

The Application is for full planning permission for a detached dwelling.

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 Restoration, as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 24th August 2017 but the applicant has agreed to an extension of the statutory period to 13th October 2017.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by 21st November 2017 to secure a public open space contribution of £5,579 towards improvements to Wereton Road/Queen Street Play Area,

PERMIT subject to conditions relating to:-

- 1. Time limit**
- 2. Approved plans**
- 3. Completion of dwelling approved under Ref. 14/00322/FUL prior to commencement of development**
- 4. Landscaping scheme**
- 5. Contaminated land**
- 6. Visibility splays**
- 7. Provision of access and parking area**
- 8. Surfacing of access drive**
- 9. Materials**
- 10. Boundary treatments**

B) Should the planning obligation as referred to at A) not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such a matter being secured the development would fail to secure the provision of improvements to a play area or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured.

Reason for Recommendation

Although there is an extant planning permission on the adjoining site for a bungalow, given that there is currently no building on the site it is not possible to say that the proposed dwelling would comprise 'infill', and therefore it constitutes inappropriate development in the Green Belt. However, if that dwelling was constructed, the current proposal would then comprise appropriate development, and therefore subject to a condition requiring the construction of the bungalow approved under Ref. 14/00322/FUL prior to the construction of the dwelling now proposed, it is considered that the 'very special circumstances' exist to justify what is currently inappropriate development.

The design of the dwelling would be appropriate to this location and would have no adverse impact on the character or quality of the landscape.

A financial contribution towards public open space provision is required by current policy and is deemed appropriate.

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

The proposed development 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 full planning permission for a detached dwelling on this site which lies within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

Planning permission was refused in 2015 for a new dwelling on this site (15/00020/FUL) for the following reasons:

- 1. The development represents inappropriate development in the Green Belt, and there are no very special circumstances that would outweigh the harm caused by virtue of the development's inappropriateness, or any other harm, to the openness of the Green Belt, contrary to Policy S3 of the Local Plan and the aims and objectives of the National Planning Policy Framework.*
- 2. The development, by virtue of its size and massing, would erode the character and quality of the area of Landscape Restoration, contrary to Policies N17 and N21 of the Local Plan and the aims and objectives of the National Planning Policy Framework.*

It is not considered that there are any issues of impact on highway safety, residential amenity or trees and therefore, the key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Is the design of the proposals and the impact on the character and appearance of the area acceptable?
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?
- What financial contributions are required?

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 indicates in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include limited infill in villages or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

In refusing the previous scheme for this site, it was concluded that the development represents inappropriate development in the Green Belt. The site is located on the end of a row of detached dwellings. There is an extant planning permission on the adjoining site to the north-west for a bungalow (Ref. 14/00322/FUL), and circumstances have changed slightly since the previous refusal as the details required by the pre-commencement conditions attached to that consent have been approved. However, it remains the case that there is currently no building on the site, and therefore it is not considered possible to conclude that the proposed dwelling would be within an otherwise built up frontage and that it comprises 'infill'. It is therefore concluded that the proposal represents inappropriate development in the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

Is the design of the proposals and the impact on the character and appearance of the area acceptable?

The NPPF places great importance on the requirement for good design, which is a key aspect of sustainable development. CSS Policy CSP1 broadly reflects the requirements for good design

contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy RE5 of the Urban Design SPD requires new development in the rural area to respond to the typical forms of buildings in the village or locality. In doing so, designers should take into account and respond to, amongst other things, height of buildings and the pattern of building forms that helps to create the character of a settlement, for instance whether there is a consistency or variety.

Saved Local Plan Policy N21 seeks to restore the character of the area's landscape and improve the quality of the landscape. Within such an area it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

In refusing the previous scheme, it was considered that the development, by virtue of its size and massing, would erode the character and quality of the Area of Landscape Restoration. In the current scheme, the width and the massing of the dwelling has been reduced. There is a mix of dwelling styles in the immediate area and it is considered that the scale and design now submitted would be appropriate to this location and would have no adverse impact on the character or quality of the landscape. There are no significant landscape features within the site that would be removed or adversely affected by the proposal. In conclusion, it is considered that the proposal would comply with saved Policy N21 of the Local Plan and the general design requirements outlined in the NPPF.

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

The NPPF sets out that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It further 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.

As discussed above, there is an extant planning permission on the adjoining site to the north-west for a bungalow (Ref. 14/00322/FUL), and circumstances have changed slightly since the previous refusal as the details required by the pre-commencement conditions attached to that consent have been approved. However, given that there is currently no building on the site and that it is therefore not possible to say that the proposed dwelling would comprise 'infill', it must be concluded that the proposal represents inappropriate development in the Green Belt.

If the bungalow to the north-west had been constructed, it would be the case that the dwelling now proposed would be within an otherwise built up frontage and it would comprise 'infill' within a village. If that were the case, it would be possible to conclude that the proposal represents appropriate development in the Green Belt. The applicant's agent has suggested the imposition of a condition requiring the construction of the bungalow approved under Ref. 14/00322/FUL prior to the construction of the dwelling now proposed. Your officer has considered this suggestion and given the particular circumstances here, in that there is an extant permission for a dwelling on the adjacent plot and that if that dwelling had been constructed, the current proposal would comprise appropriate development, it is felt that such a condition would be appropriate and would constitute the 'very special circumstances' to justify what is currently inappropriate development.

What financial contributions are required?

The Open Space Strategy which was adopted by the Council on the 22nd March 2017 requires a financial contribution of £5,579 per dwelling towards public open space improvements and maintenance.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- 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.

It must also comply with national planning practice guidance on the seeking of contributions for small scale developments. Most importantly ministerial policy as set out in a Ministerial Statement of the 28th November 2014, since confirmed by the Court of Appeal in May 2016, indicates that “tariff-style contributions” should not be sought from developments of 10 units or less which have a maximum combined gross floorspace of no more than 1,000 square metres.

A tariff style contribution is defined as one where the intention is to require a contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The Landscape Development Section has indicated that the contribution in this case would be applied to Wereton Road/Queen Street Parish Council play area so it does not meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

Wereton Road/Queen Street Park is approximately 800m along a public footpath from the application site and the contribution being sought is considered to meet the statutory tests. The contribution is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy.

For the avoidance of doubt it can be confirmed that the obligation would not be contrary to Regulation 123 either.

APPENDIX

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 SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
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 T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees Policy
Policy N17: Landscape Character – General Consideration
Policy N21: Area of Landscape Restoration

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Supplementary Planning Guidance/Documents](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Relevant Planning History](#)

15/00020/FUL Detached dwelling and new vehicular access Refused

Planning permission has been granted for a two bedroom bungalow and single detached garage on land adjacent to this application site (Ref. 14/00322/FUL).

[Views of Consultees](#)

The **Environmental Health Division** has no objections subject to contaminated land conditions.

The **Highway Authority** has no objections subject to conditions regarding visibility splays, provision of parking and access and surfacing and maintenance of the access drive.

The **Landscape Development Section** has no objections subject to approval of a landscaping scheme.

Audley Parish Council do not support this development as it is considered to be inappropriate development within the Green Belt with no special circumstances to warrant building another house and outweigh the harm to the openness of the Green Belt – conflicting with the Green Belt Policy. Additionally the site had recently been refused permission albeit for a slightly larger property, it was however still considered inappropriate to construct any new dwelling in the Green Belt with no special

circumstances present. The dwelling permitted under 14/00322/FUL has not yet been built therefore this application will not be infill development. The Planning Department are asked to remain consistent with their earlier decisions. The traffic issues are worsening on that road, with double parking present and on pavements.

Representations

Two letters of representation have been received. Objection is raised on the following grounds:

- The application is for infill but the property on the adjacent site has not been built so it can't be infill.
- Any removal of the holly hedge frontage would damage a wildlife/bird nesting haven.
- The development will reduce the openness of the Green Belt.
- There will be an impact on the longer distance views of the properties adjacent and opposite.
- The application does not replace any existing structures.
- The design is aesthetically poor and is not in keeping with recent developments and the proposed bungalow.
- The height and design will overshadow the adjacent property, if it is built.
- The dwelling will be situated on a busy main road and another access would increase the risk of accidents and would limit pedestrian walkways used by children and dog walkers.

Applicant/agent's submission

Application forms and plans have been submitted along with a Geo-environmental Report. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00503/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

22nd September 2017