

**The Application** is for outline planning permission for the demolition of a former public house and the erection of 9 dwellings including the formation of a vehicular access, associated garaging, car parking and landscaping.

All matters of details are reserved for subsequent approval with the exception of the means of access, approval of which is being sought at this stage.

The site extends to approximately 0.21 hectares, is within the Green Belt boundary and is also within an Area of Active Landscape Conservation designation as defined by the Local Development Framework Proposal Map.

The application has been called to Committee by two Councillors for decision on the grounds that the current entrance to Wrinehill is visually unacceptable and is causing public concern.

The 13 week period for the determination of this application expires on 3 September 2012.

### **RECOMMENDATION**

#### **Refuse**

- (i) Inappropriate Development in the Green Belt and the required very special circumstances do not exist which would justify its support.**
- (ii) Unsustainable location for new housing development.**
- (iii) No appropriate mechanism as been put forward with application submission which secures affordable housing in perpetuity.**

### **Reason for Recommendation**

The proposal constitutes inappropriate development in the Green Belt and very special circumstances have not been demonstrated by the applicant to outweigh the harm of the development within this locality. The site is located outside of rural service centre, and any defined village envelope, with limited access to local services and public transport and such is in unsustainable location for new housing development. In addition, in the absence of a S106 obligation the proposal fails to provide a suitable mechanism which secures the required affordable housing provision for the site in perpetuity.

### **Policies and Proposals in the Approved Development Plan Relevant to This Decision:-**

#### **West Midlands Regional Spatial Strategy 2008 (WMRSS)**

- Policy RR1: Rural Renaissance
- Policy QE1: Conserving and Enhancing the Environment
- Policy QE3: Creating a high quality built environment for all
- Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape
- Policy CF2: Housing beyond the Major Urban Areas
- Policy CF3: Levels and Distribution of housing development

#### **Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (SSSP)**

- Policy D1: Sustainable forms of development
- Policy D2: The Design and Environmental Quality of Development
- Policy D4: Managing change in rural areas
- Policy D5B: Development in the Green Belt
- Policy T1A: Sustainable Location
- Policy NC1: Protection of the Countryside : General Considerations
- Policy NC2: Landscape Protection & Restoration

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Strategic Aim 16: To eliminate poor quality development;  
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 CSP6: Affordable Housing

Newcastle under Lyme Local Plan 2011 (LP)

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

**Other Material Considerations include:**

National Planning Policy Framework (March 2012)

**Supplementary Planning Guidance**

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

**Views of Consultees**

The **Landscape Development Section** has no objections to the proposal subject to the following being dealt with through a reserved matters application:-

- Tree protection measures including boundary hedge
- Arboricultural method statement
- A landscaping scheme

The County Council as the **Education Authority** advises that the schools in the local catchment area, Betley CE (VC) Primary School and Madeley High School, have sufficient capacity to accommodate the likely demand from pupils generated by this development and as such will not be requesting a contribution towards education provision on this occasion.

The **Police Architectural Liaison Officer** has no objections to the proposed development although makes suggestions regarding the construction details.

**Betley, Balterley and Wrinehill Parish Council** objects in the strongest terms to the application on the following grounds:

- (a) that despite the statements made by the applicant it is apparent to the Parish Council that best endeavours have not been used to sell the property for continued existing use, and the Parish Council is aware of serious expressions of interest which have not been progressed by the vendors;
- (b) that the fact that the site immediately opposite the application site, having previously been in commercial/employment use, and having been cleared to permit a residential development, has lain vacant and undeveloped over several years brings into question the viability of residential development on the application site.

The Parish Council strongly objects to the proposed demolition and outline application but, in view of the additional information and illustrative details contained within the application, feels it appropriate that – if the planning authority was minded to approve the application – it makes the following points:

- (a) the existing building forms an important gateway feature at the entrance to the settlement of Wrinehill and the broader parish, and the development as proposed would create an inappropriate urban styling on the very edge of the village;
- (b) the density proposed, of nine properties (or 10 properties indicated by paragraph 6.10 of the supporting documentation) is too high for the site, and entirely inconsistent with the character of the area;
- (c) the size, shape, form and design as illustrated are not relevant to the character of the area, and would be more appropriate to an inner-urban area;
- (d) the Council is unconvinced that the styling reflects the character of other properties in the area, as illustrated in the accompanying documentation.

In the opinion of the Parish Council demolition of this important and historic gateway building should not be considered for consent until a viable and appropriate end use is settled through an acceptable full planning application.

**United Utilities** has no objections subject to separate drainage system and surface water treatment.

Any views received from the **Highway Authority**, Borough Council's **Environmental Health Division** and **Planning Policy Section** will be reported.

#### **Applicant/Agent's Submission**

The application is supported by the following information submitted by the applicant:

- **Tree Survey and Assessment**

- **Demand and Marketing Appraisal**

This assesses the business viability of the site for its existing use – Public house, also alternative uses such as:

- Restaurants /café
- Hot food takeaways
- Hotel/guesthouse
- Residential institutions
- Non residential institutions
- Assembly and Leisure

The appraisal advises the premises have been actively marketed since 2009 and 75 enquiries have been received however no substantive, credible or acceptable offer of interest, other than for the site redevelopment for housing, have been received.

- **Planning Statement** including an introduction; an assessment of relevant planning policy; consideration of very special circumstances; technical reports; and summary and conclusions. The very special circumstances that are referred to within this document are as follows:
  - The submitted demand and marketing appraisal evidence.
  - Use of a brownfield site.
  - Improvement to highway safety.
  - The development would provide a wide range of property sizes.
  - Providing affordable properties thus releasing other properties in the area.
  - Retaining and attracting young family leading to a more sustainable, mixed and diverse community.
  - The Development would be within the building lines of the existing building thus reducing encroachment into the open countryside.
  - Existing tree cover retained.
  - A more sustainable community and more define and defensible settlement boundary.

- The same Green Belt planning policies exists now as did when planning permission was granted on the site opposite in 2007.

- **Design and Access Statement**

This recognises that whilst the application submission is for outline planning permission for residential development with only access being sought at this stage, illustrative drawing have been submitted to illustrate the potential form of development.

- **Protected Species Report**

These documents are available for inspection at The Guildhall and on [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk)

### **Key Issues**

This application is for outline planning permission for residential development on this public house site. All matters of detail are reserved for subsequent approval with the exception of the means of access approval of which is being sought at this stage.

The application is accompanied by illustrative drawings showing how the site could potentially be developed but approval is not sought for such details within this application.

The site is located in open countryside and within the Green Belt boundary.

Given the above the key issues for members to consider are:

- The appropriateness or inappropriateness of this development in Green Belt terms.
- Whether the development complies with housing policies/ sustainability/rural policies
- If it is inappropriate development whether the required very special circumstances exist to justify inappropriate development.

### **The appropriateness or inappropriateness of this development in Green Belt terms**

National Planning Policy Guidance relating to development within Green Belt was previously found in PPG2 this has been superseded by the introduction of the National Planning Policy Framework in March 2012. The advice in the NPPF reiterates much of the national planning policies originally found in PPG2 – the NPPF advises that the erection of new buildings in the Green Belt is inappropriate unless they are for a limited number of certain identified purposes. The NPPF does, however, introduce a further exception involving;

*“Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

Policy S3 of the Local Plan and policy D5B of Staffordshire and Stoke on Trent Structure Plan partially reiterates this advice although it does not refer to the exception detailed above. As these Development Plan documents were adopted prior to 2004 only limited weight can be given to them as they are not fully consistent with the NPPF.

The proposal involves the complete redevelopment of a previously developed site, however as the proposal is for 9 dwellings it is apparent that the development would have a greater impact on the openness of the Green Belt. As such the proposal not fall within any criterion that what would make it appropriate in Green Belt terms.

The general policies controlling development in the countryside apply in equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. As to whether such very special circumstances exist requires a weighing up of any harm, against other material considerations

### Whether the development provides a sustainable location for housing development

The site is open countryside within the Green Belt with limited services and access to public transport in the area and as such it is considered necessary to examine the sustainability of the site for residential redevelopment.

The recently introduced National Planning Policy Framework at paragraph 55 advises -

*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
  - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
  - reflect the highest standards in architecture;*
  - significantly enhance its immediate setting; and*
  - be sensitive to the defining characteristics of the local area*

It is considered that the proposed development would not meet any of the above criteria.

The Council's Core Spatial Strategy, which outlines the overarching spatial planning framework for the Borough, has identified that growth should be targeted towards the strategic centres, significant urban centres, local urban centres and rural service centres. Rural Service Centres are defined in the Core Spatial Strategy as Loggerheads, Madeley and Audley Parish

Policy ASP6 of the Core Spatial Strategy does not explicitly rule out development in rural settlements other than the identified rural service centres, stating that housing growth in rural areas will be concentrated primarily on brownfield land within the key service centres to meet identified local requirements – in particular, the need for affordable housing.

Whilst, Betley is classified as a village for the purposes of the Core Spatial Strategy, Wrinehill is not. There is no support for further growth in this area. The strategic vision and aims of the Borough can be only be achieved if a brownfield site offers the best overall sustainable solution. Therefore, developing sites in the most sustainable location is pivotal. The clear aim within the Core Spatial Strategy is to locate growth within the rural area in the identified rural service centres.

In conclusion the site is not considered to be in a sustainable location for housing development, given the site has very limited access to local services and public transport any new residential development would result in the likelihood of future occupiers of the development having to travel by private car from the site to access such required services and facilities further afield. This would be contrary to the above quoted development plan policies and national planning policy.

### Affordable housing

Policy CSP6 of the CSS states that for new residential development within rural areas, on sites or parts of sites proposed to, or capable of, accommodating 5 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

Affordable Housing is normally secured via an obligation under section 106 of the 1990 Act, to ensure that first of all that it is secured by a legal agreement, and that the affordable housing built is occupied in perpetuity only by people that fall within the identified categories of need for affordable housing, that there are appropriate trigger and phasing clauses.

The applicant has indicated, within their Planning Statement (pages 8 and 9), their willingness to offer to 2 - 3 affordable units to meet the policy requirements. No details of the type of tenure or involvement with a registered Social Landlord have been supplied with submission. They also suggest the affordable housing element could be secured by the imposition of a suitable worded condition with any approval of outline planning permission and the details of this are finalised at any subsequent reserved matter stage.

The Councils adopted Affordable Housing Supplementary Planning Document (January 2009) advises that affordable housing will generally be secured through a Section 106 legal agreement. The use of a condition is not considered appropriate to secure this given such a condition would need to be extremely lengthy and complex and would fail to meet the tests set out in the Circular on planning conditions.

This issue has not been pursued with the applicant agent given the other fundamental concerns regarding the development the site, however, it is considered appropriate to recommend a further reason to refuse planning permission in respect of the lack of a suitable mechanism to secure the required affordable housing element on the site.

#### The required very special circumstances exist to justify inappropriate development

The National Planning Policy Framework at paragraph 88 advises "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, is clearly outweighed by other considerations."

The applicant's agent has provided a list of reasons why they consider the proposed development as the required very special circumstances including:

- The submitted demand and marketing appraisal evidence
- Use of a brownfield site
- Improvement to highway safety
- The development would provide a wide range of property sizes
- Providing affordable properties thus releasing other properties in the area
- Retaining and attracting young family leading to a more sustainable, mixed and diverse community.
- The Development would be within the building lines of the existing building thus reducing encroachment into the open countryside.
- Existing tree cover retained
- A more sustainable community and more define and defensible settlement boundary
- The same Green Belt planning policies exists now as did when planning permission was granted on the site opposite in 2007.

Whilst it is considered the above reason are valid they are reasons which could easily be argued in respect of other site in the Borough and as such do not provide the very special circumstances that clearly outweigh the harm to the Green Belt and warrant setting aside well established Green Belt planning policies.

#### Other matters

The application seeks outline planning permission with the only matter of detail being sought at this stage is the mean of access, all other matters reserved for subsequent approval. This application is accompanied by a substantial amount of indicative information relating the layout, design and style of dwellings. Whilst this is submitted to inform the decision maker and those with an interest in the proposal – it does not form part of the application. Having said that it is considered that the form of development indicated within the illustrative plans is not appropriate being too urbanised in appearance and not reflecting that this is a site within a rural context. It is considered the density of dwellings is too high thus affecting the amount of space available around the dwellings. The suggested three storey corner building is more typical in an urban setting.

The National Planning Policy Framework at paragraph 56 advises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 goes on to state the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private places.

Paragraph 64 advises permissions should be refused for development of poor design that fails to take opportunity available for improving the character and quality of an area and the way it functions.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document. The purpose of the document is to provide a practical tool to help to:

- Promote good, sustainable, urban design
- Explain how spatial principles and design policies in the Core Spatial Strategy will be applied
- Provide guidance in relation to planning applications: to applicants when formulating proposals; to planning officers when assessing them; and to politicians when making decisions, on what constitutes good, sustainable urban design
- Provide guidance to public sector commissioning bodies on strategies and proposals.

Section 10 of the document specifically deals with the Rural environment specifically the following proposals are considered relevant to this development:-

*RE5 New development in the rural area should respond to the typical forms of buildings in the village or locality.*

*RE6 The elevations of new buildings must be well composed, well proportioned and well detailed.*

*RE7 New buildings should respond to the materials, details and colours that may be distinctive to a locality.*

As stated earlier the details of this development are not being considered at this stage, with the exception of the means of access, however, notwithstanding the other concerns raised above it is considered appropriate to advise the applicants at this stage that the potential form of development put forward with this application is unlikely to gain the support of the Council.

#### **Background Papers**

Planning files referred to

Planning Documents referred to

#### **Date Report Prepared**

7 August 2012