

Application No: 12/0250C

Location: LAND ON OAK TREE LANE, CRANAGE

Proposal: Demolition of The Haven and New Farm, Oak Tree Lane, and Construction of two new replacement dwellings on separate site at Oak Tree Lane

Applicant: MS PAT DAVIES

Expiry Date: 13-Mar-2012

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

Principle of the Development

Housing Land Supply

Affordable Housing

Amenity of Neighbouring Properties

Highway Safety

Ecology

Landscape and Trees

Open Space Provision

Flooding

REASON FOR REFERRAL

The application has been referred to Southern Planning Committee because it is a departure from the development plan.

DESCRIPTION AND SITE CONTEXT

The application site comprises a parcel of land to the south west of New Farm, New Farm itself and The Haven which is situated on the eastern side of the M6 motorway. All elements of the application site are within the open countryside as designated in the adopted local plan.

New Farm is sited on the western side of the motorway and The Haven is to the east. Both properties are approximately 13m from the edge of the motorway and are the subject of the former Congleton Borough Council, Local Air Quality Management Final Action Plan August 2007 (Area 1).

The site proposed for the relocation of the dwellings is at the western end of the field adjacent to New Farm, in close proximity to the existing access onto Middlewich Road.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for the demolition of The Haven and New Farm and the erection of two replacement dwellings, on a separate parcel of land. The reason for the need to move the dwellings is their close proximity to the M6 motorway and the resultant detriment to the living conditions of the occupiers due to air, noise and light pollution.

The replacement for New Farm would be a 4 bedroom dwelling, contained on a similar sized footprint and of a similar design to the existing farmhouse. The replacement for The Haven would also be on a similar sized footprint, but instead of being a true bungalow as the existing dwelling, would have 2 bedrooms in the roof. Both dwellings would be constructed of red brick with grey slate roofing. Access for each new dwelling would be taken from Oak Tree Lane, a road that now only serves the existing farmhouse and terminates where it meets the M6.

RELEVANT HISTORY

10/3426C 2010 Approval for extension and alteration (The Haven)

POLICIES

National Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPS23 Planning and Pollution Control

PPG24 Planning and Noise

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS8 Open Countryside

H6 Residential Development in Open Countryside & Green Belt

GR1 New Development

GR2 Design

GR4 Landscaping

GR6 Amenity and Health
GR7 Pollution
GR9 Accessibility, Servicing and Parking Provision
NR1 Trees and Woodlands
NR2 Statutory Sites
NR3 Habitats

SPG2 Provision of Private Open Space in New Residential Developments
SPD14 Trees and Development

CONSIDERATIONS (External to Planning)

Environmental Protection:

Recommend the following:

The hours of construction of the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

No development shall commence until a scheme for protecting the proposed dwellings from traffic noise [and vibration] has been submitted to and approved by the Local Planning Authority due to the close proximity of the M6; all works which form part of the scheme shall be completed before any of the dwellings are occupied.

At present both New Farm and The Haven are within an Air Quality Management Area. This section would therefore fully support the relocation of both dwellings further away from the M6 Motorway.

In order to determine the application however, an air quality impact assessment will be required to ensure that the proposed new location is not above statutory limit values for key pollutants.

United Utilities

No objections.

Highways:

No objections.

Jodrell Bank

Recommend the inclusion of electromagnetic screening measures in the design of the building, in which case they would not oppose the application.

VIEWS OF TOWN COUNCIL

No Objection

Comments; Conditions, As 'The Haven' was originally built as an agricultural holding linked to New Farm, the same should apply in the future. Pleased it has gone west of M6 and holds its own septic tank

OTHER REPRESENTATIONS

None received at the time of report writing.

OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where Policies PS8 and H6 state that only development which is essential for the purposes of:

- Agriculture
- Forestry
- Outdoor recreation
- Essential works undertaken by public service authorities or statutory undertakers
- For other uses appropriate to a rural area

will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy, relating to development within the Open Countryside. As a result, it constitutes a 'departure' from the development plan. As such there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004. This states that planning applications and appeals must be determined:

"in accordance with the plan unless material considerations indicate otherwise".

The issue in question is whether there are material considerations associated with this proposal, which are sufficient to outweigh the policy objection.

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*"When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate **housing**, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable*

- communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development.

This states inter alia that:

“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”

PPS23 (Planning & Pollution Control) states that air quality can be a material consideration in determining a planning application. In this case the two dwellings in question are within Air Quality Management Area 1 of the former Congleton Borough Council, Local Air Quality Management Final Action Plan August 2007. As such the air quality at these properties is considered to be poor and given that traffic on the M6 has increased markedly over the years, it is not considered that the situation will change significantly for the better. It is therefore considered that allowing the replacement of these dwellings further away from the motorway, would resolve the issue of the poor air quality suffered by the occupants. There are no other properties in such a position in the area and as such approval of this application should not be seen as setting a precedent for the replacement of dwellings on a site different from the existing.

Environmental Health have requested that an air quality assessment is submitted for the new site, prior to determination. This information has been requested and members will be given an update prior to committee.

Having regard to noise, the noise levels this close to the M6 are clearly significant and not conducive to the peaceful enjoyment of a residential property. As such it is considered that moving these two dwellings would result in improved living conditions for the occupants.

Light pollution is another issue due to the traffic headlights shining into the properties during the night causing further levels of disturbance.

Overall it is considered that the issues of air quality, noise and light pollution are sufficient to outweigh the policy objection to the proposal.

Design, Scale and Siting

The proposal for New Farm would result in a dwelling very similar to the existing farmhouse, which is of a simple two storey design. The application form states that it would be constructed in red brick with a grey slate roof and this is considered to be appropriate.

The dwelling to replace The Haven would effectively be 1.5 storey with rooms in the roof and would also be constructed in red brick with a grey slate roof, and would appear appropriate on the proposed site in combination with the other building.

The dwellings would be sited adjacent to a line of trees that would provide screening from the west and additional landscaping would ensure that they did not appear as incongruous elements in this rural location. The landscaping should be secured by condition.

As these would be new dwellings in the open countryside, and as such are an exception to what normally be permitted within the open countryside, it is considered that permitted development rights should be removed in order to control the size of the proposed dwellings and their impact on the openness of the countryside.

Amenity

The new dwellings would be sited in such a way that there would be no overlooking or privacy issues for either property. In addition, both would have more than adequate residential amenity space. There would be no impacts on any nearby properties as they are a considerable distance away.

Highways

The Strategic Highways Manager has no objection to the application in highway safety terms. The access to the site from Middlewich Road has good levels of visibility in both directions and both dwellings would have adequate parking provision. The proposal is therefore considered to be acceptable in terms of highway safety.

Landscape and Trees

There is a line of trees on the western boundary of the site that would provide some screening for the dwellings. It is set lower than the Middlewich Road, that runs alongside, so the dwellings would therefore be less visible.

In order to ensure that the landscaping of the site is appropriate, it is considered that conditions should be imposed requiring the submission and implementation of a comprehensive landscaping scheme. In order to ensure the protection of the trees on the western boundary, a tree protection condition should be imposed. In addition, boundary treatments should be controlled by condition to ensure that they are appropriate to this rural location.

The sites subject of this application contain one dwelling on the eastern side of the motorway and one dwelling and several outbuildings on the western side. The proposal is contrary to local plan policies, and is only recommended for approval due to very special circumstances, namely the living conditions of the occupants. Moving the dwellings to the new position would create additional built development in the open countryside, and it is considered that in order to mitigate against any impact that this may have, all the existing buildings and any associated hardstanding, should be removed. This should take place within 3 months of the first occupation of the either of the proposed new dwellings. It is therefore recommended that a condition is imposed to ensure that this takes place.

Other Matters

Cranage Parish Council have stated that they would like to see an agricultural occupation condition applied to the replacement for The Haven. The Local Planning Authority has no information on record that proves that this was a requirement imposed when permission was originally granted for this dwelling. As such it would not be reasonable for a condition of this type to be imposed.

The Design and Access Statement refers to the relocation of the barns on the site. However this does not form part of this application.

CONCLUSIONS AND REASONS FOR THE DECISION

The proposal for two replacement dwellings, in a different position from those existing is contrary to Policies PS8 and H6 of the adopted local plan. However, it has been demonstrated that there are material considerations, namely air quality noise and light pollution that outweigh these policy objections.

The development is acceptable in design, amenity and landscaping terms, subject to the recommended conditions.

The proposal is therefore recommended for approval.

RECOMMENDATION: Approve subject to the following conditions:

1. Time limit.
2. Compliance with the approved plans.
3. Submission of materials for approval.
4. Submission and implementation of a tree protection scheme.
5. Submission of landscaping scheme.
6. Implementation of landscaping scheme
7. Submission and implementation of boundary treatment scheme.
8. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1400 Saturday with no working on Sundays or Bank Holidays.
9. Submission of details of the method, timing and duration of any pile driving operations.
10. Submission and implementation of a scheme for protection from traffic noise and vibration.
11. Protection measures for breeding birds.
12. Submission and implementation of a scheme of boundary treatments.
13. Use of electromagnetic screening measures to protect the Jodrell Bank Radio Telescope.
14. Removal of permitted development rights
15. Removal of all existing buildings and associated hardstanding within 3 months of the first occupation of either of the proposed dwellings.

