

The application seeks planning permission for the demolition of the existing detached house and double garage and erection of a new detached house and garage

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and Landscape Maintenance Area (policy N19), as indicated on the Local Development Framework Proposals Map.

The statutory 8 week determination period for the application expired on 23rd November 2017 however the applicant has agreed to extend the determination period until 2nd February 2018

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. Approved plans**
- 3. Materials to be submitted**
- 4. Removal of Permitted Development Rights – Class A, B, C & E**
- 5. Submission of a construction method statement**
- 6. Occupation after access, parking and turning areas are constructed**
- 7. Trees shown as retained to be retained and protected during construction**
- 8. Dimensioned Tree Protection Plan**
- 9. Arboricultural Method Statement**
- 10. Schedule of works to retained trees**
- 11. Hours of construction limited to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays**
- 12. Prior approval and implementation of mitigation measures to address the loss of bat roosts within the existing building**

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 have a similar volume. This is a fall-back position. The proposed replacement dwelling also represents a high standard of design. These factors amount to the very special circumstances required to justify the development in this instance.

The impact on visual amenity, character and quality of the landscape, protected species and highways safety would also be limited and not adverse. Subject to the removal of permitted development rights and a number of other conditions the proposed development accords with policies N12, N17, N19 of the Local Plan and policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

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 full planning permission for the demolition of the existing dwelling and garage and their replacement.

The application site is located within the village of Acton which has no defined development boundary and so is classed as open countryside, located within the North Staffordshire Green Belt and on land designated as an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of this application are therefore:

- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt
- The impact of the proposal upon the character of the area and on the Area of Landscape Maintenance
- Highway Safety and car parking
- Impact on amenity
- Will the development have an unacceptable impact on protected species?
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the development appropriate or inappropriate development within the Green Belt?

Paragraph 79 of the NPPF sets out 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 replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.

The applicant has calculated that the original dwelling (excluding any extensions post 1948) has a volume of 615 cubic metres. The proposed dwelling would measure 1650 cubic metres. As such the proposed dwelling would be materially larger than the dwelling it is to replace and it is therefore inappropriate development within the Green Belt and should not be approved except in very special circumstances. Whether there are very special circumstances to justify the granting of planning permission in this case will be addressed below.

Impact on the character of the area

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 details that great weight should be given to outstanding or innovative designs.

Saved Local Plan Policy N19 seeks to maintain the high quality and characteristic landscapes in such areas. Where development can be permitted it will be expected to contribute to this aim. Within such an area it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The village of Acton is made up of properties of different ages and styles. The existing property is traditional in design built in brick at ground floor and hanging tile cladding at first floor, with a pitched roof on the original dwelling and a flat roofed double garage at the side. The existing property has limited design merit with no notable design features worthy of retention. It does, however, occupy a spacious plot that is elevated above Acton Lane and many of the neighbouring buildings within the village. It therefore occupies a prominent position within the village.

The proposed replacement dwelling is of a contemporary/modernist design with a flat roof, constructed in treated timber cladding at ground floor and smooth white render at first, and incorporating a significant amount of glazing. The property has been designed to be in contrast to other properties in the locality.

Whilst it is acknowledged that the development does not reflect the traditional design of the existing property and others within the locality it is considered that it achieves a high quality design that would meet the requirements and guidance of the Framework.

Highway Safety and car parking

The Highway Authority has raised no objections subject to a condition preventing the conversion of the garage without the benefit of planning permission and the access and turning areas on site. A Constriction Management Plan has also been requested, which given the nature of Acton Lane is considered to be necessary.

Sufficient parking would be provided on site for a dwelling of this size within the driveway, and as such the proposal would comply with policy T16 of the Newcastle-under-Lyme Local Plan. A condition preventing the conversion of the garage and the loss of parking within it is not justified therefore.

Impact on amenity

The Framework 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 stand of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations.

As discussed the property occupies a spacious plot with the nearest property being Hunters Lodge, approximately 20m to the east of the site. Due to the spacing distances, and mature tree coverage between the dwellings it is not considered that the proposal would adversely affect the amenities of any neighbouring dwellings.

Will the development have an unacceptable impact on protected species?

A Phase 1 Habitat Survey has been submitted with the application that identifies that two bat species are roosting within the existing building. Mitigation measures are therefore required and it will be necessary for a condition to be imposed to secure such measures and subject to this it is considered that the proposal will have an acceptable impact upon protected species, ensuring that they are rehoused within the site.

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.

The existing property has full permitted development rights and so certain extensions, alterations and outbuildings can be carried out without planning permission. These could, potentially, include a single storey rear extension of up to 8 metres from the original rear elevation or a smaller two storey rear extension. A large single storey side extension and a large outbuilding could also be constructed (depending on its size and location) without planning permission.

In this instance the applicant has calculated that the original dwelling (excluding any extensions post 1948) has a volume of 615 cubic metres (floor area of 198 square metres). They have also detailed that the original dwelling, plus permitted development on site, i.e. rear, side extensions and an outbuilding on site would measure approximately 2123.5 cubic metres. The submission further indicates that the proposed dwelling would measure 1650 cubic metres (522 square metres).

Whilst it is unlikely that the full extent of the permitted development rights would be exercised it is accepted that to achieve a similar level accommodation as the proposal, alterations and extensions are likely to be undertaken. It is therefore considered that there is a fall-back position that could be exercised by the applicant and this needs to be considered in the determination of this application.

It is accepted that the replacement dwelling is of a similar scale to the original dwelling plus additional extensions that can be constructed without planning permission. In addition it is considered that the proposed replacement dwelling is of a better standard of design than the existing with regard to its form, appearance and use of materials within the site when compared to the original dwelling as extended.

Overall it is considered that the development as proposed would have a similar impact on the openness of the Green Belt but would be visually better when compared to the fall-back position and these factors amount to the very special circumstances required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

Given the nature of the very special circumstances demonstrated it is necessary and appropriate to remove permitted development rights for further extensions and outbuildings.

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](#)

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|-------------------|---|
| 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 \(NLP\) 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 N17: Landscape Character – General Consideration
Policy N19: Landscape Maintenance Areas

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](#)

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| NNR3570 | Erection of dwellinghouse | Permitted 1965 |
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[Views of Consultees](#)

Whitmore Parish Council: has no objections but urges that should permission be granted they suggest that permitted development rights be removed from the dwelling, and that the screening of the site provided by the trees/shrubs/hedges are protected by condition.

Highway Authority: No objections to the development subject to a conditions being attached to the decision notice preventing the conversion of the garage, construction of the access, parking and turning areas prior to occupation and the submission and approval of a Construction Management Plan.

Landscape Development Section: No objections subject to the trees indicated on plan being retained and the submission and prior approval of a dimensioned tree protection plan, arboricultural method statement and schedule of works to protected trees.

Environmental Health: Raise no objections however request that a condition restricting the hours of construction is attached to the decision notice.

Representations

None

Applicant/agent's submission

The application is supported by a Planning Application, Plans and Protected Species Survey.

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/17/00790/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

16th January 2018