

The application seeks outline planning permission for the demolition of an existing retail unit/ post office local and warehouse buildings and replacement with a residential development comprising the erection of 8 no. dwellings.

The access, scale and layout are all submitted for approval with the appearance and landscaping reserved for subsequent approval.

The application site is primarily located within the rural area, within the village envelope of Halmerend, but part of the site does fall within land designated as Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

Public Footpath no. Audley 66 runs through the site.

The 8 week period for the determination of this application expired on the 10th August and the applicant has agreed an extension of time to the statutory determination period to the 25th September 2020.

RECOMMENDATIONS

PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development;**
- 2. Approved plans;**
- 3. Removal of permitted development rights for extensions and outbuildings for plots 4-8;**
- 4. Prior approval of a surface water drainage scheme;**
- 5. Foul and surface water shall be drained on separate systems;**
- 6. Prior approval of a construction phase tree protection plan;**
- 7. Prior approval of an Arboricultural method statement;**
- 8. Any reserved matters for landscaping of the site to include replacement tree planting;**
- 9. Any reserved matters for landscaping of the site to include refuse collection arrangements;**
- 10. Any reserved matters for landscaping of the site to include all boundary treatments and hardstandings;**
- 11. Provision of access, parking and turning areas;**
- 12. Provision of driveway and parking area for each dwelling prior to occupation;**
- 13. Cycle parking for each dwelling;**
- 14. Provision of an uncontrolled pedestrian crossing;**
- 15. Clear delineation of roads and footways to be offered for adoption;**
- 16. Construction Vehicle Management Plan (CVMP);**
- 17. No surface water shall be discharged on to the public highway;**
- 18. Electric vehicle charging provision;**
- 19. Design measures to restrict impact on noise levels;**
- 20. Full contaminated land conditions;**
- 21. Permitted construction hours;**
- 22. Recommendations and enhancements as per the submitted ecological report**

Reason for Recommendation

The redevelopment of the site and the construction of 8 new houses in a sustainable rural location is considered to comply with local and national planning policy. It is accepted that the loss of the post office local would not be contrary to local and national planning policy and whilst a small part of the development represents inappropriate development within the Green Belt, it is concluded that there are very special circumstances which would outweigh any limited harm to the openness of the Green Belt from this development. It is therefore considered that very special circumstances exist that justify

approval of planning permission for this aspect of the scheme. In all other respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of existing and future occupiers or cause highway safety implications..

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

Officers sought amendments to the scheme to address fundamental concerns with the original proposals and revised plans were submitted. Additional supporting information was also requested and subsequently submitted. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

Key Issues

The application seeks outline planning permission for the demolition of an existing retail unit/ post office local and warehouse buildings and the replacement with a residential development comprising the erection of 8 no. dwellings.

The access, scale and layout are all submitted for approval with the appearance and landscaping reserved for subsequent approval.

The application site is primarily located within the rural area, within the village envelope of Halmerend but part of the site does fall within land designated as Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

Public Footpath no. Audley 66 runs through the site.

Amended plans have been submitted during the consideration of the application which reduce the number of dwellings down from nine to eight.

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

- Is the part of the development that is located within the Green Belt appropriate or inappropriate development?
- The principle of the development, including the loss of a post office local,
- The design of the proposals and the impact on the visual amenity of the area,
- Impact on neighbouring residential amenity levels,
- The parking provision and the impact on highways safety,
- Impact on the public footpath, 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 133 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 application site is primarily within the village envelope of Halmerend but land towards the east and south (side and rear) does fall within the Green Belt.

The part of the site that falls within the Green Belt forms part of the yard area for the existing warehouse building and is laid with hardstanding. According to Council records, this area was a previous railway cutting but became curtilage to the warehouse in the 1990's.

The scheme has been amended during the consideration of the application due to three of the previously proposed nine dwellings encroaching into the Green Belt. The amended scheme is now for eight dwellings and a small proportion of a single storey outrigger of plot no. 8 encroaches into the Green Belt, as do the proposed rear garden areas for plots 4-8.

Paragraph 145 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate. Exceptions include, amongst other things:

e) limited infilling in villages; and

g) The limited infilling or the partial or complete redevelopment of previously developed sites which would

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, whether the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 146 of the NPPF also advises, amongst other things, that changes of use (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) of land are not inappropriate development within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

As discussed, a small part of a single storey outrigger to plot no. 8 encroaches into the Green Belt. This would not meet any of the exceptions listed and the conclusion is that this element of the scheme is inappropriate development and should not be approved except in very special circumstances.

The proposed garden areas would have no greater impact on the openness of the Green Belt than the existing hardstanding that forms the yard area of the warehouse and this element of the scheme is considered to comply with the guidance and requirements of the NPPF. However, it is considered appropriate to remove permitted development rights for extensions and outbuildings for plots 4-8 by condition to ensure that further development does not damage the openness of the Green Belt caused by encroachment. It is considered that this condition would meet the tests set out in paragraph 55 of the NPPF, along with paragraph 017 of the planning practice guidance which states that conditions to restrict the future use of permitted development rights may not pass the test of reasonableness of necessity. They should only be used in exceptional circumstances with the scope precisely defined by reference to the GPDO to make clear what rights have limited or withdrawn. It is considered that the exceptional circumstances are justified in this instance.

The principle of the development and the loss of a post office local

Local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available.

Saved Newcastle Local Plan (NLP) policy H1 supports new housing within village envelopes. ASP6 of the Core Spatial Strategy (CSS) advises that, by 2026, there will be a maximum of 900 net additional dwellings of high design quality located primarily on sustainable brownfield land within the village envelopes of key rural service centres.

The National Planning Policy Framework (the Framework) seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

Paragraph 117 of the Framework states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- (Para 11(d))

Planning Inspectors have only given limited weight to NLP Policy H1 and CSS ASP6 in as far as they define the village envelopes (Policy H1 and ASP6) and limit the number of additional dwellings in key rural service centres (Policy ASP6).

The limit on the number of additional dwellings, as set out in policy ASP6 applies to housing developments that are located within defined village envelopes as well as those beyond such boundaries. Even though the village envelopes referred to in ASP6 have to be considered to be out of date, the remainder of the policy (i.e. the requirement for development to be of high design quality and to be primarily located on previously developed land) is not inconsistent with the Framework.

The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan.

Halmerend forms one of the villages of the Audley Parish and represents a sustainable rural location for new housing. The application site represents brownfield land (PDL) and much of the site is primarily within the village envelope. Therefore it is accepted that the site is considered to represent a sustainable rural location.

The application will result in the loss of an existing retail unit which is also a post office local. A post office is considered to be a community facility and saved NLP policy C22 – Protection of Community Facilities, details that development that would result in the loss of an important community facility will need to demonstrate that it can be replaced. This is echoed by paragraph 92 of the NPPF which, amongst other things, seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The application sets out that the postal service part of the shop runs as a "Post Office Local" which operates with fewer services and not a traditional style Post Office. There are services also available at other Post Offices within 1.5miles i.e. Post Office local in Audley, Post Office in Bignall End and a community Post Office in Wood Lane. The applicant has an agreement with the Post Office that can be terminated with 6 months notice irrespective of this planning application.

Your officer accepts that the loss of the post office local would be unfortunate but under the circumstances set out by the applicant it is not considered that a fundamental objection can be raised because alternative services are provided in neighbouring villages which are served by public transport. Furthermore the Post Office is actively encouraging the use of online facilities rather than paper and face to face contact.

On the basis of the above it is accepted that the proposal would not be contrary to development plan policies or specific policies and guidance of the NPPF and whilst there would be some minor encroachment of a small part of plot 8 into the Green Belt the majority of the site represents a sustainable and appropriate location for new housing.

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

Paragraph 124 of the 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. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, 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.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

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 R5 goes on to state that "buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line". R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

Whilst the proposed development is for outline planning permission the layout and scale of the proposed dwellings are submitted for approval, as is the access arrangements.

The submitted layout shows a block of three dwellings (plots 1-3) that would front High Street. These dwellings would have a small yard area to the front, behind a brick wall and gate. This would be similar to existing terrace properties that also front High Street to the west and whilst appearance is for subsequent approval, it is accepted that this element of the scheme represents an appropriate design solution in the context of the area.

Plots 1-3 would have off street car parking at the rear which will be served off the existing access to the warehouse unit and yard area. This would also serve the remaining plots (4-8) which are proposed to occupy a backland location, currently occupied by the existing warehouse unit and associated yard area. The proposed dwellings would be formed in a block of five with a slightly staggered building line. They would be two or two ½ storeys in height and the indicative elevation details demonstrate that they would have an acceptable appearance.

The backland location of plots 4-8 and the associated car parking area will result in some harm to the character of the area but views of this area would be limited due to it being set on a lower level than High Street. The rear of the site also benefits from existing screening from existing buildings that front High Street, along with trees and vegetation on the site frontage and within the site.

Objections received raise concerns about the type of dwellings proposed and that they would be out of character with the area. However, there are a range and mix of dwelling typed in the area, terrace properties being a fundamental part of the character.

The backland location of the development is also likely to require a bin collection point/ store close to the access onto High Street. This is unavoidable but to limit its impact it could be incorporated into the landscaping scheme which is reserved for subsequent approval. This can be secured via a planning condition.

On balance it is accepted that the application has demonstrated that the proposed development represents a good quality design that would not harm the character and appearance of the area. It is therefore in accordance with policy CSP1 of the CSS, the guidance and requirements of the NPPF and the urban design SPD.

Would there be any adverse impact on residential amenity?

The Framework states within paragraph 127 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

The submitted plans demonstrate that all principal windows are proposed on the front and rear elevations and these would adhere to the guidance of the SPG.

An acceptable amount of private amenity space would be achieved for plots 4-8 which will have large gardens. However, plots 1-3 will have a small yard area only and this is a concern.

The yard areas would allow future occupiers to sit out and dry washing. This type of yard area is not uncommon for a terrace property and it would add to the range of types of property on offer as not everyone wants a sizeable garden that requires maintenance. The site also has public open space in walking distance and a number of public footpaths for future occupiers to enjoy.

In summary, there would be no significant impact on the residential amenity of neighbouring properties in terms of loss of privacy, overbearing impact or loss of light to principal windows. An acceptable level of amenity would also be achieved for future occupiers. The conditions advised by the Environmental Health Division would also protect amenity levels.

The proposed development is considered to be in accordance with the Council's SPG and the guidance and requirements of the NPPF.

The parking provision and the impact on highways safety

Access is for approval and the proposed development seeks to utilise the existing access onto High Street. All 8 dwellings will have off street car parking served by the access, including the block of three dwellings that front High Street. .

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

The Highways Authority has raised no objections subject to a number of conditions to ensure that the access and car parking arrangements are acceptable. In particular details of bin storage arrangements, due to the backland location of five of the plots, are required. This is likely to require a bin collection point at the site access. This is not ideal but suitable alternatives are unlikely to be possible in this instance.

Objectors have raised concerns about existing on street car parking problems on High Street. However, the submitted plans demonstrate that all plots will have off road car parking provision for two cars which would accord with policy T16 of the local plan. Therefore, the proposed development is unlikely to exacerbate an existing on street car parking problem.

The site is within a sustainable rural area with links to public transport, a school and cycle storage provision is requested by HA to encourage none motor vehicle travel.

Impact on the public footpath

A set out, Public Footpath no. Audley 66 is shown on the Definitive Map of Public Rights of Way (PRoW) as passing through the site. However the applicant has shown the PRoW as running beyond the rear boundary, which is an accurate position of the PRoW as exists on the ground. The PRoW is set behind existing fencing which surrounds the site.

The County Council Public Rights of Way officer has advised that the plans do not show the PRoW in its correct alignment and the development will affect the PRoW.

It is clear that the PRoW has been diverted previously but that records have not been updated via a formal procedure. Therefore, the applicant will need to formally divert the footpath under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way.

Do very special circumstances exist which would outweigh the harm caused to the openness of the Green Belt, and any other harm?

As it has been concluded that a small part of a single storey outrigger to plot no. 8 is inappropriate development it is necessary to consider whether there are very special circumstances that would outweigh the harm caused by the inappropriate development, and any other harm, to the Green Belt.

Paragraph 144 of the NPPF sets out that; "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

In this instance only a small part of the outrigger encroaches onto Green Belt land and this is less than 10 cubic metres in volume. Therefore the harm to the openness of the Green Belt would be minimal.

The design of plot 8 could be amended to ensure that any part of the outrigger does not encroach onto the Green Belt but this would be at the expense of the design of the scheme and/ or the living conditions of future occupiers. Alternatively the scale of the development could be lessened through the loss of a further plot but that would reduce the level of contribution of the development to housing supply and it is considered that the minimal impact on the Green Belt arising from the development does not justify such an amendment.

Given the circumstances, including the very limited size of the structure and its acceptable appearance, it is considered that the necessary very special circumstances exist that would outweigh the harm that would result to the openness of this part of the Green Belt.

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 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 C22: Protection of Community Facilities
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (February 2019)

[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](#)

N12014 (1983) Replacement garage/warehouse Permitted

N12666 (1983) Filling of old railway cutting and formation of new access Permitted

N16258 (1987) Warehouse extension Permitted

N21585 (1992) The erection of a seed store Permitted

[Views of Consultees](#)

Audley Parish Council supports the application for residential starter homes, providing that the Green Belt land is preserved and untouched. There were some concerns raised about the ability to safely leave the site from the proposed entrance.

The **Environmental Health Division** raises no objections subject to conditions which secure the following matters;

- Full contaminated land;
- Construction hours;
- Waste collection and storage arrangements;
- Electric charging provision, and

- Design measures to protect against noise.

Landscape Development Section raises no objections subject to the prior approval of a tree protection plan, arboricultural method statement and a landscaping scheme to include replacement trees.

The **Highways Authority** raises no objections subject to conditions which secure;

- The access, parking and turning areas;
- Provision of driveway and parking for each dwelling;
- Provision of cycle parking for each dwelling;
- Provision of an uncontrolled pedestrian crossing including tactile paving at the radii access into the development;
- Prior approval of roads and footways to be offered for adoption and bin storage area
- Prior approval of Construction Vehicle Management Plan (CVMP); and
- No surface water shall be discharged on to the public highway.

United Utilities raises no objections subject to conditions to secure a sustainable surface water drainage scheme and foul and surface water being drained on separate systems.

The **County Council Public Rights of Way Officer** advises that the application plans show the existence of Public Footpath No. 66 Audley Parish which runs across the proposed development. However, the plans do not show it in its correct alignment. It appears from the planning documents that the development proposals may directly impact on the public rights of way. The attention of the applicant should be drawn to the correct alignment of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public paths. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion.

Staffordshire County Council as the **Minerals and Waste Planning Authority** advises that they have no comments to make on this application.

Representations

Five representations have been received, three **objections** and two **supporting** the application.

The three **objections** raise the following concerns and observations;

- The sewage system cannot cope with new dwellings;
- On street car parking;
- There is already a high number of terraced properties in the area;
- The area is through route for many commuters;
- Strain on local services, utilities, roads;
- Other new developments in the area were not in-keeping and did not meet local need;
- There is a need for larger dwellings for the area to develop further;
- Overlooking and loss of privacy;
- Loss of light to neighbouring properties;
- Increased noise impact; and
- Loss of property value;

The two representations of **support** advise that there is a need more sustainable, affordable housing and all the proposed new properties will have their own designated parking area, well away from the High Street.

Applicant's/Agent's submission

The application is accompanied by a Planning Statement, Highways Statement, an Ecology Report, Tree Survey and a Phase 1 Ground Investigation Report.

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/20/00388/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd September 2020