

The application is for full planning permission for five detached dwellings.

The site extends to approximately 0.21 hectares, is within the Green Belt boundary and is also within an Area of Landscape Enhancement (Policy N20) designation as defined by the Local Development Framework Proposal Map.

A decision on the application was deferred at the meeting of the Committee held on the 5th January to allow the Parish Council to be consulted on the revised plans that have been received.

The 8 week period for the determination of this application expired on 27th October 2015 but the applicant has currently agreed an extension to the statutory period until 18th March 2016.

RECOMMENDATION

A. Subject to the applicant first entering into a section 106 obligation securing a commuted off-site affordable housing contribution of £45,000 by 14th March 2016, permit the application subject to conditions relating to the following matters:

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Protection and retention of existing trees and hedgerows**
- 5. Compliance with Arboricultural Method Statement**
- 6. Specific and detailed landscaping scheme**
- 7. Provision of access, parking and turning areas prior to occupation**
- 8. Off-site highway works to include 1.8m wide footway and Checkley Lane junction improvements**
- 9. Submission and approval of Surfacing, drainage and visibility details**
- 10. Garages to be retained for parking**
- 11. Gates to be in the position shown on the approved plans and to open away from Birks Drive.**
- 12. The existing Checkley Lane access permanently closed**
- 13. Submission and approval of a Construction Method Statement**
- 14. The erection of a 'Private Road' sign at the site entrance**
- 15. Unexpected land contamination**
- 16. Noise mitigation measures**
- 17. Construction hours**

B. Should the matters referred to in (A) above not be secured within the above period, that the Head of Regeneration and Planning Services be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to ensure a commuted sum towards affordable housing or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

An extant planning permission remains on the site for a residential development and whilst the proposal is inappropriate development within the Green Belt it is considered in this particular instance that there continues to be the required very special circumstances which outweighs the harm to the inappropriateness of the development, namely:-

The site is strategically important inasmuch as it provides an appropriate and attractive gateway development providing an introduction to the village of Wrinehill. It is important, therefore, that this redundant site is redeveloped in the interests of the appearance of Wrinehill. In addition the proposal would secure a contribution to affordable housing provision off site.

The site has ready access to public transport connections. The proposal provides an acceptable layout and design for its location which is in accordance with planning policy and design guidance. Planning conditions would make the proposed development acceptable, the development accords with the provisions of the development plan and there are no other material planning consideration that would justify refusing the proposed development.

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 with the applicant have been ongoing during the application and further supporting information has been provided which has lead to independent advice being received from the District Valuer in a prompt manner. This 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 the erection of 5 large detached dwellings on the former Blue Bell Inn (public house) in Wrinehill. The public house has been demolished following the grant of planning permission for a residential development of 5 dwellings and 2 apartments, application no. 13/00065/FUL. The permission remains extant and would have been implemented had a Registered Social Landlord (RSL) been interested in taking on the two Affordable Housing units that were secured in the permission as required by with local planning policy. The development, however, has not secured any interest from an RSL which has led to the reconsideration of the residential redevelopment of this site.

The application is therefore a resubmission with an amended scheme for the site which is located in the open countryside on Green Belt land and designated locally as an Area of Landscape Enhancement.

Further amended plans have been submitted during the application which results in minor alterations to individual plots and the layout.

National and Local Planning Policy has not changed and whilst the previous permission remains extant and the principle of residential development has been accepted previously it is considered that the following key issues need to be considered now that no onsite affordable housing units are proposed;

- The appropriateness or inappropriateness of this development in Green Belt terms
- Is the proposal acceptable in terms in design and character of the area
- Does the proposal provide an appropriate level of residential amenity
- Parking and the impact on highways safety
- Provision of affordable housing
- If it is inappropriate development whether the required very special circumstances exist to justify inappropriate development.

The appropriateness or inappropriateness of this development in Green Belt terms

Paragraph 79 of the NPPF states that “The Government attaches great importance to Green Belts. 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.”

It further outlines in paragraph 89 that the construction of new buildings is inappropriate within the Green Belt. There are a number of exceptions to this but none are considered relevant in this instance so the development remains inappropriate development within the Green Belt.

As with previous Green Belt policy inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para.87).

Design and impact on the character of the area

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. The section of the NPPF on “Requiring Good Design” discusses the importance of the design of the built environment, and to plan positively for the achievement of high quality and inclusive design for all developments. The NPPF states that new development should:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing appropriate innovation
- Create safe and accessible environments
- Be visually attractive as a result of good architecture and landscaping

The site lies within an area of landscape enhancement, as indicated on the Local Development Framework Proposals Map which indicates that the Council will support proposals that enhance the character and quality of the landscape. The rural environment section of the Councils Urban Design SPD (2010) states that development in rural areas should respond to the unique character and setting of each, including a thorough understanding of the settlement pattern, its setting within the wider landscape and how this has developed over history.

The site is on the corner of the A531 New Road and Checkley Lane, thus having two road frontages. The road access for the proposed development would be taken off the A531 frontage. Concerns have been expressed from the Environmental Health Division about the noise impact on the rear garden areas of the properties that are adjacent to the two highways. This objection may result in high boundary fences adjacent to the highway. Amended plans have been received with minor alterations to the layout which avoids high boundary treatments on the Main Road frontage. Boundary fencing would be adjacent to the Checkley Lane frontage but this is set back from the carriageway and some soft landscaping is shown.

In general it is considered that the layout, scale, landscaping and appearance of the scheme would enhance the appearance of this derelict site and subject to good quality materials and confirmation of the planting proposed the design of the scheme is considered to be in accordance with policies N17 and N20 of the local plan and the guidance and requirements of the NPPF.

Does the proposal provide an appropriate level of residential amenity

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of Design Quality advises development should have public and private spaces that are safe, attractive, easily distinguished, accessible, complement the built form. (point 6)

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on residential development including the need for privacy, daylight standards, and environmental considerations.

The closest existing residential properties are those to the north and east of the site. Given the scale of the proposal and the separation distances involved, it is considered the proposed development would not conflict with the guidance.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides advice at R16 stating that “Developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers.”

As referred to above, the Environmental Health Division has objected to the application on the grounds that private amenity spaces adjacent to roads would cause an adverse noise impact. A noise

assessment has been submitted to support the application but this is out of date because it relates to the previous scheme some 3 years ago. The applicant has submitted an amended layout and boundary treatments which will primarily address the concerns raised.

Whilst the 4 bedroom properties would technically breach the Supplementary Planning Guidance (SPG) relating to Space about Dwellings given they don't provide a mean rear garden length of 10 metres, these plots do provide areas of private garden within each curtilage and given the sites rural location it is considered these plots provide an appropriate level of residential amenity. It is considered appropriate given the plot sizes to remove permitted development rights.

Parking and the impact on highways safety

The proposed scheme would have an internal private road off New Road with each plot having a driveway and garage. This would allow at least three cars to be parked.

The Highways Authority has raised no objections subject to a number of conditions. These are all considered acceptable in the interests of highways safety, including the restriction of the garages to be retained for the parking of motor vehicles and cycles and should not be converted to living accommodation.

Subject to the conditions advised the proposal scheme is unlikely to cause significant parking and highway safety concerns, which would meet the guidance and requirements of the NPPF.

Affordable Housing

Policy CSP6 of the CSS states that for new residential development within rural areas, on sites or parts of sites proposed to, or capable of, accommodating 5 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

The previous scheme secured two affordable units which was agreed would be shared ownership apartments. However, since the previous decision the owners have been unable to secure an interest from an RSL. The Councils Housing Policy section has confirmed that whilst they initially indicated that one affordable unit should be provided no RSL's are interested in a unit in this location.

The provision of an off-site commuted sum for affordable housing has therefore been explored. The Affordable Housing SPD indicates that in such circumstances, the payment will be collected to help finance the development of the relevant proportion of affordable housing equivalent to that which would have been required on site.

The applicant has provided a valuation report and independent advice has been received from the District Valuer who has agreed that the commuted sum should be £45,000 index linked and subject to a review mechanism which should be secured by a S106 agreement. This is considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Do very special circumstances exist to justify inappropriate development?

The previous application was permitted on the grounds that whilst it represents inappropriate development within the Green Belt there are very special circumstances that would outweigh the harm caused, these being that it is an important site and the redevelopment of this gateway site into the village of Wrinehill would improve the appearance of the area. In addition the proposal would secure much needed affordable housing in this rural location.

Whilst on site affordable housing cannot be secured an off-site commuted sum could be allocated to be spent on Affordable Housing within the area but if this mechanism cannot be achieved then it should be spent within the Borough. Further advice will be sought in this regard and reported prior to the committee but regardless of this matter the proposed development, subject to a S106 agreement

being secured for an off-site Affordable Housing contribution, would result in Affordable Housing provision.

In light of the above it is considered that the very special circumstances required to justify the proposed development still remain, this being in accordance with the requirements of the NPPF.

APPENDIX

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)

Strategic Aim 16: To eliminate poor quality development;
Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP6: Affordable Housing

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 H3: Residential development - priority to brownfield sites
Policy T16: Development - general parking requirements
Policy N17: Landscape character – general considerations
Policy N20: Area of Landscape Enhancement

Other material considerations include:

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

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: Space about Dwellings (July 2004)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

Planning for Landscape Change – Supplementary Planning Guidance to the Staffordshire and Stoke on Trent Structure Plan

Relevant Planning History

12/00357/OUT Demolition of former Public House and the erection of 9 dwelling, formation of vehicular access, associated garaging, car parking and landscaping Refused

13/00065/FUL Demolition of former public house. Erection of 5 No. Houses & 2 No. Apartments, vehicular access, associated garaging and landscaping Permitted

Views of Consultees

The **Landscape Development Section** raises no objections subject to conditions regarding the retention of existing trees and hedgerows that are identified as being retained in this application, the protection of retained trees and hedgerows in accordance with BS5837:2012, completion of works on site in accordance with Arboricultural Method Statement provided and approval of landscaping proposals.

The County Council as the **Education Authority** have stated that the development is scheduled to provide fewer than 7 dwellings. No education contribution will be requested as this is below the threshold as stated in their current policy.

Betley, Balterley and Wrinehill Parish Council objects in the strongest terms to this application in the absence of any provision for affordable housing and that it is therefore not in accordance with planning policy. However, they have been re-consulted on the amended layout and their comments will be reported should they be received prior to the committee meeting.

The **Highway Authority** raises no objections subject to access, parking and turning area being retained, a 1.8m wide footway across the A531, improvements to the Checkley Lane, submission and approval of surfacing, visibility and drainage details, the existing access off Checkley Lane permanently closed and reinstated, the garages being retained for parking of vehicles, a sign at the entrance indicating that it is a private road; and the submission and approval of a Construction Method Statement.

The **Environmental Health Division** object to the application on the grounds that acoustic environment within outdoor amenity areas significantly exceeds noise levels recommended within BS8233:2014 2014 Guidance on sound insulation and noise reduction for buildings and WHO Guidelines for Community Noise, no mitigation measures are proposed and the mitigation measures that would be required would substantially alter the appearance of the development from the highway.

The **Housing Strategy Section** have indicated that in this case, only 1 unit will have to be designated as affordable and in line with the previous application – this be a shared ownership unit. The design and the standard of construction of the affordable housing should as a minimum be the same as the open market dwellings to be constructed on the development.

Applicant/agent's submission

The application has been supported by the following supporting documents;

- Design and Access Statement,
- Phase 1 and Phase 2 Contaminated Land Reports,
- Noise Impact Assessment,
- Arboricultural Method Statement,
- Tree Survey and Assessment

These documents are available for inspection at the Guildhall and searching under the application reference number 15/00759/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

16th December 2015