

The application is for full planning permission for a single storey extension to the existing school building which would serve as a new classroom to replace an existing mobile classroom.

The existing building is primarily located within the urban area but the proposed extension encroaches onto land designated as 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 4th May 2017 but prior to this the applicant agreed to extend the statutory determination period to the 2<sup>nd</sup> June 2017.**

### **RECOMMENDATION**

**Permit, subject to the following conditions;**

- **Standard Time limit for commencement of development**
- **Approved Plans**
- **Materials**
- **Land Contamination**
- **Scheme of Intrusive Site Investigations for Coal Mining**
- **A Report of Findings and a Scheme of Remedial Works for Coal Mining**

### **Reason for Recommendation**

The proposed replacement building (extension) would be materially larger than the building it replaces and as such represents inappropriate development in the Green Belt. However, it is considered that there are very special circumstances for approving the development as the proposed extension, of permanent construction, would better serve the functions of the school than is currently the case due to that accommodation being provided in a temporary prefabricated structure. Such very special circumstances would outweigh the very minimal harm to the openness of the Green Belt. The proposed extension is considered to be a sustainable form of development and subject to conditions to secure appropriate mitigation for coal mining risks and land contamination the proposed development is considered to be in accordance with development plan policies and the guidance and requirements of the NPPF and should be supported.

### **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 applicant has submitted information requested by planning officers during the planning application process and 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 proposal is for a single storey extension to the existing school building. The proposal would serve as a new classroom to replace an existing mobile classroom.

The existing building is primarily located within the urban area but the proposed extension encroaches onto land designated as Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map. This land is an informal grassed area with young trees planted and is not a school playing field.

The land is also located within a High Risk Coal Mining area.

The key issues in the determination of the development to consider are:

- Is the development appropriate development in the Green Belt?
- The design of the proposals and the impact upon the Area of Landscape Restoration,
- Coal Mining and land stability matters, and
- If inappropriate development, do the very special circumstances exist to overcome the harm to the Green Belt?

#### 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.”

The NPPF further indicates in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building provided that it remains in the same use and is not materially larger than the building it replaces.

The applicant has indicated that the existing detached temporary mobile classroom has a volume of approximately 192.74m<sup>3</sup>. The proposed extension would have a volume of 246.40m<sup>3</sup> which is an increase of 54 cubic metres which is considered to represent a materially larger replacement building.

In consideration of the above the proposed development is inappropriate development within the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and this is considered in a later section of this report.

#### The design of the proposals and the impact upon the Area of Landscape Restoration

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 site is designated locally as an area of landscape restoration and policy N21 of the local plan sets out that within these areas the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The main existing school building is single storey and of a flat roof construction. The proposed extension would also be single storey and have a flat roof but it would be located at the rear of the existing school building and any views from any main vantage points would be minimal.

It is considered that the replacement of an existing building with a more permanent building represents a sustainable form of development that would help to restore the character and appearance of the landscape. There would be minimal views of the proposed extension due to its position within the landscape and the topography.

The proposed development meets policies of the development plan and the requirements of the NPPF

#### Coal Mining and land stability matters

Paragraph 120 of the NPPF advises that “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land

stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

The application site falls within the defined Development High Risk Area and the application is supported by a coal mining risk assessment. The Coal Authority indicates that the assessment correctly identifies that there are records of three known mine entries within the site or within 20m of the site boundary, however, according to their records their conjectured positions and zone of influences are not within close proximity of the proposed extension. However, it is considered necessary for further intrusive site investigations to be carried which can be secured via condition as can any appropriate remedial works. Subject to these conditions the CA raises no objections and the proposals comply with the requirements of the NPPF.

Do the very special circumstances exist to overcome the harm to the Green Belt?

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.

The applicant has not submitted a case for very special circumstances but as discussed it is considered that the replacement of an existing building with a more permanent building represents a sustainable form of development. An extension, of permanent construction, would better serve the functions of the school and improve the education facilities at the school than is currently the case due to that accommodation being provided in a temporary prefabricated structure.

The existing temporary detached building also encroaches onto land within the Green Belt and whilst the proposed extension is approximately 54 cubic metres larger it is considered that any additional harm to the openness of the Green Belt that arises would be limited and the benefits would outweigh any harm.

Furthermore, it is considered that there are no preferable locations outside of the Green Belt that a replacement building or extension could be located due to much of the space around the school being playground or playing field.

It is considered that the above matters amount to the very special circumstances required to justify the proposed development in this instance.

## **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)

CSP1: Design Quality

Newcastle Under Lyme Local Plan 2011

Policy S3: Development in the Green Belt

Policy N21: Area of Landscape Restoration

Policy T16: Development – General Parking Requirements

### **Other Material Considerations**

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Supplementary Planning Guidance

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

Planning History

01/00645/FUL Erection of temporary classroom Permit

07/00168/FUL Single storey extension Permit

Views of Consultees

**Sport England** raises no objections

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

The **Highways Authority** raises no objections.

The **Coal Authority** raises no objection to the proposed development subject to the imposition of conditions to secure intrusive site investigations and any appropriate remedial works.

Representations

None 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/16/01032/FUL>

Background Papers

Planning files referred to

Planning Documents referred to

Date report prepared

11 May 2017