

**61 AND 63 HIGH STREET, ALSAGERS BANK**  
**MR P DAWSON**

**14/00014/FUL**

The application is for amendments to the approved parking and access arrangements serving no.61 High Street, which is to be demolished and replaced with a new dwelling, and no.63 High Street which is to be extended and altered (as granted under planning application reference number 12/00471/FUL). In addition the application seeks planning permission for the erection of a new detached double garage.

An existing access which is beyond the existing lawful residential curtilages of no.61 and 63, is proposed to be utilised in association with the replacement dwelling leading to the new detached double garage, which will replace a former piggery outbuilding. A new access and car parking area is proposed off High Street serving number 63.

The majority of the site is located within the village envelope of Alsagers Bank however a significant proportion, in particular, the part of the site where the new garage is proposed is located within the Green Belt and an Area of Landscape Restoration as defined by the Local Development Framework Proposals Map. A tree on the site is the subject of a Tree Preservation Order.

**The 8 week period for the determination of this application expires on 18 March 2014.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to the following:-**

- **Standard time limit.**
- **Approved Plans.**
- **Materials in accordance with those specified.**
- **Tree protection measures.**
- **Retention of trees.**
- **Landscaping.**
- **Contaminated land remediation.**
- **Amended pedestrian access and egress path to plot 2.**
- **Provision of parking, access, surfacing, drainage and visibility requirements.**
- **Retention of the approved garage for parking.**
- **Removal of permitted development rights for outbuildings.**

**Reason for Recommendation**

Extant planning permission reference number 12/00471/FUL already grants consent for the alterations and extensions to no.63 and the replacement of no.61 (plot 2). There are no highway safety objections to the revised access and car parking arrangement. The revisions allow for additional soft landscaping along the site frontage to be provided which is considered a visual improvement to the approved scheme. Subject to tree protection measures and a condition requiring an amended pedestrian access for plot 2 it is considered that the protected tree to the front of the site can be retained as well as the existing non-protected trees to the rear of the proposed garage.

The new detached garage element of the proposal is inappropriate development within the Green Belt and that this part of the site would change to residential use. The proposed garage would replace an existing building of a similar size and as such there would be no significant impact upon openness. It is therefore considered that there are very special circumstances to justify approval.

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

Concerns relating to the health of a protected beech tree have been brought to the attention of the applications agent and subject to minor revisions the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

**Policies and Proposals in the Approved Development Plan relevant to the decision:-**

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

CSP1: Design Quality  
ASP6: Rural Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt  
Policy N17: Landscape Character – General Considerations  
Policy N21: Areas of Landscape Restoration

Other Material Considerations

National Planning Policy Framework (March 2012)  
Circular 11/95 Conditions

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Newcastle under Lyme and Stoke on Trent Urban Design Supplementary Planning Document (2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

**Planning History**

12/00471/FUL	Alterations and extension to Number 61, and erection of a replacement dwelling (no. 63) formation of new access and carparking area	Permitted
12/00470/ELD	Application for a Lawful Development Certificate for existing use as a domestic garden.	Permitted

**Views of Consultees**

– No comments received.

**Highway Authority** – No objections subject to conditions relating to:

1. Provision and retention of access, parking and turning areas in accordance with the approved plans.
2. Completion of the access before the replacement dwelling is occupied.
3. Provision and retention of visibility splays as shown on the approved plan.
4. The access drives rear of the public highway being surfaced in a bound material.
5. The approved garage being retained for the parking of motor vehicles and cycles only and not living accommodation.
6. Surface water drainage provision.

**Landscape Development Section** – Object to the proposal due to likely damage to a protected Beech tree to the front of the site. Also comment that an aboricultural impact assessment is required in relation to the proposed garage, that the Tree Report drawings

submitted contradict the main application plans and that a landscaping scheme should be a condition if on any approval given.

The views of the **Environmental Health Division** and **Audley Parish Council** have been sought. As they have not responded by the due date it is assumed that they have not comments to make.

### **Representations**

No representations received.

### **Applicants/ Agents submission**

The requisite plans and application forms have been submitted along with a Design and Access Statement (although there is no formal requirement for one) and Tree Survey. The submitted information is available at the Guildhall and at [www.newcastle-staffs.gov.uk/planning/6163HighStreetAlsagersBank](http://www.newcastle-staffs.gov.uk/planning/6163HighStreetAlsagersBank)

### **Key Issues**

The application follows the grant of planning permission (reference number 12/00471/FUL) for alterations and extensions to no.63 and the replacement of no.61 with a new dwelling together with the formation of an access and parking areas. The approved plans under that application make provision for a shared access to two car parking spaces proposed to the front of each of the dwellings. The applicant has submitted the current application to enable the provision of an independent vehicular access for each dwelling rather than reliance upon the approved shared access arrangement. There are no significant changes proposed to the appearance of the replacement dwelling and alterations and extensions to number 63. Therefore it is only the significant changes to the approved plans which require further assessment namely – the adequacy of the revised access arrangement and the erection of the double garage serving the replacement dwelling.

The majority of the site is located within the village envelope of Alsagers Bank however a significant proportion, in particular, the part of the site where the new detached double garage is proposed is located within the Green Belt and an Area of Landscape Restoration as defined by the Local Development Framework Proposals Map. A tree on the site is the subject of a Tree Preservation Order.

The key issues to consider therefore are:

1. Is the proposed garage appropriate development within the Green Belt?
2. Is the design of the garage and the impact on the wider landscape acceptable?
3. Is the impact to trees acceptable?
4. Is the use of the existing access for the replacement dwelling acceptable in highway safety terms?
5. If the development is inappropriate do very special circumstances exist which outweigh the harm to the Green Belt, and any other harm?

Paragraphs 214 and 215 of the NPPF state that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and following this 12-month period (post 29th March 2013), due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### **1. Is the development appropriate or inappropriate in Green Belt terms?**

The National Planning Policy Framework (NPPF) represents the most up to date policy with respect to Green Belt considerations. Inappropriate development is defined at paragraphs 89

and 90 of the NPPF. At paragraph 89 it states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, except those listed in the policy.

One of the exceptions listed is the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. The erection of the detached garage element of the proposal for domestic purposes would alter the lawful use of the building to be demolished which is beyond the domestic curtilages of number 61 and 63 High Street. Therefore this specific element of the proposal does not fall within any of the exceptions listed and is therefore inappropriate development.

## 2. The acceptability of the design of the proposed garage, including the impact to the wider landscape

Policy CSP1 of the Core Strategy sets out how the design of new development is assessed which includes the need to respect an area's character and identity.

The proposed garage replaces an existing outbuilding of similar proportions. The garage has a dual pitched roof. Its walls are to be constructed from red facing brickwork and roof is to comprise of either plain clay or concrete roofing tiles. The proposed garage is of an appropriate scale. Its design ties in well with the architectural style of the replacement dwelling proposed and also existing surrounding development. No harm to the appearance of the area or wider landscape would arise.

## 3. Is the impact to trees acceptable?

Saved Local Plan policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not unless the need for the development is sufficient to warrant tree loss and the loss cannot be avoided by appropriate siting or design.

There is a protected beech tree at the north western corner of the application site close to the highway. The footprint of the replacement dwelling within plot 2 has been repositioned very slightly so that it is about half a metre further away from the boundary of plot 1 compared to the approved plans of planning permission 12/00471/FUL. The change is not considered to have a further detrimental impact to the health of the protected tree than that already considered in the approval of the extant scheme. However the position of the proposed pedestrian pathway leading from High Street to the front of dwelling within plot 2 is a concern – due to the need to cut into the site to accommodate the path. The view taken is that a revised pedestrian pathway arrangement can be secured by planning condition to minimise harm to the tree.

There are also three non-protected trees to the rear of the outbuilding to be demolished. The trees have a moderate level of amenity value considered collectively. Contrary to the advice of the Landscape Development Section the view taken is that subject to tree protection measures the existing trees can be retained therefore further tree survey information in this regard is not considered to be necessary.

## 4. Is the impact to highway safety acceptable?

Two car parking spaces are proposed for each dwelling house with plot 2 having potential for further additional parking. There is no highway safety objections to the use of the existing access off High Street to serve the replacement dwelling proposed. The new access proposed immediately south of the existing access, which will serve number 63, is to be located on a relatively straight section of High Street where adequate visibility can be achieved. There is a bus stop on the same side of the road as the application site in close proximity to the new access. There are also considerable benefits arising from the provision of off road car parking serving both dwellings in a location where the problems associated with on street car parking are prevalent. Vehicle users regularly have to travel on the wrong side of High Street in order to pass parked vehicles on either side of the highway. The

conditions recommended by the Highway Authority are required to ensure the impact on highway safety is acceptable.

5. Are there any very special circumstances?

The NPPF, at paragraph 87, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 88 it advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and permanence.

The existing building to be demolished already has an impact on the openness of the Green Belt. The volume of the existing outbuilding to be demolished is approximately 132 cubic metres inclusive of a timber lean to the rear. The volume of the garage which will replace that structure is marginally smaller measuring 128 cubic metres. Accordingly there would be no significant impact upon openness as a result of the development applied for. Due to the fact that openness is preserved and in the absence of any other demonstrable harm weighing against the proposal there are very special circumstances evident for approval.

Given the nature of the very special circumstances demonstrated it is necessary and appropriate to remove permitted development rights for further outbuildings for the section of the site within the Green Belt.

**Background Papers**

Planning File  
Planning Documents referred to

**Date Report Prepared**

25 February 2014.