

The Application is for full planning permission for a split level dwelling at land to the rear of Grindley Cottage, Church Lane, Betley.

The site lies within the village envelope of Betley, and within the Betley Conservation Area as designated on the Local Development Framework Proposals Map. The boundary of the Green Belt lies to the south of the site.

The Grade I Listed St Margaret's Church is situated to the north of the site with the churchyard boundary forming the boundary with the application site.

The 8 week period for this application expires on 26TH November 2014.

RECOMMENDATION

REFUSE the application for the following reasons:

- 1. The proposed development, by virtue of its siting and design, would harm the setting of the Grade I Listed Building, St Margaret's Church, contrary to Policy B5 of the Local Plan and the aims and objectives of the National Planning Policy Framework.**
- 2. The proposed development, by virtue of its siting and design, would harm the rural setting and character of the Betley Conservation Area, contrary to Policies B9, B10 and B13 of the Local Plan and the aims and objectives of the National Planning Policy Framework.**
- 3. Failure to demonstrate that the proposed extension would not result in the loss of visually significant trees to the detriment of the character and appearance of the area and contrary to Policies N12 and B15 of the Local Plan and the aims and objectives of the National Planning Policy Framework.**

Reason for Recommendation

The development site is adjacent to St Margaret's Church, a Grade I Listed Building, and the development's design and siting would harm the setting of this Grade I Listed Building. The proposal is therefore contrary to Policy B5 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

In addition, the proposal, by virtue of its design and siting, would harm the rural setting of this part of the Conservation Area, and the proposal is therefore contrary to Policies B9, B10 and B13 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

Lastly, the applicant has failed to demonstrate that the proposed development would not result in tree loss, and the proposal is therefore contrary to Policy N12 and B15 of the Local Plan.

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

As it has not been demonstrated that the development would not result in the loss of trees, and as there are significant issues with the design of the dwelling, its siting and impact on the Conservation area and Listed Church, the development is considered unsustainable and so does not comply with the provisions of the National Planning Policy Framework.

Policies and proposals in the approved development plan relevant to this decision:-

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

Policy SP1: Spatial Principles of Targeted Regeneration

Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and climate change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy B5: Control of development affecting the setting of a listed building
Policy B9: Prevention of harm to conservation areas
Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area
Policy B13: Design and Development in conservation areas
Policy B15: Trees and Landscape in conservation areas

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance

Space Around Dwellings SPG (July 2004)

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

North Staffordshire Green Space Strategy – adopted December 2009

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

Relevant Planning History

06/00960/FUL Withdrawn 22.2.2007 Dwelling

Views of Consultees

Environmental Protection – No objections, subject to informative being included on any approval regarding importation of non-virgin materials.

Highway Authority – No objections subject to conditions relating to the following:

- Revised access details showing a minimum access width of 4.2 metres for the first 5 metres rear of Church Lane carriageway edge
- Resurfacing of the access in a bound material for 5 metres back from the carriageway edge of Church Lane
- Provision of the driveway, parking and turning areas prior to occupation

County Landscape Archaeologist – There is high potential for below ground archaeological remains to survive, and it is advised that an archaeological watching brief be maintained on all groundworks associated with the application should it be permitted.

English Heritage – Objects to the application on the grounds that both its design and siting will cause harm to the setting of the Grade I listed church of St Margaret, and to the character and appearance of the Betley Conservation Area

Betley, Balterley and Wrinehill Parish Council – no comments received by due date (28th October 2014)

Conservation Officer – The application site is within Betley Conservation Area close to the SE boundary. The eastern boundary runs along the back of the cemetery includes the garden around Grindley House and Grindley Cottage, along the edge of the application site and around the cricket ground.

The appraisal identified that positive characteristics of the Conservation Area are its attractive rural setting allowing for positive views across fields. A key issue identified in the Appraisal is the importance of protecting the landscape setting and rural aspect of the village and loss of open spaces to housing development. The appraisal highlights that there are notable views through the undulating topography to and from St Margaret's Church and from the Cricket Ground. Other significant views of the Church tower are from Main Road looking north east from Betley Court. This area has always remained undeveloped and part of the informal garden to the former Vicarage.

St Margarets Church is a Grade I listed building which sits on a small elevated hill, set within a relatively large churchyard. The former vicarage lies adjacent to the churchyard to the southeast and the land to the south of this slope away. The landscape has a relatively natural feel here marking the edge of the settlement boundary. It is essential to determine whether new development would have an impact on the character or appearance of the Conservation Area and its setting and on the setting of the Grade I Listed Church, and how significant that impact is. The NPPF states that planning authorities should ensure that new development makes a positive contribution to local character and distinctiveness that we should be mindful of the harm caused to the Conservation Area by developments and there should be clear and convincing justification for any harm caused. If the harm is considered to be substantial consent should be refused. If it causes less than substantial harm then as there are no public benefits coming from the proposal the application should still be refused.

Given the context of the site, the level of assessment is poor and it is considered that the proposed development does not help to better reveal the significance of the Conservation Area or arguably make a positive contribution in terms of its design.

This proposal for the two storey house to develop and domesticate a previously undeveloped part of the Conservation Area will harm the rural setting of the edge of this part of the Conservation Area. The proposal will have some impact on views into the Conservation Area from the south and has the potential to cause harm to the setting of the Listed Church. The requirement for a watching brief is supported if development were to be allowed on this site, given the close proximity to the churchyard.

Conservation Advisory Working Party – An archaeological assessment is an essential requirement so close to an ancient burial ground to enable a full understanding of the site. The working party objects to any development on this site and particularly feels that the proposal is of poor design quality and inappropriate for the Conservation Area and harms the setting of the Grade I Listed Church. If any development in this site was considered acceptable, a quality innovative design, fully justified, should be insisted upon.

Landscape Division – Require the following additional information before they can comment:

- Tree Survey (in accordance with BS5837:2012), the information provided needs to be extended to cover the requirements of this British Standard.
- Retained trees and RPAs need to be shown on the proposed layout
- An Arboricultural Impact Assessment.

All trees that are affected by this proposal (both inside and outside the site) and also trees that will be affected proposals for the driveway will need to be considered.

United Utilities – No objections and therefore request no conditions are attached to any approval.

Representations

11 separate representations have been received, the main points raised are summarised below:

- Significant and detrimental impact on the Grade I Listed Church of exceptional interest.
- Views of the church from the public footpath on Church Terrace, across the cricket ground and to the south and south east of the village would be harmed
- The setting of the Grade I listed church would be harmed
- The historical integrity and visual relationship of the church and its former vicarage would be harmed
- The development would be built on an area which could be expected to contain archaeological remains
- The impact of developing on green space – the charm of the village changes when a garden or green space is developed – need to protect the character of the village by protecting green spaces
- Tree planting would compromise views of the church
- Greenfield site where development should be refused (references to PPS 3)
- Design is mundane and suburban, and the mass, form and location of the dwelling would harm the character and appearance of the conservation area
- The Betley Conservation Area Management Plan, December 2008, in Policy Betley CA No. 3 indicates that this proposal should be refused. Sub-section (ii) of the Policy: “The Borough Council will refuse applications for new development in or on the edges of Betley Conservation Area which would result in the loss of existing garden space, or which would conflict with the prevailing form of historic development.”: particularly applies.
- Traffic will increase into the Conservation Area, causing congestion of Church Lane and increase risk to school children
- The plans involve the demolition of an attractive building that formed part of the vicarage, and is architecturally in the style of the original vicarage building. It stands in the garden of Grindley Cottage and is within the Conservation Area. To demolish it just to give access to the proposed dwelling is unacceptably destructive.
- A previous proposal for a house in the same position was rejected in 2007 (06/0096/FUL). The proposal was refused for the adverse effect it would have had on Betley Church, the conservation area and traffic around Betley Village School.
- The applicants have been working on alterations and extensions to Grindley Cottage for over three years now and is far from finished. Noise, vibration, dust and heavy vehicles involved has had an impact on neighbouring occupiers
- The land is Green Belt
- The site forms part of the ancient mound upon which St Margaret’s is built. Any building on the site would destroy the setting of the church
- Betley Church, like All Saints Church at Madeley and St Bertoline’s at Barthomley, is built on an ancient mound which is part of the ancient old straight track or Ley Line system which runs across the country. The mound forms important and highly visual markers along the Ley navigation system.
- The building would be out of character and sympathy with its surroundings and the Conservation Area.

Applicant’s/Agent’s submission

The applicant has submitted an arboricultural assessment and a design, access and supporting statement with their application, along with the requisite plans and application form.

All documents submitted are available to view on the Council’s website at www.newcastle-staffs.gov.uk/planning/1400700FUL

Key Issues

Full planning permission is sought for the erection of a split level dwelling on land at Grindley Cottage, Church Lane, Betley. Access would be gained from Church Lane via the existing driveway to Grindley Cottage, and an existing outbuilding would be demolished to make way for the proposed driveway.

The application site is within the village envelope and Conservation Area of Betley, as indicated on the Local Development Framework Proposals Map. The main issues in the consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Is the development acceptable in terms of the impact upon the Grade I listed building (St Margarets Church)?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- Is the proposal acceptable in terms of its landscaping and impact on trees?

Is the principle of residential development on the site acceptable?

The site is within the rural area and forms part of a residential garden to Grindley Cottage. Therefore the application site does not meet the definition of previously developed land and is therefore classed as Greenfield. The site is however within the village envelope of Betley.

Saved policy NLP H1 indicates that planning permission will only be given in certain circumstances – one of which is that the site is in one of the village envelopes. In this case the site does lie within the village envelope and is a short walk to the centre of the village.

More recently adopted policy, CSS Policy ASP6, is not supportive of residential development in the rural area other than where it is located in one of the identified Rural Service Centres which Betley is not.

The NPPF, however, states at paragraph 49 that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

The Borough is currently unable to demonstrate a five year supply of deliverable housing sites as required by paragraph 47 of the NPPF and as such, taking into consideration paragraph 49, policies such as NLP H1 with its reference to the village envelope, and policy CSS ASP6 with its reference to Rural Service Centres have to be considered to be out of date, at least until there is once again a 5 year housing land supply.

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking this means, unless material considerations indicate otherwise, that where the development plan is absent, silent or relevant policies are out-of-date, as in this case, granting permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

The Council has taken the view in consideration of recent applications in Betley/Wrinehill that due to the public transport opportunities and services that development would be sustainable. As such and in accordance with paragraph 14, there is a presumption in favour of this development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Such impacts are explored below.

Is the proposal acceptable in terms of its design and impact on the form and character of the conservation area?

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 129 of the NPPF indicates that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset, taking into account available evidence and any necessary expertise.

Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of conservation areas. Policy B10 states that permission will be granted to construct a building only if its proposed appearance will preserve or enhance the character or appearance of a conservation area. This should be achieved by ensuring that the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing respect the characteristics of the buildings in the area, that the plot coverage characteristics respect those of the area, that historically significant boundaries contributing to the established pattern of development in the area are retained, that open spaces important to the character or historic value of the area are protected, that important views within, into and out of the area are protected, and that trees and other landscape features contributing to the character or appearance of the area are protected.

The dwelling is proposed to be a split level dwelling. The split level design appears to be dictated by the land level changes on the site which slope downwards towards the west and south, therefore the two storey element of the dwelling would face towards the west. The design would feature a two storey outrigger faced with Sandstone, and a natural slate roof. The supporting statement recognises the importance of preserving the character of the conservation area, and states that because of this they have kept the design of the proposed dwelling fairly simple, but have included one or two modern features, mostly areas of glazing. The dwelling would be accessed from the existing access to Grindley Cottage, and a new driveway would be created which would sweep around the south edge of the garden of Grindley Cottage.

The site is part of the garden area of Grindley Cottage, and lies to the south of St Margaret's Church, separated by a young evergreen hedgerow. The site lies to the north of the cricket ground, and there are public footpaths in its vicinity. It is considered that the plot coverage characteristics would respect the built form of the area as a dwelling of this size would not appear cramped into the site.

The trees surrounding the site are proposed to be retained which is a requirement of Policy B10 where they contribute to the character of the conservation area, however there is insufficient information to assess whether the trees will remain unaffected by the proposed development. If retained, the trees would provide a good level of screening to the proposed dwelling when viewed across the field from Main Road, and from the public footpath to the west and south. However it is considered that the dwelling would be visible through the trees from the public footpath and would be viewed with the Listed Church. The proposed dwelling would not obscure views of the church from the footpath as it extends away to the south through the cricket club and beyond, as the existing site boundary trees along the south boundary already largely obscure any views of the church.

A key issue identified in the Conservation Area Appraisal is the importance of protecting the landscape setting and rural aspect of the village and loss of open spaces to housing development. The appraisal highlights that there are notable views through the undulating topography to and from St Margaret's Church and from the Cricket Ground. Other significant views of the Church tower are from Main Road looking north east from Betley Court. This area has always remained undeveloped and part of the informal garden to the former Vicarage.

The NPPF states that planning authorities should ensure that new development makes a positive contribution to local character and distinctiveness that we should be mindful of the harm caused to the Conservation Area by developments and there should be clear and convincing justification for any harm caused. If the harm is considered to be substantial consent should be refused. If it causes less than substantial harm then as there are no public benefits coming from the proposal the application should still be refused.

Given the context of the site, it is considered that the proposed development does not help to better reveal the significance of the Conservation Area or arguably make a positive contribution in terms of

its design. The development is therefore considered harmful to the character and appearance of the Conservation Area, and conflicts with Policies B9, B10 and B13 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

In the development acceptable in terms of the impact upon the Grade I listed building (St Margaret's Church)?

The NPPF indicates at paragraph 129 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset, taking into account available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 indicates that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 indicates that great weight should be given to a heritage asset's conservation when assessing the impact of a proposal on a designated heritage asset.

Policy B5 of the Local Plan states that the Council will resist development proposals that would adversely affect the setting of a listed building. St Margaret's Church is a Grade I Listed Building that lies to the north of the application site, approximately 24 metres from the boundary between the church and the application site. The graveyard to the church is situated between the church and the application site. St Margaret's Church is identified in the Betley Conservation Area Appraisal as a positive characteristic of the Conservation Area.

The dwelling would not obstruct views of the Listed Church when looking across the fields from Main Road, as the dwelling would be located to the side of the church. However it would be visible within these same views of the Listed Church and as such an assessment needs to be made as to whether the proposal harms the setting of the Listed Building. There is a public footpath running alongside the church and application site to the west, which then curves around the south of the site and continues on away from the village towards the south. The dwelling would be visible from this public footpath though the boundary trees, and whilst the dwelling would not obscure views of the church from the public footpath to the side, it would be visible in such views from the public footpath as it continues to the south. However the view of the church to the south is largely obstructed by the site trees which are proposed to be retained.

The topography of the site in relation to the listed building is important to consider, as the church is on elevated land, with the site levels sloping downwards to the west and south. Whilst not significantly different, the levels would alter the relationship between the proposed dwelling and the church in that the dwelling would sit lower than the church. The two storey element of the proposed dwelling would be the most prominent elevation of the proposed dwelling as this would face towards the public footpath, and it would be this elevation and the north facing elevation that would have the greatest impact upon the Listed Church.

The dwelling would be sited approximately 38 metres from the listed church, and 15 metres from the boundary with the church yard. This close proximity, added to the lack of justification for the design of the dwelling lead to the conclusion that the proposed development would be likely to harm the setting of the Grade I Listed Building, and the application should therefore be resisted for this reason.

Would there be any adverse impact on residential amenity?

The Council's Supplementary Planning Guidance Document "Space Around Dwellings" provides guidance on achieving appropriate residential amenity standards for new residential development.

Having assessed the likely impact on neighbouring occupiers in terms of any loss of light or privacy, the proposal would not cause any loss of light or privacy to neighbouring occupiers. The proposed dwelling would have an acceptable sized garden area for a four bedroom dwelling.

Overall, the proposal is considered acceptable in terms of its likely impact upon neighbouring residential amenity, and is in compliance with the Council's Space Around Dwellings Supplementary Planning Guidance Document.

Is the proposal acceptable in terms of highway safety?

The development would be accessed via the existing driveway for Grindley Cottage off Church Lane. The Highway Authority has requested that this access be widened to 4.2 metres in order to ensure safe and suitable access for the two dwellings it would serve. Provided this is done (which can be secured via a condition) the access to the site in terms of highway safety would be acceptable.

The proposed seeks to provide an adequately sized turning space for cars serving the dwelling.

Overall, the proposal is considered acceptable in terms of highway safety and car parking.

Is the proposal acceptable in terms of its landscaping and impact on trees?

Policy N12 of the Local Plan 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 the tree loss and the loss cannot be avoided by appropriate siting or design.

The Landscape Division has identified that there is insufficient information to assess the impact of the development upon the trees on the site. They have requested additional information which has been relayed to the applicant's agent. Any additional information submitted and comments from the landscape division will be reported to the planning committee.

However, as the applicant has failed to show that the development would have an acceptable impact upon the trees on the site, the application should be refused for this reason.

Background Papers

Planning files referred to

Planning Documents referred to

Date report prepared

29th October 2014