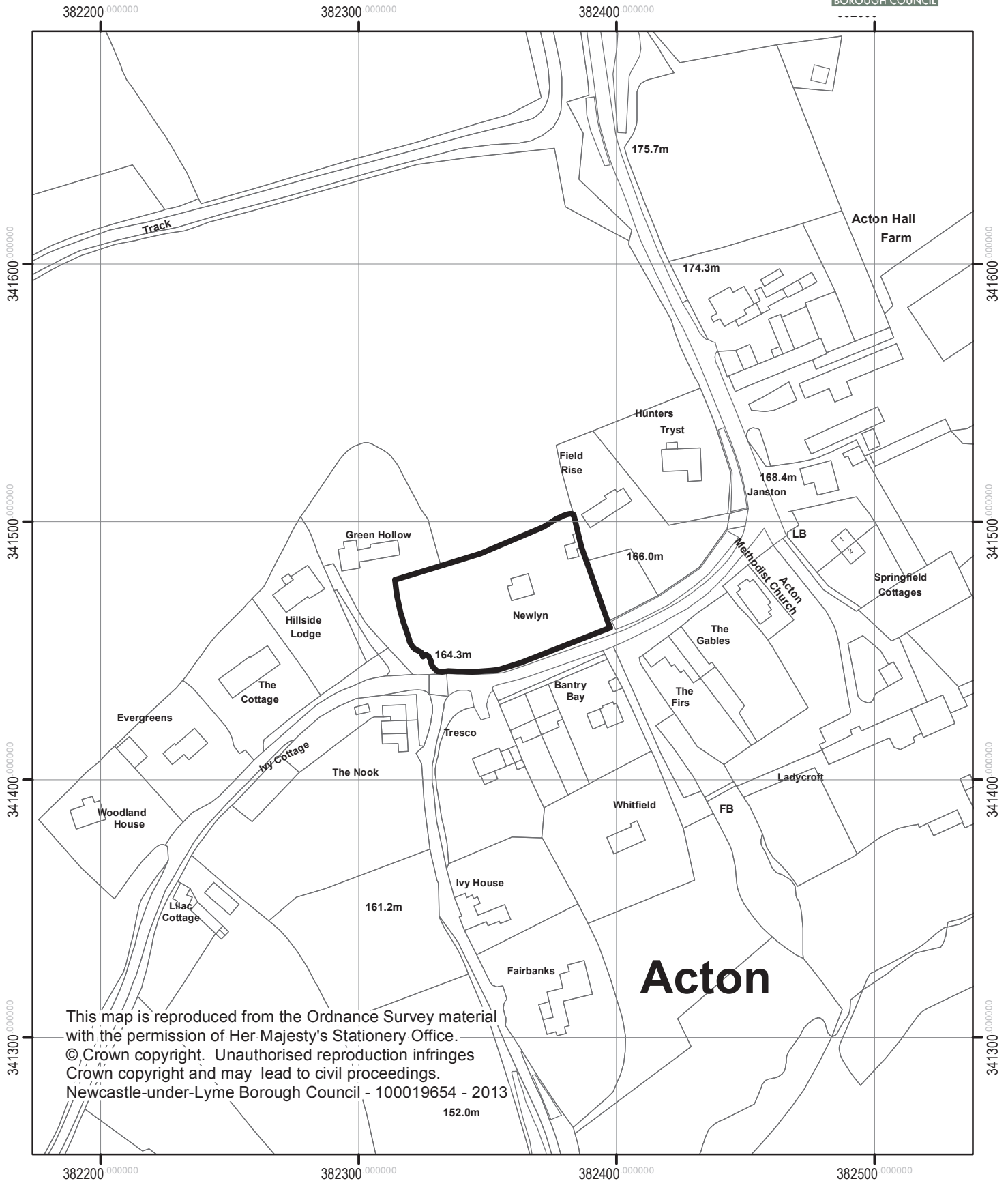
These documents can all be viewed on the Borough Council's website at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00456/FUL>

#### Background Papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

26<sup>th</sup> July 2016



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