

The Application is for full planning permission for the erection of 9 dwellings with associated car parking and landscaping.

The application site, which extends to 0.19 hectares, is within the Green Belt and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposal Map. There is a Grade II* Listed Building (The Summer House) in close proximity to the north-west of the site.

The 8 week determination period expired on the 29th January 2018 but the applicant has agreed to an extension of the statutory period to the 2nd March 2018.

RECOMMENDATION

A) Subject to the applicant entering into a Section 106 obligation by 16th March 2018 to secure a public open space contribution of £11,158 towards improvements to surfacing at Betley Village Hall or at another suitable local facility managed by the Parish Council,

PERMIT subject to conditions relating to:-

- 1. Time limit**
- 2. Approved plans**
- 3. Construction Environmental Management Plan**
- 4. Noise levels**
- 5. Artificial lighting**
- 6. Contaminated land**
- 7. Landscaping scheme**
- 8. Revised access details**
- 9. Provision of internal site road, parking and turning areas**
- 10. Details of surfacing for private driveway, parking and turning areas**
- 11. Details of means of surface water drainage for the private driveway, parking and turning areas**
- 12. Details of secure weatherproof parking for cycles**
- 13. Vehicular access to remain ungated**
- 14. Gates on pedestrian accesses onto Main Road to open inwards away from the highway**
- 15. Materials and window details**
- 16. 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

The development comprises inappropriate development within the Green Belt. Very special circumstances are considered to exist given the existence of an extant planning permission for 7 dwellings and the lack of substantial harm to the openness of the Green Belt when the proposed scheme is prepared to that which has been permitted and the development that was on site prior to that. In granting permission for both the scheme for 7 dwellings on this site and the residential development on the site of the former Blue Bell Public House directly opposite this site, the Council has accepted that this is a suitable location for residential development and on this basis, it is not considered that objection could be raised to the principle of two additional dwellings on the site. The proposal would have no adverse impact on either the setting of the Listed Building or the character of the area.

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

Amended plans have been sought and received and the proposed development 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 application is for full planning permission for the erection of 9 dwellings with associated car parking and landscaping.

The application site, which extends to 0.19 hectares, is within the Green Belt and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposal Map. There is a Grade II* Listed Building (The Summer House) in close proximity to the north-west of the site.

The site has the benefit of planning permission for 7 dwellings (Ref. 06/00984/FUL). That development has materially commenced and therefore it remains extant and capable of implementation.

Vehicular access is in the same location as in the approved scheme and it is not considered that there are any issues of impact on residential amenity. Therefore, the main issues in the consideration of the application are:

- Is the proposal appropriate development within the Green Belt?
- Is the principle of residential development on the site acceptable?
- Is the proposed development acceptable in terms of its impact on the nearby Listed Building and on the form and character of the area?
- What financial contributions, if any, are required?
- Should it be concluded that the development is inappropriate development in Green Belt terms, do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 79 of the 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 outlines in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. There are a number of exceptions to this but none are considered relevant in this instance so it is concluded that the development comprises inappropriate development within the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

Is the principle of residential development on the site acceptable?

As stated above, there is an extant planning permission for 7 dwellings on this site and therefore it is only the principle of the two additional dwellings that can be considered now.

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. Although this site comprises previously developed land, it lies within the Rural Area of the Borough, outside of any defined village envelope. However, in approving both the scheme for 7 dwellings on this site and the residential development on the site of the former Blue Bell Public House directly opposite this site (Ref. 13/00065/FUL), the Council has accepted that this is a suitable location for residential development. On this basis, it is not considered that objection could be raised to the principle of two additional dwellings on the site.

Is the proposed development acceptable in terms of its impact on the nearby Listed Building and on the form and character of the area?

To the north of the site is a Grade II* Listed Building, the Summer House. NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building.

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.

The proposed development of 9 dwellings includes a range of property types but primarily comprises 2-bed dwellings. The dwellings would be sited along the site frontage onto Main Road and would be predominantly 2 storeys with the exception of a 3-storey apartment block and a dormer bungalow.

Regarding the scheme as originally proposed, concerns were raised by the Conservation Officer, the Conservation Advisory Working Party (CAWP) and Betley, Balterley & Wrinehill Parish Council with respect to the detailed design of the 3-storey block and in particular, the French windows and Juliette balconies. It was considered that the design would compete with the nearby Listed Building and would not be appropriate in this rural area. Amended plans have been submitted which simplify the design of the apartment block and the Conservation Officer raises no objections to the revised proposal.

There is a mix of dwelling styles in the area and it is considered that the scale and design of the proposed properties would be appropriate to this location and would have no adverse impact on either the setting of the Listed Building or the character of the area.

What financial contributions, if any, 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. However, given that no contribution was required for the extant planning permission for 7 dwellings, it is considered that a contribution can only be sought for the 2 additional dwellings.

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 improvements to surfacing at Betley Village Hall or at another suitable local facility managed by the

Parish Council 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.

Betley Village Hall is approximately 1100m 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.

Do the required very special circumstances exist to justify inappropriate 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. Inappropriate development by definition is harmful to the interests of the Green Belt. However, beyond that, no element of 'other harm' has been identified associated with the proposal.

The Planning Statement asserts that very special circumstances exist in this case for the following reasons:

- The site already has the benefit of an extant planning approval of 7 dwellings.
- The proposed development will remove an unsightly derelict site which has blighted the area for some years.
- The redevelopment will not conflict with the five purposes of the Green Belt.
- The development will not affect the openness and character of the Green Belt negatively.

It is the case that the site has extant planning permission for a development comprising 7 dwellings. The applicant's agent has provided volume calculations for both the extant development and the current proposal and the volume of the proposed scheme would be 63% of that of the approved scheme. Therefore, although two additional dwellings are proposed in comparison with the extant scheme, there would be less impact on the openness of the Green Belt.

Given the existence of the extant permission for 7 dwellings and the lack of substantial harm to the openness of the Green Belt, it is considered that the required very special circumstances can be considered to exist in this case.

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 CSP2: Historic Environment
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 H3: Residential development - priority to brownfield sites
Policy T16: Development - general parking requirements
Policy N17: Landscape character – general considerations
Policy N18: Area of Active Landscape Conservation
Policy B5: Control of Development Affecting the Setting of a Listed Building

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 \(2010\)](#)

Relevant Planning History

09/00267/FUL	Erection of 7 dwellings and associated landscaping and car parking	Refused
08/00631/FUL	Reconfiguration of parking and gardens to the rear of the properties permitted under application reference 06/00984/FUL and additional 8 parking spaces	Approved
07/00705/FUL	Single storey residential dwelling	Refused
06/00984/FUL	7 residential units	Approved
06/00744/FUL	7 residential units and 150sqm retail unit with apartments over	Refused
03/00086/FUL	Redevelopment of site including removal of all existing buildings and structures and rebuilding to form two buildings comprising office accommodation, retail shop and living accommodation providing 2 houses and 3 flats; and 1 pair of semi-detached dwellings	Approved
01/00961/FUL	Redevelopment of site and refurbishment of existing to provide residential, B1 office and retail development	Refused

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding a Construction Environmental Management Plan, noise levels, artificial lighting and contaminated land.

The **Education Authority** states that the development is scheduled to provide 9 dwellings and as the threshold for calculating education contributions is 11 dwellings or more or a site greater than 0.2 hectares, no education contribution is requested.

The **Highway Authority** has no objections subject to conditions regarding revised access details, provision of internal site road, parking and turning areas, details of surfacing materials and surface water drainage for drives, parking and turning areas, details of secure weatherproof parking for cycles, access to remain ungated, gates on pedestrian accesses to open inwards and submission of a Construction Method Statement.

Historic England has no comments to make on the application.

The **Conservation Officer** has no objections.

The **Conservation Advisory Working Party** considers that a scheme in this location should be visually subordinate to the Summer House. It does not object to the layout and relatively modest houses but objects to the detailed design of the 3 storey element of the scheme which is visually too complicated with the Juliette balconies and larger window openings, and competes with the important Grade II* Listed Building. If the window details can be simplified and the materials reflect the traditional vernacular of the village, the scheme will be acceptable. It recommends that the Conservation officer ensures the materials and the boundary treatments are appropriate.

The **Landscape Development Section** has no objections subject to a condition requiring submission of landscaping proposals. A S106 contribution is requested for capital development/improvement of off-site open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. This gives a total contribution of £5,579 per dwelling and would be used for improvements to surfacing at Betley Village Hall or at another suitable local facility managed by the Parish Council.

Betley, Balterley & Wrinehill Parish Council has no objections with the exception of the design and detailing of the 3-storey apartment block. The west elevation to New Road of the 3-storey block needs to be modified to avoid competing visually with the Summer House. A more traditional elevation without the Juliet balconies and French windows and similar to the west elevation of the Summer House would be more appropriate to the setting. The materials should be similar to and in keeping with the traditional materials used in the village on similar properties and the views of the Conservation Officer are strongly supported. The proposal is in accordance with the emerging Neighbourhood Plan in meeting identified housing needs in the Parish and the development should be completed within a reasonable period of time not exceeding 5 years. The Section 106 sum needs to be transferred to the Parish Council to spend on landscape improvements in the immediate area and elsewhere in the Parish as appropriate. The Local Planning Authority needs to ensure that adequate provision is made to accommodate necessary works traffic without creating a road hazard.

The comments of Staffordshire County Council as the **Mineral and Waste Planning Authority** are awaited.

Representations

One letter of representation has been received stating that the writers are pleased to hear that the site is to be developed as it has become increasingly overgrown and littered over the years. Concern is raised regarding the increase in traffic and impact on visibility from their drive due to parking.

Applicant/agent's submission

Application forms and plans have been submitted along with a Design and Access Statement, a Planning Statement and a Heritage Assessment. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00968/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

7th February 2018