

The report is to consider an application which seeks planning permission for a detached dwelling and associated access.

The application site is located on Birch Tree Lane, in Whitmore. The site is located within the Green Belt, and an area of Landscape Restoration as defined within the Local Development Framework.

**The statutory 8 week determination period for the application has been extended until the 10<sup>th</sup> October 2017.**

### **RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time limit**
- 2. Submission of materials**
- 3. In accordance with the approved plans**
- 4. Contaminated land investigation and risk assessment to be submitted**
- 6. Tree protection in accordance with BS5837:2012 and submitted drawing**
- 7. Development in accordance with Arboricultural Method Statement for tree protection**
- 8. Prior approval of landscaping proposals**
- 9. Prior approval of tree and landscape management plan to address issues concerning the long term future of the woodland & replacement planting**
- 10. Arboricultural site monitoring schedule**
- 11. Implement recommendations within the Phase 1 Extended Habitat Survey received with the application**
- 12. Prior approval and implementation of sewage plant equipment on site**

### **Reason for recommendation**

The development is inappropriate development within the Green Belt. There is, however, an extant outline planning permission for the residential development of this plot and a reserved matters application could lawfully be submitted at any time. In addition planning permission was granted for a dwelling on this site under application reference 15/00281/FUL. Such a 'fall back' position amounts to very special circumstances required. Further, the development by virtue of its design, scale and materials, would not harm the character of the rural area, and there would be no adverse impact to highway safety or trees. The development is considered to accord with Policies N12 and T16 of the Local Plan, Policy CSP 1 of the Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework.

### **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 seeks planning permission for the erection of a detached dwelling on a site off Birch Tree Road. The application site is located within an area of Green Belt, therefore the key consideration with regard to the principle of development is whether the proposal represents inappropriate development within the Green Belt. In addition it is within a landscape maintenance area as indicated on the Local Development Framework Proposals Map.

The site is located just beyond the HS2 route, and as such any impact caused by the new railway should be acceptable. An extended Phase 1 Habitat Survey was submitted with the application, and states that the development would have very little harm to protected species on site providing the recommendations from the survey are implemented. The key issues to consider as part of the development are therefore as follows;

- Is the development inappropriate development within the Green Belt and if so, are any very special circumstances in place to outweigh harm to the Green Belt
- Impact of design upon the character of the area
- Impact upon the amenities of neighbouring residents
- Highway implications
- Impact of the proposal on trees
- Impact upon protected species

Is the development considered appropriate development in the Green Belt, and if so are any very special circumstances in place to outweigh harm to the Green Belt?

The construction of new buildings in the Green Belt is inappropriate development, unless they are one of the exceptions listed in paragraph 89 of the NPPF. The proposal does not fall into any of the exception criteria listed, therefore the proposed development must be considered as inappropriate development within the Green Belt as was the conclusion in respect of the dwelling proposed under application reference 15/00281/FUL. As such, the key question is whether there are any very special circumstances in favour of the development.

The NPPF states in paragraph 88 that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 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 circumstances.

Application 12/00180PLD established that the site had an extant consent for outline permission for a dwelling on the site (application reference NNR1378) and that there was no time limit in place for the submission of reserved matters. The principle of residential development of this site has therefore been established.

The extant consent is considered to be a genuine 'fall back' position and such a matter is considered to be the a very special circumstance required that justifies granting planning permission.

In light of the very special circumstance of the extant consent, it is considered that the principle of residential development is accepted.

#### The design of the development and impact on the character of the area

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

Paragraph 56 of 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.

The proposed dwelling would be split level, with a two storey elevation facing onto Birch Tree Lane. The dwelling would be contemporary design with pitched roof measuring approximately 9.2m in height to the front elevation. The scale of the proposed dwelling is not considered to be too large for the size of the plot, or in relation to other properties on the street.

The dwelling would be set slightly into the site, and positioned at a 45-degree angle to the road, which is considered to be visually acceptable and in keeping with the character of the area.

The proposed dwelling would be constructed in render, timber with a fibre cement slate roof and aluminium framed windows to compliment the design. In order to ensure that appropriate materials

are used for the development, it is considered that materials would need prior approval from the Local Planning Authority.

Birch Tree Lane is made up of detached dwellings within substantial plots. There is a number of single storey bungalow accommodation, some split level dwellings and also two storey properties. There is no defined character on the street, with some dwellings being very contemporary in their design, such as Glen Falls. As there is no defined character, it is considered that the design of the proposed split level dwelling would not be out-of-keeping with the area.

The proposed dwelling is considered to be of appropriate design, and would be in keeping with the character of the area and would not adversely affect the street scene.

#### Is the impact on residential amenity acceptable?

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The Council's Supplementary Planning Guidance; Space around Dwellings seeks to ensure that new development retains sufficient spacing in order to prevent an adverse impact upon the amenities of neighbouring residents.

The orientation of the dwelling within the site would mean the front elevation of the dwelling is at an offset angle towards neighbouring dwelling Misty Heights. The amenities of this neighbour would not be adversely affected due to the significant vegetation and trees between the dwellings.

A distance in excess of 50m would be retained between the proposed dwelling and neighbours to the rear; Foxdene and Woodycrest. A distance of 25m would be retained between the side elevation of the proposed dwelling and Craggen to the north-east. The distances would be in compliance with the council's SPD and as such the proposed dwelling would not adversely affect the amenities of any of these neighbouring residents.

The rear amenity space proposed to the dwelling will be somewhat limited due to the trees to the rear of the site, however the proposal includes the addition of decking, which would provide a reasonable useable space to the occupiers of the property. The total area of the rear amenity space would exceed the minimum standards within the SPD.

#### Are there any highway safety issues?

The access point would be taken from Birch Tree Lane which is a private road. As such, the Highway Authority raises no objections to the development, however notes that visibility would be restricted in one direction due to exiting evergreen planting to the front of Misty Heights. Given the limited vehicular movements on Birch Tree Lane it is considered that such restrictions to visibility will not result in a highway safety concern that would justify refusal of planning permission.

#### Is the impact on trees and the landscape acceptable?

The application site contains a number of protected trees under T62a, and the development would result in an impact upon those trees. However as stated above, the application site has the benefit of an extant consent for a dwelling, and as the consent was granted prior to the TPO being placed on the site, the planning permission is given precedence over the impact upon the trees. In addition a dwelling has been permitted of a design and location that minimises the loss of trees within the site

The Landscape Development Section have requested, during the application process, additional supporting information that will assist their consideration of the level of impact that this development will have on the trees within and adjoining the site. Additional information has been received and their comments are awaited which will be reported separately.

## 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 ASP6: Rural Area Spatial Policy

Policy CSP1: Design Quality

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside

Policy T16: Development – General Parking Requirements

Policy S3: Development in the Green Belt

Policy N17: Landscape Character – General Considerations

Policy N19: Landscape Maintenance Areas

### **Other material considerations include:**

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

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

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

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

EC Habitats Directive

[The Conservation of Habitats and Species Regulations 2010](#)

### Relevant Planning History

2015	15/00281/FUL	Permitted	Detached dwelling
2015	14/00784/FUL	Withdrawn	Detached dwelling
2012	12/00180/PLD	Approved	Certificate of Lawful Development for proposed development
1968	NNR1378	Permitted	Erection of dwellinghouses

### Views of Consultees

**Whitmore Parish Council:** notes that planning permission for a massive dwelling has already been granted on this site despite their strong objections on a number of issued and as such they offer no comments on this application

**Landscape Development Section:** their response to the supporting information recently submitted at their request is awaited.

**Highways Authority:** No objections to the proposal, however note Birch Tree Lane is a private road and that the applicant will need to ensure rights of access are given from its owners.

**Environmental Health:** No objections subject to a condition relating to hours of construction and contaminated land survey.

**County Historic Environment Advisor** – whilst there is a degree of archaeological interest in the sider landscape, the proposal appears to have been utilised as a gravel pit within an area of common land in the late 19<sup>th</sup> century. Consequently on historic environment concerns are raised.

**HS2:** The site is not located with the safeguarding area, and as such HS2 offer no comments to make

## Representations

Three letters of representation were received during the course of the application and a summary of the comments are provided below;

- The site has been empty for 40 years and something being built will offer a visual improvement
- Consent being granted should be after consultation with neighbours
- Permission should only be granted if a compound area is provided on site, observation of local by-laws in terms of noise and also that any damage to the private road is fixed by the applicant.
- Concerns regarding the right of access
- No foul and surface water information submitted – impact upon neighbouring property must be addressed
- Application different to last approval on site
- Loss of hedging and trees and the impact upon wildlife
- No on site provision for construction vehicles
- Civil matters should not be 'non planning matters'
- Not suitable road for construction traffic

## Applicant/agent's submission

The application is supported by a Design and Access Statement and an Arboricultural Impact Assessment. The full documents are available for inspection at the Guildhall and on the Council's website [www.newcastle-staffs.gov.uk/planning/17/00445/FUL](http://www.newcastle-staffs.gov.uk/planning/17/00445/FUL)

## Background Papers

Planning File  
Development Plan

## Date report prepared

25 September 2017