

The Application is for the variation of condition 2 of planning permission 13/00567/FUL through the substitution of a revised plan for the permitted gym/ plant room building and the landscaping around it.

The application site is located within Whitmore Heath outside of the village envelope of Baldwins Gate. The site is also 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 8 week determination period expired on 2<sup>nd</sup> September 2014**

### **RECOMMENDATION**

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

- i) New approved plans and supporting information**
- ii) Replacement trees**
- iii) Tree loss mitigation measures**
- iv) Conditions of 13/00567/FUL to still apply**

### **Reason for Recommendation**

The proposed development is still considered to represent inappropriate development within the Green Belt because it forms part of the wider replacement of the original dwelling that would be materially larger. The proposed amendment to the scheme, whilst materially different, would not have a harmful impact on the openness of the Green Belt. The works should not result in the loss of trees covered by a TPO or visually significant trees subject to appropriate conditions. The proposed development therefore accords with policies of the development plan and the requirements of the National Planning Policy Framework.

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

Discussions prior to the application being submitted and during its determination were undertaken with the applicant and subject to appropriate conditions it is now considered to be a sustainable form of development and so complies 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 2006-2026 (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
Policy CSP4:	Natural Assets

#### 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 T16: Development – General Parking Requirements  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N4: Development and Nature Conservation – Use of Local species

Policy N8: Protection of Key Habitats  
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)  
National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)  
Planning for Landscape Change: Supplementary Planning Guidance to the

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

Relevant Planning History

13/00567/FUL	Replacement dwelling with detached plant room and gym	Permit
13/00347/FUL	Replacement dwelling with detached plant room/gym	Withdrawn
NNR1359 (1956)	Erection of Detached House and Garage	Permit

Views of Consultees

The **Landscape Development Section** detail that contrary to conditions 7 and 8 of the original planning permission works have been carried out for the current application within the construction exclusion zone that has caused damage to existing trees. Works carried out have compromised a holly tree T117 which is likely to result in its loss. A birch tree (T122) has been removed and works have resulted in root damage to a number of trees but as yet are not showing any sign of stress. A landmark Scots pine has also seen root damage and is now showing signs of 'red band needle blight' which requires further testing. The proposed dry-stone wall adjacent to the tree is within its root protection area. Two Lawson trees have also been blown over which need to be replaced. 10 trees scheduled to be retained have also been lost elsewhere on the site to the south of the dwelling. The applicant has revised the planting scheme to replace these with suitable semi-mature specimens.

**Whitmore Parish Council** raises no objections.

Representations

No letters of representation have been received.

Applicant/agent's submission

A tree schedule and tree plan have been submitted to support the application along with the requisite plans and elevations which are available at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1400524FUL](http://www.newcastle-staffs.gov.uk/planning/1400524FUL)

**KEY ISSUES**

Full planning permission was granted in 2013 for a replacement dwelling with detached plant room and gym. The application submitted seeks to amend the size and appearance of the detached plant room/ gym and the landscaping around it which would include a walled courtyard. A further courtyard to house plant and wood is also proposed.

The site is 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 site is also covered by a Tree Preservation Order no. 62 and the development has the potential to impact on trees.

The key issues in the determination of the development are:

- Impact on the Green Belt
- Design of the proposals and the impact on the area of landscape maintenance,
- The impact on trees, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

#### Impact on the Green Belt

Paragraph 79 of the recently published NPPF details 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 their permanence.”

The replacement dwelling and outbuilding were classed as inappropriate development within the Green Belt due to it being for a replacement building that would be materially larger than the building it was proposed to replace.

In this instance the owner/ applicant seeks to change the size and appearance of the outbuilding previously proposed but with hard landscaping works in the form of walls and retaining walls being constructed. Therefore whilst the outbuilding would be reduced in size the amount of works would be similar to that previously approved. In consideration of this the development is still classed as inappropriate development because the works still form part of the wider replacement of the dwelling approved under 13/00567/FUL.

#### Design of the proposals and the impact on the area of landscape maintenance

As discussed the works proposed are an amendment to the previously approved scheme which is for a smaller outbuilding but a walled courtyard and retaining wall with plant and wood store proposed.

The works are considered to represent development that would not significantly harm the appearance and character of the landscape and as with the previously approved proposals they would be set within the bank and the landscaping scheme which would minimise any views and any harm would be minimal.

The amended proposal is considered to comply with the guidance and requirements of the NPPF whilst also being in accordance with policy N17 and N19 of the local plan.

#### The impact on trees

The existing site is heavily wooded with the trees being the subject of a Tree Preservation Order based upon their value as a significant group in the landscape of Whitmore Heath.

The previously approved application was supported by an Arboricultural Report and a Landscaping master plan for the site. Conditions were also attached to the previous permission and the applicant submitted information to ensure the development is carried out in accordance with the requirements of the conditions which sought to protect trees during construction. However, the owner (when carrying out the works to date) has caused damage and loss to protected trees despite the previous conditions and tree protection measures being approved. This is being investigated by the Council.

In terms of this planning application the Landscape Section has requested additional conditions that secure replacement trees which should be semi-mature specimens. The biggest concern is the damage caused to a landmark Scots Pine tree. Subject to mitigation measures to ensure that this tree

is not lost and appropriate replacement planting it is considered that the proposed works are acceptable and comply with policy N12 of the local plan.

Do the required very special circumstances exist (to justify inappropriate development)?

Paragraph 79 of the recently published NPPF 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 their permanence."

The NPPF details that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposals are similar to the previously approved scheme when it was accepted that the applicant could carry out extensions to the existing property that would have a similar volume and would not be classed as disproportionate additions. It was concluded that the permitted scheme would have no greater harm on the openness of the Green Belt than extensions to the existing dwelling and this would therefore be a fall-back position and amounts to the very special circumstances required to justify the development. Whilst walls and retaining walls are currently proposed which were not permitted in the previous scheme they would not have a significantly greater harm on the openness of the Green Belt given that the gym and plant room has reduced in scale. This is considered to amount to the very special circumstances required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

Background Papers

Planning files referred to  
Planning Documents referred to

Date report prepared

24th November 2014