

The application is for full planning permission for the partial demolition and renovation of the existing public house (and restaurant) with a new build extension to restaurant, extension of the car park and associated landscaping.

The site extends to approximately 0.63 hectares and is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 25th December but the applicant has agreed and extension of time to the statutory determination period to the 4th March 2019

RECOMMENDATION

Permit with the following conditions

1. **Standard Time limit for commencement of development**
2. **Approved plans**
3. **External materials**
4. **Construction and demolition hours**
5. **Ventilation and odour abatement**
6. **Control of noise**
7. **Prevention of food and grease debris entering the drainage system**
8. **Submission and approval of external lighting**
9. **Approval of full landscaping proposals to include boundary treatments**
10. **Submission and approval of Tree Protection measures**
11. **Aboricultural Method Statement**
12. **Retention of trees**
13. **Submission and approval of new boundary treatment to (A531) Newcastle Road**
14. **Access, car parking and turning**
15. **Car park shall remain ungated**

Reason for Recommendation

Whilst the proposed development represents inappropriate development within the Green Belt it would result in a limited amount of additional harm to the openness of the Green Belt and the purposes of including land within the Green Belt to that which currently exists. Any harm would be outweighed by the benefits, namely the acceptable design and the enhancement to the landscape and the development supporting a rural business. It is therefore considered that very special circumstances exist that justify approval of planning permission.

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

Through negotiation with the applicants revised proposals have been received during the determination of the application which are considered satisfactory.

KEY ISSUES

The application is for full planning permission for replacement extensions, an extension to the car park and associated landscaping to the Broughton Arms Public House. The Public House has a number of existing extensions that would be replaced to accommodate the new scheme.

The application site is located on a busy junction within the open countryside on land designated as being within the Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The application is a resubmission following a previous approval which was granted in 2016 under reference 15/00964/FUL.

The application now seeks to change the design of the proposed scheme and the key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Design of the proposals and the impact on the area of landscape enhancement,
- The impact on the residential amenity of neighbouring occupiers,
- The impact on highways safety, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 133 of the recently published revised 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 145 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this include, amongst other things, buildings for agriculture and forestry, the provision of appropriate facilities for outdoor sport and outdoor recreation, 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 the new building is in the same use and not materially larger than the one it replaces.

The application is for the extension and replacement of extensions to the public house. An extension to the car park is also proposed with associated landscaping.

As discussed, the application follows a previous application granted in 2016 but that planning permission has not been implemented. The extensions proposed as part of that planning application were classed as disproportionate additions due to the nature and volume increase of the extensions. However very special circumstances were demonstrated which outweighed the harm to the openness of the Green Belt.

The extensions now proposed are similar to those previously permitted following amended plans which reduce the size and scale of the proposals. As with the previous application the size of the volume increase proposed would represent a disproportionate addition and the extensions do not meet the exceptions outlined in paragraph 145 and are therefore classed as inappropriate development within the Green Belt.

An extension to the car park is proposed which would result in a change of use of land from agriculture. The revised NPPF which has been published since the previous permission now sets out at paragraph 146 that material changes of use of land are not inappropriate provided that they preserve openness and do not conflict with the purposes of including land within it.

The extension to the car park would provide 34 new car parking spaces, which would be laid with reinforced grass. It is considered that due to the size of the car park extension that it would result in some harm to the openness of the Green Belt. It is not considered that it would conflict with the purposes of including land within the Green Belt, however.

Therefore, the proposals represent inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Design of the proposals and the impact on the area of landscape enhancement

Paragraph 124 of the revised National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It lists at paragraph 127, 6 criteria a) – f) with which planning policies and decisions should accord and sets out, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

The main public house will be retained due to its character and appearance but the existing extensions would be replaced with extensions that would have a more modern or contemporary rural appearance. The fundamental design of the proposed extensions are acceptable and similar to the previously permitted scheme.

The land to be used as car parking is overgrown and represents low grade agricultural land. The applicant has indicated that the proposed car park surfacing would be reinforced grass which is not synthetic 'astroturf' but a grid of matting that allows grass to grow through whilst adding enough resilience to prevent cars from churning the surface into mud.

Landscaping improvements are also proposed which will enhance the appearance of the site, including the car parking and areas around the buildings.

In summary the proposals would enhance the site and landscape in general which would comply with policy N20 of the Local Plan and the general design requirements outlined in the NPPF. It is therefore considered acceptable.

The impact on highways safety

The proposals include improvements to the existing access arrangements. The existing car parking would also be reconfigured and as discussed an area of land outside the existing site curtilage being used as an overflow carpark.

The NPPF, at paragraph 109, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network are severe.

Policy T16 of the Local Plan, adopted in 2003, states that development will not be permitted to provide more parking than the levels set out in an appendix and also that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

The NPPF indicates at paragraph 106 that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. Policy T16 is therefore not fully consistent with the NPPF given that it sets maximum standards. It is, however, a reasonable starting point for the consideration of the level of parking that is required for this development.

Policy T16 of the local plan indicates that for a public house a maximum of 1 space per 6m² of proposed floor area should be available and 1 per 10m² for a restaurant. The proposal is for a mixed use and so a maximum of 1 per 8m² is advisable.

The existing car parking arrangements are to be reconfigured and the applicant has detailed that the site has a total of 65 spaces and an additional 20 spaces are proposed (34 within the overflow car park). This exceeds the maximum requirements by 12 spaces given that the setting of maximum standards is not encouraged by the NPPF and that the applicant has other successful establishments

that have similar parking provision which is considered necessary for the viability of the business, this level of parking is considered to be acceptable.

The Highways Authority has raised no objections subject to conditions which should improve the existing access and car parking arrangements on a busy junction.

On balance, the car parking provision is acceptable and the development is unlikely to lead to significant highway safety concerns.

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

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 indicated that the shift in focus from 'Pub with Restaurant' to 'Restaurant with Public Bar' would significantly increase the profitability of the rural business. Projected staff numbers are to be 35 full time and 30 part time, compared with the 10 full time and 5 part time staff previously employed by the Broughton Arms. They consider that the proposed development would benefit not only the owners but the local community by creating local jobs and helping to maintain a diverse rural economy. It would also secure the renovation and upkeep of a prominent local landmark building.

The harm to the Green Belt caused by the proposed extensions would be no greater than the existing disproportionate extensions. The appearance of the landscape would be improved by the design of the extensions which would clearly be a benefit.

Whilst the overspill car parking would encroach further into the Green Belt than the existing site it is considered that the benefits of the development would outweigh this harm. The mitigation of using a reinforced grass surfacing material would also help to reduce the impact on openness.

As was the case with the previous planning application that was approved, it is considered that the above represent the very special circumstances that are required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

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](#)

Strategic Aim 16:	To eliminate poor quality development;
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 T16:	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N17:	Landscape Character – General Consideration
Policy N20:	Area of Landscape Enhancement

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (July 2018)

[Planning Practice Guidance](#) (March 2014)

[Supplementary Planning Guidance/Documents](#)

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

Relevant Planning History

N13999 (1985)	Improvements and extension	Permitted
N17707 (1988)	Extension to form function room	Permitted

15/00964/FUL Partial demolition and partial renovation of existing public house and restaurant, new build extension to restaurant and alterations to existing car park and associated landscaping.
Permitted

Views of Consultees

Betley, Balterley & Winehill Parish Council has no objection in principle to what is proposed and welcomes the retention of the original 19th Century building. It considers that the Local Planning Authority (LPA) needs to be satisfied that the scale, location and use of materials are acceptable. The LPA also needs to be satisfied that the extension of the car park into the Green Belt is necessary and that there are exceptional reasons to justify an exception being made to that aspect of the Borough Planning Policy. Concerns are expressed about the location of the car park entrance and the Highway Authority should be satisfied that no hazard would be caused by poor visibility. The Parish Council also notes that there is no Design and Access Statement associated with the application. The D&A Statement for the previous permission referred to a second vehicular entrance which did not appear on the plans submitted, and the Council would ask that any uncertainty in this area needs to be clarified.

The **Highways Authority** raises no objections subject to conditions that require the submission and approval of boundary treatments on the (A531) Newcastle Road frontage, the access, turning and parking being provided and the access remaining un-gated.

The **Environmental Health Division** raises no objections subject to conditions regarding construction and demolition hours, control of ventilation, odour, noise and external lighting.

The **Landscape Development Section** raises no objections following the submission of amended information and subject to conditions for prior approval of Tree Protection Proposals, Arboricultural Method Statement, Retention and protection of all trees to be retained, prior approval of appropriate boundary treatment and approval of full landscaping proposals.

Natural England raises no objections.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by the requisite plans.

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00846/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

7th February 2019