

The application is for a new borehole site, access and the provision of two new water treatment kiosks.

The dimensions of the kiosks are 3.9m by 8.8m in footprint by 3.2m in maximum height and 7.3m by 15.8m in footprint by 4.1m in maximum height. Both kiosks are to be coloured holly green.

The applicant also proposes a new stone internal access road with hammer-head turning area.

Two smaller kiosk measuring 3.8m by 2.6m in footprint by 2.8m in height with a borehole and construction area for the drilling rig equipment are also proposed as is an ancillary 1-2 metre high security fence around the road and kiosk, borehole point and internal access road. Those particular elements of the scheme are considered to be permitted development.

The application site lies within the Green Belt and an Area of Landscape Enhancement as defined by the Local Development Framework Proposals Map.

**The statutory 8 week determination period for the application expired on 10<sup>th</sup> June 2016.**

### **RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time limit.**
- 2. In accordance with the approved plans.**

### **Reason for recommendation**

The proposal is considered to be inappropriate development within the Green Belt. However there are very special circumstances in that the proposal is required to ensure adequate drinking water provision is maintained within the Borough and such matters outweigh the limited harm that arises from the development by virtue of its impact on the openness of the Green Belt.

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

This is 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 a new borehole site, access and the provision of an ultra violet (UV) kiosk and treatment kiosk. The dimensions of the UV kiosk are 3.9m by 8.8m in footprint by 3.2m in maximum height. The treatment kiosk measures 7.3m by 15.8m in footprint by 4.1m in maximum height. Both kiosks are to be coloured holly green. The applicant has submitted that the kiosks are required to reduce the potential for contamination of the aquifer and address increasing sediment in the water to ensure water is safe to drink.

The applicant also proposes a new stone internal access road with hammer-head turning area. Given the site lies within the Green Belt and the key issues in the determination of the development to consider are:

1. Is the development appropriate development in the Green Belt?
2. Is the visual appearance of the proposed development having regard to the landscape acceptable?

3. If the development amounts to inappropriate development in the Green Belt, do very special circumstances exist to justify approving the proposal?

Is the development appropriate development in 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.”

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF advises that a Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. There are several exceptions listed. Paragraph 90, states that engineering operations are not inappropriate provided the openness of the Green Belt is preserved and do not conflict with the purposes of including land in it.

The term engineering operations covers any construction activity which is not a building. Certainly the borehole and access provision fall under the umbrella of engineering works and as such constitute appropriate development. The two kiosks requiring planning consent are, however, buildings and given that they do not fall within any of the exceptions identified at paragraph 89 of the NPPF and as such is defined as inappropriate development in the Green Belt.

Therefore as the proposal is considered to represent inappropriate development and should not be approved except in very special circumstances (para 87 of the NPPF).

2. Is the visual appearance of the proposed development having regard to the landscape acceptable?

Paragraph 56 of the NPPF puts great emphasis on design and details that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Policy CSP1 of the Core Spatial Strategy sets out how the design of development is assessed which includes the need for development to respect the character of the area. Saved Local Plan Policy N19 sets out the criteria for development in Landscape Maintenance Areas which includes the need for the character of the Landscape not to be harmed or eroded.

The site cannot be viewed from the Nantwich Road directly opposite the existing main entrance as there are a number of tall mature trees along the highway verge. The size of the kiosks involved and access provision are based solely on operational requirements. The development is situated as close to the existing water treatment infrastructure as possible to minimise its visual impact. The kiosks are to be finished in a recessive green colour which will integrate well with surrounding plants and trees.

Taking into account existing surroundings the proposed development would not appear out of place and would be respectful to the setting of the area. There is no significant visual harm arising from the proposal to the general quality and appearance of the wider landscape.

3. Do very special circumstances exist to justify approving the proposal?

Paragraph 87 of the NPPF details that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

The NPPF further details in paragraph 88 that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

In order to weigh in the balance the harm and other material considerations or benefits, it is necessary to first identify what harm arises from the proposal, other than that which inappropriate development

causes by definition. The kiosks requiring consent are also to be erected on the existing operational part of the site. There is an existing structure/building on the site which is also to be demolished reducing the overall impact on openness. The impact to openness has been minimised as far as practicable.

The applicant has submitted a clear justification as to why the proposal is required which is to ensure the quality of local water supply is maintained.

Weighing these matters in the balance it is considered that the benefits do outweigh the harm identified and accordingly that it would be appropriate to grant planning permission.

## **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)

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP5: Open Space/Sport/Recreation

Newcastle Under Lyme Local Plan 2011

Policy S3: Development in the Green Belt  
Policy N12 Development and the protection of trees  
Policy N17: Landscape Character – General Considerations  
Policy N20: Areas of Landscape Enhancement

### **Other Material Considerations**

Relevant National Policy Guidance:

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

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Relevant Planning History

None relevant.

Views of Consultees

**Audley Parish Council** have no objections.

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

The **Highway Authority** have no objections subject to the development not being brought into use until the access track, parking and turning areas have been provided in accordance with the approved plans and retained for the life of the development.

Representations

None received.

Applicant/agent's submission

All of the application documents can be viewed at the Guildhall or using the following link.  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00307/FUL>

Background Papers

Planning File  
Development Plan

Date report prepared

27<sup>th</sup> June 2016.