

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

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expires on the 27th May 2015

RECOMMENDATION

PERMIT subject to conditions relating to:

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as per approved plans and application form**
- iv) Removal of permitted development rights for extensions, outbuildings and hardstandings**
- v) Soft landscaping scheme to include full details of boundary treatments**
- vi) Completion of access, parking and turning areas prior to occupation**
- vii) Access/ entrance walls have been provided to a maximum height of 900mm**
- viii) Surface water drainage interceptor rear of the highway**

Reason for Recommendation

The proposed replacement dwelling would be materially larger than the building it replaces and therefore constitutes inappropriate development in the Green Belt. However, the applicant could carry out extensions to the existing property that would result in a dwelling of a similar volume to that proposed and would be classed as appropriate development because such extensions would not be classed as disproportionate additions. The proposed dwelling would have no greater impact on the openness of the Green Belt than would the existing dwelling if extended. This is a fall-back position.

The proposed replacement dwelling represents a good 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.

In light of the fall-back and that the development is in other respects acceptable development it is considered that very special circumstance exist that justify approval of planning permission subject to the removal of permitted development rights and conditions.

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

Officers have held pre application discussions to address any significant issues of the development proposal and the application is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

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

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Design of the proposals and the impact on the area of landscape maintenance,
- The impact on the residential amenity of neighbouring occupiers,
- The impact on highways safety,
- 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?

Is the proposal appropriate development within 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 NPPF further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.

The proposal would replace the existing brick built detached bungalow and whilst it would be in the same use it would be materially larger than the dwelling it is proposed to replace. It is therefore inappropriate development within the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

Design of the proposals and the impact on the area of landscape enhancement

The NPPF details in paragraph 60 that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness. Furthermore, in paragraph 63 it also indicates that great weight should be given to outstanding or innovative designs.

The existing property occupies a spacious plot that is slightly elevated above Den Lane. The existing dwelling has limited design merit with no outstanding character or particular features.

The area has a range of size and style of properties with the size of the proposed dwelling being dictated by the Green Belt policy issues.

The proposed dwelling would be viewed from Den Lane and is considered to represent a conventional design which utilises glazing features to enhance its appearance. The proposed materials are considered of good quality that would also enhance the appearance of the proposal.

The repositioning of the access is likely to result in the loss of trees and shrubbery on the front boundary. It is therefore considered necessary to secure a soft landscaping scheme encouraging mature planting on the front and side (east) boundary.

In summary the proposed replacement dwelling, whilst larger, would be an improvement within the landscape which would comply with policy N20 of the Local Plan and the general design requirements outlined in the NPPF. It is therefore considered acceptable.

The impact on the residential amenity of neighbouring occupiers

As discussed the property occupies a spacious plot. Principle windows would not directly face neighbouring residential properties nor would the development result in any significant loss of light or

result in an overbearing impact to neighbouring principal windows. The proposal would also comply with the Councils SPG.

The impact on highways safety

The repositioned access is considered acceptable and it is noted that the Highway Authority has raised no objections subject to conditions which are considered acceptable with adequate off street car parking and turning space being provided.

The impact on trees

The front boundary of the site has a number of trees and shrubs and the proposal includes the repositioning of the existing access. This will result in a number of trees and shrubs being lost.

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree unless the need for development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design. It also states that where trees are to be lost through development then replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

The Council's Landscape Section has requested an Arboricultural Impact Assessment (AIA) to be submitted before comments can be made. No trees within the site are covered by a tree preservation order and none can be considered to be visually significant. The visual impact arising from loss of trees can be mitigated through mature tree planting which would improve the appearance of the site and this could be secured through a condition of permission. In light of this it is not considered that an AIA can be justified.

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

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 existing property has full permitted development rights and so certain extensions, alterations and outbuildings can be carried out without planning permission. These could, potentially, include a single storey rear extension of up to 8 metres from the original rear elevation. A large single storey side extension and a large outbuilding could also be constructed (depending on its size and location) without planning permission. However, even if planning permission was required the Council could approve extensions that would not result in a disproportionate addition over and above the size of the original dwelling. This is a fall back position that could be exercised by the applicant and needs to be considered in the determination of this application.

In this instance the applicant has calculated that the original dwelling (excluding any extensions post 1948) has a volume of 290m³. The proposed dwelling would have a volume of 524m³ cubic metres which would result in a volume increase of approximately 83%.

The applicant has detailed that a flat roof attached garage will be removed to accommodate the proposal. Whilst the outbuildings cannot be classed as part of the original dwelling it is acknowledged that they do have an impact on the openness of the Green Belt at present and as such it is considered that they could, in this case, be included within the calculations. The applicant details that these amount to a volume of 64 cubic metres.

Whilst a 50% increase of the original dwelling is not written within policy it has been accepted that this is unlikely to be considered to be a disproportionate addition to the original. A 50% increase in this instance equates to a volume of 435m³ plus the 64m³ which would allow the volume of the replacement dwelling to be 499m³. The volume of the proposed dwelling (524 m³) would therefore be 25 cubic metres over the general accepted amount.

A dwelling with a volume of 524m³ is not considered excessive within a plot of this size and the proposal is of a much higher design standard than the one it replaces.

It is considered that the above represents a likely fall back position and the harm that the size of the replacement dwelling would have on the openness of the Green Belt would be no greater but the design would be considerably better and these would 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.

Given the nature of the very special circumstances demonstrated it is necessary and appropriate to remove permitted development rights for further extensions, outbuildings and hardstandings.

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)

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| 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 (LP)

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 N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Consideration
Policy N20: Area of Landscape Enhancement

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (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 Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

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

Relevant Planning History

None relevant

Views of Consultees

The **Environmental Health Division** raises no objections.

The **Landscape and Development Section** have detailed the proposed alteration to the position of the access and the construction of the foundations to the 2 metre high boundary will have an impact on trees on this site and have therefore requested an Arboricultural Impact Assessment.

The **Highways Authority** raise no objections subject to conditions restricting the height of entrance walls, the access and parking have been completed prior to occupation and surface water drainage information has been submitted for approval.

Betley, Balterley & Wrinehill Parish Council raises no objections in principle but the LPA should ensure that the works are in accordance with Green Belt policy. Reference is also made to two properties that have been demolished with little or no work carried out which has an adverse impact on the Green Belt.

Representations

No letters of representation have been received.

Applicant/agent's submission

A set of application plans have been submitted along with volume calculations.

These documents and the representations referred to above are available for inspection at the Guildhall and can be viewed on the website using the following link

www.newcastle-staffs.gov.uk/planning/1500269FUL

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

07 May 2015