

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 application is a resubmission following planning permission for a replacement dwelling that was granted in May 2015.

**The 8 week determination period expires on the 16<sup>th</sup> May 2016**

### **RECOMMENDATION**

**PERMIT subject to conditions relating to:**

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as per approved plans and submission documents**
- iv) Removal of permitted development rights for extensions, outbuildings and hardstandings**
- v) Soft landscaping scheme to include full details of replacement planting and boundary treatments**
- vi) Completion of access, parking and turning areas prior to occupation**
- vii) Access/ entrance walls to be 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 considered to be 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 that is a key consideration as is the extant planning permission for a replacement dwelling on this site.

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 is a resubmission following a previous planning permission on the site.

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.

As was the case with the previous application, which was approved, 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.

### 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 design of proposed dwelling has now changed since the previously approved application with the introduction of two dormers and a gable feature on the front elevation and the addition of cedar cladding. The scheme as a whole remains similar to the previously approved scheme which is considered acceptable. Detailed information of the materials proposed has been submitted and as with the previous application the design is considered to 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 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.

#### The impact on the residential amenity of neighbouring occupiers

As discussed the property occupies a spacious plot. Principle windows in the proposed scheme, as in the permitted development, 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.

A first floor balcony has been introduced on the rear elevation which was not present in the permitted development. There are no immediate neighbours to the south and west but a residential property is under construction to the east. This also has a balcony on the rear elevation but due to the position of the application property and the property under construction there should be no significant loss of privacy to either property. The proposal would therefore comply with the Council's 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 raised no objections subject to a condition for a landscaping scheme that includes replacement planting. On this basis it is considered that the proposal accords with local policy.

#### 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.

As discussed the application is a resubmission following a previous approval (15/00269/FUL) whereby the development was considered inappropriate development but there were very special circumstances that would justify the proposed development.

The volume of the proposed dwelling has not altered since the previous permission and so it is considered that the same very special circumstances exist. However, it is again considered necessary to remove permitted development rights for further extensions, outbuildings and hardstandings given the nature of the very special circumstances demonstrated.

## **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 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

15/00269/FUL Demolition of existing dwelling and construction of replacement dwelling Permit

#### Views of Consultees

The **Environmental Health Division** raises no objections subject to a construction and demolition hours condition.

The **Landscape and Development Section** have indicated that the proposed alteration to the position of the access and the construction of the foundations to the 2 metre high boundary wall will have an impact on trees on this site. However they raise no objections subject to the submission of a landscaping scheme that should include replacement tree planting and boundary details.

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** have been consulted and have until 16.04.2016 to make comments. Any comments received will be reported prior to the committee.

**United Utilities** raises no objections but have advised a number of recommendations which should be considered.

#### 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;  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00238/FUL>

#### Background Papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

14<sup>th</sup> April 2016