

The Application is for full planning permission for the demolition of a former public house and the erection of 7 dwellings including the formation of a vehicular access, associated garaging, car parking and landscaping. The proposal comprise of 3 detached, 4 bedroom dwellings; a pair of semi detached, 2 bedroom dwellings, and 2, 2 bedroom apartments.

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 proposal is on a key site in the village although within the Green Belt.

The 8 week period for the determination of this application expires on 28th March 2013.

RECOMMENDATION

Refuse

- 1. Inappropriate development in the Green Belt and the required very special circumstances do not exist which would justify its support.**
- 2. No appropriate mechanism has been put forward with application submission which secures affordable housing in perpetuity.**

Reason for Recommendation

The proposal development 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. 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.

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

The applicant has been advised of the concerns that the proposal involves inappropriate development in the Green Belt and that very special circumstances do not exist that outweighs the harm arising and as such the proposal does not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns.

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

Relevant Planning History

12/00357/OUT Refused	Demolition of former Public House and the erection of 9 dwelling, formation of vehicular access, associated garaging, car parking and landscaping
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Views of Consultees

The **Landscape Development Section** has no objections to the proposal subject to the following:-

- 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.

Betley, Balterley and Wrinehill Parish Council on balance would not object to the proposed scheme but wish to make the following representations to Local Planning Authority:-

- That it is important that the properties receive individual detailing to differentiate them from each other
- That they are of the strong view that the affordable housing element of the scheme should be provided by the two semi detached properties and not by apartments.

The **Highway Authority** has no objections subject to the following conditions:-

- Revised 6m radius on each side of the site access and give way road markings

- Provision of a 2 metre footway across the A531 frontage
- Improvements to the Checkley road junction as indicated
- Specification of road construction including drainage and lighting
- Provision of the parking and turning areas prior to occupation
- Retention of the garages for the parking of motor vehicles and cycles
- Closing up of redundant access
- Approval of Construction Method Statement

The **Environmental Health Division** has no objections to the proposal subject to

- Design measures to provide appropriate internal noise levels
- Contaminated Land conditions

Any views received from the **United Utilities**, the **Police Architectural Liaison Officer**, 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.
- The buildings being proposed are of a similar scale to the existing and historical buildings.
- Enhancement of the character and quality of the landscape
- 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 families 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.
- Attracting the local ageing population to down size.
- Existing tree cover retained.
- A more sustainable community and more define and defensible settlement boundary.
- The Government's new Home Bonus calculation the development would attract over £40000 to the area.
- 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**

- **Protected Species Report**

These documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/bluebellinn

KEY ISSUES

This application is for full planning permission for residential development on this public house site.

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

In 2011 an outline planning application for nine dwelling (ref 12/00357/OUT) was refused on the following grounds:-

"1. The development is inappropriate development in the Green Belt and is harmful to the interests of the Green Belt due to it reducing its openness by virtue of the number and likely mass of the dwellings being proposed, and is contrary to the purposes of including land within the Green Belt. No other material considerations exist which clearly outweigh this harm and the applicant has accordingly failed to provide the very special circumstances which are required to justify approval of inappropriate development

2. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document and the Supplementary Planning Document on Developer Contributions."

The previous officer recommendation included a further reason for refusal on the grounds the proposal did not provide a sustainable form of development. However, Members in consideration of that application concluded the site was in a sustainable location with ready access to a local public transport service and as such this reason was not included in the decision.

In light of the previous decision that the site is in a sustainable location for residential development, but constituted inappropriate development in the Green Belt and did not secure affordable housing provision; and in recognition that the current proposal is for full planning permission, whereas the previous was outline with all details other than access reserved for subsequent approval, the key issues for members to consider are:

- The appropriateness or inappropriateness of this development in Green Belt terms
- Is the proposal acceptable in terms in design and character of the area
- Does the proposal provide an appropriate level of residential amenity
- Provision of affordable housing
- 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.

The previous outline application was refused as it was considered that it constituted inappropriate development in the Green Belt.

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 current proposal involves the complete redevelopment of a previously developed site, involving the demolition of the existing Public House and its associated buildings, to be replaced by 7 dwellings, all two storeys, together with single storey garages.

The existing Public House is in part two storeys, part single storey, with pitched and flat roofs, and is relatively modest in scale. The existing building is located on the road junction corner of the site. The site also contains a series of flat roof garage buildings along the Checkley Lane frontage, with the remainder of the site containing the existing car park and as such is relatively open.

The applicants', within the Planning Statement, indicate that the proposal has the same floor area as the existing buildings on the site and as such the proposal can be considered to be appropriate development. It is considered, however, that the most appropriate way to assess whether the proposed redevelopment of this site would have a greater impact on the openness of the Green Belt is to compare the volume, rather than floor area, of the existing buildings with that of the proposed. It is calculated that the volume of the proposed buildings would be approximately two and half time greater than the volume of the buildings on the site. In addition the proposed buildings are sited across the whole site, and whilst there are gaps between the buildings the introduction of buildings onto the part of the site that is currently open, together with the larger volume of building that is proposed lead to the conclusion that the development would have a greater impact on the openness of the Green Belt.

It is therefore considered that the development is inappropriate in the Green Belt and as such is harmful by definition and the 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 and this will be addressed below.

Design and Character of the proposal

Paragraph 56 of the NPPF states that 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 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy D2 of Staffordshire and Stoke on Trent Structure Plan under the heading of 'The Design and Environmental Quality of Development' advises development should generally conserve and where possible, improve the quality of life and the environment and should ... be informed by, or sympathetic to, the character and qualities of its surroundings, in its location, scale and design ... be designed to relate to its surrounding context while not excluding innovative and creative design.

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document purpose 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 7 of the document specifically deals with residential development, specifically:

R21 advises *“New housing must be designed with care and with a coherent design approach that influences the whole building from its form, to the elevations and including the detailing (whatever the architectural style may be)”*.

The proposal for residential development involves the construction of 7 dwellings comprising 3 detached, a pair of semi detached and 2 apartments. The development also involves the provision of garages and a vehicle access off the main A531 road.

All the dwellings, including the apartments, are two storey with the proposed garages being single storey. The design of the dwellings would be of a simple and traditional construction reflecting the sites rural location. The proposed facing materials are to be facing brick and grey slate tiles, and as such are traditional materials that are typical in this area.

The site being on the corner of the A531 road and Checkley Lane has two road frontages, the proposed vehicles access is to be taken off the A531 frontage. The design of the proposal would provide ‘active’ elevations on both road frontages as well as provide interest on the road junction corner of the development.

It is considered the proposal provides an appropriate design solution for this site which reflects the sites rural location.

Residential Amenity

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of Design Quality advises development should have public and private spaces that are safe, attractive, easily distinguished, accessible, complement the built form. (point 6)

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

The closest existing residential properties are those to the north and east of the site. Given the scale of the proposal and the separation distances involved, it is considered the proposed development would not conflict with the guidance.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides advice at R16 stating *Developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers.*

Whilst the 4 bedroom properties would technically breach the Supplementary Planning Guidance (SPG) relating to Space about Dwellings given they don't provide a mean rear garden length of 10 metres, these plots do provide substantial side garden area and given the sites rural location it is considered these plots provide an appropriate level of residential amenity, however, it is considered appropriate given the plot size to remove the permitted development rights.

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 applicants' agent has discussed this matter with the Council's Housing Policy section who has indicated their acceptance of the applicant offer to provide two affordable units on the site subject to the tenure being shared ownership and being restricted to prevent individuals from stair casing to 100% ownership to ensure that they remain affordable in perpetuity. No particular preference has been expressed which two units would be the affordable properties however either the two apartments or the pair of semi detached properties have been offered. Each provide the same level of accommodation over a similar footprint and a case could be made for choosing either option.

The Parish Council have suggested the pair of semi detached properties would be the most suitable to serve this requirement.

Whilst there is willingness by the applicants to provide affordable housing within the development, this matter has not been pursued with the applicants' agent given the other fundamental concerns regarding the development the site relating to inappropriate development in the Green Belt which are set out above and below. As such, at the time of writing no draft section 106 obligation has been provided.

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 applicants' agent has provided a list of reasons why they consider the proposed development provide the required very special circumstances including:

- The submitted demand and marketing appraisal evidence.
- The buildings being proposed are of a similar scale to the existing and historical buildings.
- Enhancement of the character and quality of the landscape
- 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.
- Attracting the local ageing population to down size.
- Existing tree cover retained.
- A more sustainable community and more define and defensible settlement boundary.
- The Government's new Home Bonus calculation the development would attract over £40000 to the area.
- The same Green Belt planning policies exists now as did when planning permission was granted on the site opposite in 2007.

Of these the argument that the proposal would be of a similar scale as the existing and historical buildings on the site has been addressed above identifying the proposed buildings would have a greater volume than the ones they would replace. The local planning authority can only take into account those building which are currently in situ on the site and not those which have previously occupied the site.

Whilst it is considered the other matters raised are valid they are ones which could easily be argued in respect of other sites within the Green Belt and as such do not provide the required "very special circumstances" that clearly outweigh the harm to the Green Belt and warrant setting aside well established Green Belt planning policies.

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

8th March 2013