

The application is for full planning permission for the erection of a detached replacement dwelling off the existing access onto Main Road.

The application site lies in the Green Belt and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. The site is adjacent to two listed buildings and close to Betley Mere Site of Special Scientific Interest (SSSI).

The 8 week period for the determination of this application expires on 11th November 2015.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Removal of Permitted Development rights**
- 5. Contaminated land**
- 6. Importation of materials**
- 7. Provision of access, parking and turning areas prior to occupation**
- 8. Surfacing of access drive**
- 9. Gradient of access drive**
- 10. Gates to be 5m rear of the carriageway edge**
- 11. Landscaping scheme**
- 12. Detailed tree felling/pruning specification**
- 13. Tree protection measures**
- 14. No damage to existing trees**

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 have a similar volume and would not be classed as disproportionate additions. The proposal 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. The development would not adversely impact on the setting of the adjacent listed buildings. There would be no significant adverse impact on the character of the surrounding area, residential amenity or the trees on the site and the proposal is considered acceptable in terms of impact on nature conservation. The proposal accords with Policies ASP6, CSP1, CSP2 and CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies S3, H1, N12, N17, N18, T16 and B5 of the Newcastle Under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework (2012).

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

An amended plan has been submitted to show access off the existing driveway to ensure that the stone wall along the road frontage is retained. This is now considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

Key Issues.

Planning permission was granted in 2012 for a replacement dwelling of the same design as that applied for in this application. The permission has lapsed and cannot now be implemented. Notwithstanding this it is considered that the main issues for consideration remain:

- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt
- The impact of the proposal upon the character of the area
- Impact on the setting of the adjacent Listed Buildings
- Impact on the Area of Active Landscape Conservation
- Impact on trees
- Impact on nature conservation
- Highway safety
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Appropriate or inappropriate 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 states in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this are the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. Policy S3 of the Local Plan 2011 also states that replacement dwellings must not be materially larger than the dwellings they replace.

The replacement dwelling would result in an increase in volume of approximately 50% over and above the original dwelling.

The proposed dwelling would be materially larger than the dwelling it is proposed to replace. It therefore has to constitute inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Impact on character of the area

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. It states that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

The Parish Council object to the proposal on the grounds that the contemporary design is considered too bold and futuristic and will not be compatible with any other property. They refer to Policy H2 of the Local Plan, but that policy has not been ‘saved’ and therefore is not a material consideration.

The existing property has little architectural merit. Although the proposed dwelling would be different to any other properties nearby, given the mix of existing styles, the design of the replacement dwelling is considered appropriate in its context. The site is elevated significantly above the road, the topography and the presence of dense landscaping, ensures that it is not visible in the street scene. The replacement dwelling would be a similar height to the existing property. The context of the site have not materially changed since planning permission was granted for the design of the dwelling as currently proposed and on balance, the development remains acceptable in appearance.

Impact on the setting of the adjacent Listed Buildings

Paragraph 131 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy B5 of the Local Plan states that the Council will resist development proposals that would adversely affect the setting of a listed building.

The application site is adjacent to two listed buildings, Five Steps, a Grade II timber framed listed building, which lies to the west, and Ravenshall Farmhouse and Barns which lie to the north. The main Ravenshall farmhouse is Grade II listed and the barns are curtilage listed.

The application site is elevated considerably above both of these historic buildings but despite the elevated situation, it is screened by dense trees and shrubs on the boundaries. The height of the proposed dwelling would be very similar to the existing dwelling and given the topography of the land and the dense landscaping, it is not considered that the proposal would have any adverse impact upon the setting of either Five Steps or Ravenshall Barns.

Landscape Impact

The site is within an Area of Active Landscape Conservation and Policy N18 of the Local Plan states that within such areas development that will harm the quality and character of the landscape will not be permitted. Particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

Given that the proposal is for a replacement dwelling and that no landscape features would be adversely affected, it is not considered that the landscape quality would be harmed to a sufficient extent to justify refusal.

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.

There are a number of trees within and adjacent to the site and they are predominantly on the site boundaries.

There has been a change in the British Standard since the previous permission was granted. Therefore the tree protection proposals will need to be updated to ensure that the tree protection measures proposed for this property meets current standards. In addition there must be no levels alterations within the RPA (Root Protection Area) of the retained trees. Conditions are recommended to address these issues.

Nature Conservation

The application site is in close proximity to Betley Mere Site of Special Scientific Interest (SSSI). However, given the nature and scale of the proposals, Natural England raises no objection to the proposals. It is not considered that an objection could be sustained on the grounds of impact on nature conservation.

Highway safety

The access into the site has been amended to retain the existing access and for the curve of the turn in from the north to be adjusted within the site. There is a dry stone wall that runs along the frontage which is a feature worthy of retention. This does not start immediately to the north of the access so all work can be carried out without the need for the repositioning of the wall.

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

The NPPF indicates 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 not previously been extended and still has full permitted development rights. Certain extensions, alterations and outbuildings can be carried out without planning permission. Various extensions and alterations could also be carried out even if planning permission was required, as long as they did 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.

As indicated above the replacement dwelling is about 50% larger in volume than the existing, original dwelling. Therefore the replacement dwelling would be no larger than the original dwelling with additional extensions of a permissible volume.

It is considered that the addition of extensions to the property as an alternative to the replacement that is proposed 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. This fall-back position amounts to the very special circumstances required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

As the Local Planning Authority would not want the replacement to be capable of being extended further under Permitted Development Rights in order to maintain the openness of the Green Belt the imposition of a suitable planning condition is required, including Class E, which in this case would permit a range of outbuildings within the curtilage if omitted, because of the lack of natural physical constraints and thereby adding to the volume of buildings on the site within the Green Belt.

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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

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 N17: Landscape Character – General Considerations
Policy N18: Areas of Active Landscape Conservation
Policy T16: Development – General Parking Requirements
Policy B5: Control of Development Affecting the Setting of a Listed Building

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
National Planning Practice Guidance (2014)

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance relating to the control of residential development
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)
Space Around Dwellings Supplementary Planning Guidance (2004)

Relevant Planning History

92/00434/FUL	Erection of conservatory	Refused
12/00175/FUL	Replacement Dwelling	Approved

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding visibility splays, provision of access, parking and turning areas, surfacing of access in a bound material, access gradient and position of any gates, control over future use of the garage.

The **Environmental Health Division** has no objections subject to conditions regarding unexpected contamination and importation of soil/material.

The **Landscape Development Section** has advised that there has been a change to the British Standard since the previous application that affects this property was made so the tree protection proposals need to be updated and the tree protection proposed for this property must meet current standards. No objection are raised, however, to the principle of this development but concern is expressed about the levels works that are proposed for the garden area. There must be no levels alterations within the RPA (root Protection Area) of retained trees. Proposals drawings presently show a shaded area where garden will be level at 499.50m. This cannot be achieved with the retention of T8 and some trees within G3. Further information is required to establish a landscaping solution that would allow the retention of trees to the south east of the plot (group 3 and T8). Recommends conditions.

Natural England No comments.

The **Conservation Officer** states that the application site sits on land elevated considerably above the adjacent listed buildings, Five Steps and Ravenshall Farmhouse and barns. Despite this elevated situation and commanding views, Five Steps is not readily visible from the current bungalow site and perhaps only part of the steeply sloping roof can be seen. The boundary between the application site and the barns is fairly dense and the applicant intends to do further planting to give the barns some screening from the new dwelling. The existing bungalow has no architectural merit but neither does it impact on either of the listed buildings. The dwelling will be no higher than the existing roof of the bungalow and therefore it will have no impact on the setting of either Five Steps or Ravenshall Barns. The design is brave and there are no objections.

Betley, Balterley & Wrinehill Parish Council objects in the strongest terms to the application. The increased scale of the proposed replacement dwelling (at 150% of the volume of the existing building) is materially significant and should be regarded as a departure from policy, which requires very special circumstances to be demonstrated. The contemporary design is considered too bold and futuristic for the visual environment and will represent a singular design that is not compatible with any other property, therefore detracting from the visual amenity of this area. As such the Council believes the application is contrary to the planning policies S3, H2 and N18. The bold and futuristic design of the proposal is inappropriate. The Parish Council also draws to the planning authority's attention the Betley, Balterley & Wrinehill Parish Plan

Representations

One letter of objection:

- Design is not in keeping with the character of the village and surrounding area;
- Design is inappropriate given the location close to several listed period dwellings.

Applicant's/Agent's submission

A Design & Access Statement and an Arboricultural Impact Assessment have been submitted. These documents are available for inspection at the Guildhall and under the application reference number 15/00804/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

22 October 2015