

## **OFFICER REPORT ON DELEGATED ITEMS**

**Applicant** Mr P Robinson **Application No** 12/00338/FUL

**Location** 1, Church Villas, The Butts, Betley

**Description** Erection of detached dwelling and construction of new access

### **Policies and proposals in the approved Development Plan relevant to this decision:**

#### **Staffordshire and Stoke on Trent Structure Plan 1996 - 2011**

Policy D1: Sustainable Forms of Development  
Policy D2: The Design and Environmental Quality of Development  
Policy T1A: Sustainable Location  
Policy NC19: Conservation Areas

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

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 2011**

Policy H1: Residential Development: Protection of the Countryside  
Policy B5: Control of Development Affecting the Setting of a Listed Building  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The requirement to preserve or enhance the character and appearance of a Conservation Area  
Policy B13: Design and development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas  
Policy T16: Development – General Parking Requirements

#### **Other Material Considerations**

##### **Relevant National Policy Guidance:**

National Planning Policy Framework (March 2012)

##### **Supplementary Planning Guidance**

**Newcastle under Lyme and Stoke on Trent Urban Design Supplementary Planning Document (2010)**

Supplementary Planning Guidance on Space about Dwellings (July 2004)

Manual for Streets 2007

##### **Planning History**

2002	02/445/OUT	Dormer bungalow	Refused
2003	03/1119/FUL	Dormer bungalow	Withdrawn
2004	04/449/FUL	Detached cottage	Refused

2004	04/1067/FUL	Detached cottage	Refused and allowed on appeal
2010	10/00435/FUL	Detached dwelling	Permitted

### **Views of Consultees**

**Betley, Balterley and Wrinehill Parish Council** – no objections to the proposed amendments to the existing planning consent, and are of the view that the revised design is more appropriate in this location

**Conservation Area Working Party** - No objections. The development would be an improvement upon the scheme granted consent under reference 10/00435/FUL, particularly in terms of views from the south

**Conservation Officer** – The Design and Access Statement is poor, and there is no heritage statement. The house is in the same vein of all other houses designed for this plot and along this street. The footprint of the dwelling proposed is larger than the house permitted in 2010 and it is very long, but overall it is smaller because it does not have the basement floor. Do not like the design of the bay window, a flat window would give the house more style by having a simpler approach. Condition the boundary treatment and landscaping, to ensure hard landscaping does not dominate.

**Highway Authority** - No Objections. The Butts is classified as an unadopted highway. It is noted that on the previously approved scheme 10/00435/FUL the planning authority included a condition that a passing place was provided prior to commencement of the development and thereafter retained. The submitted plans propose a passing place, and it is recommended that the LPA give consideration for a condition for the provision of a passing place if they are minded to approve the application

**Environmental Health Division** - No objections, subject to a condition to ensure the reporting of unexpected contamination that is found on the site, importation of soil/ material and an informative regarding importation of waste materials to facilitate construction

**United Utilities** – No objections, however the site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer and may require consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. A separate meter supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply regulations 1999.

### **Representations**

One letter of representation has been received which states that they would prefer that the proposed dwelling did not protrude beyond the two houses either side. Landscaping should be insisted upon to ensure that looking up the Butts the vista was green rather than urban

### **Applicants/agents submission**

A **Design and Access Statement** accompanies the application.

### **Key Issues**

The application is for full planning permission for a detached dwelling and construction of new accesses at Land opposite Church Villas, The Butts, Betley, which lies within the village of Betley and within the Conservation Area. Planning permission was granted on appeal in 2006 for the erection of a detached cottage (Ref. 04/1067/FUL) and a subsequent approval for a dwelling was approved in 2010 (10/00338/FUL).

The principle of residential development on the site has been accepted, and there is an extant planning permission from 2010. Therefore, the main issues for consideration are whether the proposed amendments have any additional impact on:

- The character and appearance of the Conservation Area
- Highway safety
- Residential amenity

#### Impact on Character and Appearance of the Conservation Area

Policy B9 of the Local Plan states that development that would harm the special architectural or historic character or appearance of Conservation Areas will be resisted. Additionally, Policy B10 of the Local Plan requires any new development to preserve or enhance the character or appearance of a Conservation Area, and states that the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing must respect the character of the buildings in the area. The LPA is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The amended scheme simplifies the design approved in 2010. The basement has been removed from the scheme, along with the rear balcony. The outrigger permitted on the left hand side of the front elevation of the dwelling in 2010 has been repositioned to the right. The car parking area would still have space for 2 – 3 cars. The dwelling projects slightly forward of the dwelling to the west, however does not project forward of the dwelling to the east.

Whilst the Conservation Officer's concerns about the appearance of the bay window are noted, this feature was considered to be acceptable and not harmful to the character and appearance of the Conservation Area when planning permission reference 10/00435/FUL was approved. There has been no material change in planning circumstances to justify a different conclusion at this time.

Subject to the imposition of conditions regarding detailing and materials, it is considered that the scheme as amended is acceptable and would not have any significant adverse impact on the character and appearance of the Conservation Area. There would therefore be no conflict with the relevant development plan policies, or national guidance.

#### Highway Safety

The Highway Authority has no objections to the proposal but refers to the condition included on the 2010 permission concerning the provision of a passing place. A passing space has been provided on the northern side of The Butts as shown on the submitted plans, and a condition is considered appropriate to ensure this passing place is provided and retained.

Subject to a condition requiring the submission and approval of details of the passing space, it is considered that the scheme would allow for two cars to pass and would be acceptable in highway safety terms.

#### Residential Amenity

A window to a habitable room is proposed to the west facing side elevation of the dwelling at ground floor level, and a set of French doors are also proposed at ground floor level. It is considered that this will be acceptable, provided a satisfactory boundary treatment is provided to ensure no overlooking of the neighbouring property is caused.

On the opposite side elevation facing east, two additional windows are proposed; one at ground floor to light a utility room and one mid way between ground and first floor to provide light to the stairwell. The addition of these windows would not cause a material loss of privacy and therefore unacceptably affect neighbouring residential amenity.

In terms of amenity space, whilst the balcony has been removed from the application, the amount of amenity space to the rear of the dwelling would remain approximately the same

size as previously permitted, therefore in terms of amenity space, the scheme is considered acceptable.

On balance, it is considered that there would be no significant adverse impact on residential amenity as a result of this amended scheme.

### **Reasons for the grant of planning permission**

The proposal preserves the character and appearance of the Conservation Area, and there would be no significant adverse impact on highway safety or residential amenity. The proposed development accords with Policies D2 and NC19 of the of the Stoke on Trent Structure Plan 1996-2011, Policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, Policies B9 and B10 of the Newcastle under Lyme Local Plan and the aims and objectives of the National Planning Policy Framework.

### **Recommendation**

**Permit** with the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- R1. To comply with the provisions of Section 91 of the Town and Country Planning Act.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location and Block plan, date stamped as received on 15<sup>th</sup> June 2012
  - Design and Access Statement, received 15<sup>th</sup> June 2012
  - Amended detailed plan (drawing no PR/TB/2012 Amendments a), date stamped as received on 25<sup>th</sup> June 2012
- R2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until full details of the external facing and roofing materials to be used, the materials and finish for the windows, and the materials to be used for the surfacing of the parking and turning area shown on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- R3. In the interests of the character and appearance of the Conservation Area to comply with the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
4. Notwithstanding the provisions of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no extensions, external alterations, erection of outbuildings, or other development within the curtilage of the house hereby approved, as referred to in Schedule 2, Part 1, Classes A to H and Schedule 2, Part 2, Class A shall take place unless it has been the subject of a prior planning permission from the Local Planning Authority.
- R4. To safeguard the living conditions of adjoining occupiers and in the interests of the character and appearance of the Conservation Area to comply with the aims and objectives of NPPF and the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
5. Prior to the commencement of development, details of the existing and the proposed ground levels within the site and the proposed slab levels of the dwelling hereby

permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- R5. To safeguard the living conditions of adjoining occupiers and in the interests of the character and appearance of the Conservation Area to comply with the aims and objectives of NPPF and the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
6. No development shall take place until full details of the existing and proposed boundary treatments, to include the retention of the existing wall on the eastern boundary, have been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be carried out in accordance with the approved details and shall be completed before the permitted dwelling is first occupied.
- R6. In the interests of the character and appearance of the Conservation Area to comply with the requirements of Policy NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and Policies B9 and B10 of the Newcastle-under-Lyme Local Plan 2011.
7. No development shall take place until full details of the passing place to the northern side of The Butts, as shown on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. The passing place shall be provided in accordance with the approved details prior to work commencing on the construction of the dwelling hereby permitted, and shall thereafter be retained.
- R7. In the interests of highway safety to comply with the aims and objectives of the NPPF.
8. Prior to the commencement of development, full and precise details of the recyclable materials and refuse storage, including designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the residential development and the collection arrangements for residential waste arising from same shall be forwarded to the Local Planning Authority for approval. Thereafter the collection arrangements for residential waste shall be carried out in accordance with the approved scheme.
- R8. In the interests of visual amenity, residential amenity and sustainability requirements in accordance with the requirements of Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and the aims and objectives of the NPPF.
9. Prior to the commencement of the development hereby approved, full and precise details of a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season after completion of the development, or within 12 months of the commencement of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.
- R9: To protect amenity, in accordance with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, and the aims and objectives of the NPPF.
10. In the event that contamination is found or is suspected to be present, at the site when carrying out the approved development then development shall be halted (unless otherwise agreed in writing with the Local Planning Authority), and it must be reported in writing to the Local planning authority. An investigation and risk assessment must be undertaken, in accordance with the requirements of

BS10175 (2001) – Investigation Of Potentially Contaminated Sites Code of Practice, BS8485 (2007) Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments, and CLR 11 Model Procedures For The Management Of Land Contamination, issued by The Environment Agency, and any remedial proposals submitted and agreed in writing prior to the recommencement of the development. Prior to commencement of the proposed use of the site written confirmation that no contamination was found or suspected or if remedial actions were required independent validation that proposed remedial measures have been carried out in accordance with the agreed scheme. The validation report shall contain:

- (i) A full description of the works undertaken in accordance with the Remediation Proposals.
- (ii) Results of any additional monitoring or testing carried out between the submission of the Remediation Proposals and the completion of remediation works.
- (iii) Movement permits of all materials taken to and from the site
- (iv) A statement signed by the developer or the approved agent, confirming that all the works specified in the Remediation Proposals have been completed.”

R10: To ensure that risks from contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to unacceptable risks from contamination during construction in accordance with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011.

11. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development a suitable methodology for testing this material should be submitted to the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority. Further information regarding the requirements of Newcastle under Lyme Borough Council can be obtained from <http://www.newcastle-staffs.gov.uk/general.asp?id=SXC118-A7804E47&cat=562> or 01782 742 595

R11: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to unacceptable risks from contamination during construction in accordance with Policy D2 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011.

12. Prior to the commencement of the development hereby approved, full and precise details of the drainage works for the disposal of both surface water and foul sewage, incorporating sustainable drainage principles shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the permitted details.

R12: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

#### **Notes to applicant**

1. The applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers. United Utilities offer a fully supported mapping service at a modest cost for our water mains and sewerage assets. This is a

service, which is constantly updated by our Property Searches Team (Tel No: 0870 7510101). It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development  
Please note, due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact a Building Control Body to discuss the matter further.

2. You are advised that should any non virgin materials be brought onto site as part of the development e.g. construction and demolition arisings, road planings, recovered aggregates, or, should there be a need to dispose of materials on site for example by burying or burning that an exemption from a requirement to hold an Environmental Permit may be required from the Environment Agency. In certain cases an application for an Environmental Permit may be required. Further details can be obtained from the Environment Agency:  
Web: <http://www.environment-agency.gov.uk/>  
Enquiries: 08708 506506

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>27.7.2012</b>	Decision Sent Out	
Case Officer Recommendation	<b>15.8.2012</b>	8 Week Determination	<b>22.8.2012</b>
Management check	<b>15/8 ESM</b>		