

Application No: 15/0149N
Location: 35 & 41 , Mablins Lane, Crewe, Cheshire, CW1 3RF
Proposal: Outline application for the demolition of existing properties 35 & 41 Mablins Lane and Erect 17 Dwellings
Applicant: Mr E. T. & Mrs A Bickerton + Colquhoun
Expiry Date: 15-Apr-2015

SUMMARY

The application site lies within the Crewe settlement boundary where Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan. As such, the principle of erecting dwellings in this location is acceptable subject to the scheme's adherence with other relevant local plan policies.

The proposal would bring positive planning benefits such as; housing and affordable housing, an education provision and a boost to the local economy. In addition the site is located in a relatively sustainable location.

Subject to conditions, no issues with regards to; landscape, trees, hedgerows, ecology, design, access, flooding and drainage or residential amenity would be created.

As such, it is considered that the proposal represents a sustainable form of development and as such, is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure the affordable housing provision and the education contribution and conditions

PROPOSAL

Revised plans seeking Outline planning permission to erect No.17 dwellings have been received. Matters of Access are also sought for approval. Matters of; Layout, Scale, Appearance and Landscaping are all reserved for later approval.

As such, the application seeks permission for the principle of erecting 17 dwellings and access only on this site.

The numbers of units originally sought were 19. These were reduced to 17 on the recommendation of the Planning Officer.

SITE DESCRIPTION

The site measures approximately 0.38 hectares in size and comprises of; Sunny Side Farm (No.35 Mablins Lane) and its ancillary outbuildings and No.41 Mablins Lane on the adjacent site, both of which are located on the western side of Mablins Lane, Crewe within the Crewe Settlement Zone Line.

The site is enclosed by residential development to the north, south and west, Mablins Lane to the east and further residential development on the opposite side of the road.

The site is relatively flat in nature.

RELEVANT HISTORY

P92/0179 – Free standing – Refused 16th April 1992

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are:

NE.5 - Nature Conservation and Habitats, NE.9 - Protected Species, NE.20 - Flood Prevention, BE.1 – Amenity, BE.2 - Design Standards, BE.3 - Access and Parking, BE.4 - Drainage, Utilities and Resources, BE.5 – Infrastructure, BE.6 – Development on Potentially Contaminated Land, RES.2 – Unallocated Employment Sites, RES.3 - Housing Densities, RES.7 – Affordable Housing, E.7 – Existing Employment Sites, TRAN.1 - Public Transport, TRAN.9 - Car Parking Standards and RT.3 – Provision of Recreational Open Space and Children’s Playspace in new Housing Developments

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SC5 - Affordable Homes, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments.

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
Development on Backland and Gardens SPD (2008)

CONSULTATIONS

Strategic Highways Manager – No objections, subject to a condition that the access is provided in accordance with the approved plans and an informative relating to a Section 184 Agreement.

Environmental Protection – No objections, subject to a number of conditions including; a restriction over the hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of bin storage details, the prior submission of electric vehicle infrastructure, the prior submission of an environmental management plan and a phase II contaminated land condition. Informatives regarding hours of construction and contaminated land are also sought.

Housing (Cheshire East Council) – No objections. There is a 30% affordable housing requirement.

Green Spaces (Cheshire East Council) – No objections. No open space requirement. Scheme falls short of trigger (20 units).

Flooding (Cheshire East Council) - No objections, subject to a condition requiring the prior submission of a surface water disposal scheme and a condition advising the surface water run-off generated by the proposed development should not exceed the run-off from the undeveloped site.

United Utilities - No objections subject to a condition requiring the prior submission of a foul drainage scheme and a condition for the prior submission of a surface water drainage scheme

Education (Cheshire East Council) – Forecasts show that the development will have an impact upon Primary, but not Secondary school education. As such, should the application be approved, a contribution of £32,538.87 is required to offset the impact.

Minshull Vernon Parish Council – No comments received at time of report

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

7.no letters of representation have been received objecting to the proposal on the following grounds:

- Amenity – Visual intrusion, noise, loss of privacy/overlooking, loss of light, light pollution
- Loss of business premises
- Highway safety – Congestion, parking, visibility
- Ecology – Impact upon bats
- Design – Density too high, out of character, no other apartments/flats in area
- Loss of green space
- Anti-social behaviour
- Recommend removal of PD
- Flooding concerns

Other matters have been raised that are not material considerations in the determination of this application such as; a loss of view and a de-valuation of house prices.

APPRAISAL

The key issues are:

- The principle of the development
- Housing Land Supply
- Sustainability
- CIL regulations

Principle of Development

Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan. As such, the principle of erecting dwellings in this location is acceptable subject to the scheme's adherence with other relevant local plan policies.

The NPPF largely supports the Local Plan policies that apply in this instance.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five Year Housing Supply has two components – the housing requirement – and then the supply of housing sites that will meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full

assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the Council's calculation of Objectively Assessed Housing Need is too low. He has also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

Landscape Impact

The application site is roughly rectangular in shape and occupies an area of approximately 0.38 hectares in size and lies between No.17 Mabllins Lane to the south and No.43 Mabllins Lane to the north.

It is bound to the east by Mabllins Lane itself and to the west lay the rear gardens and elevations of the properties on Kestrel Drive.

The application site includes Sunnyside Farm, No.35 Mabllins Lane and its ancillary farm buildings. In addition, No.41 Mabllins Lane (and its associated outbuildings) also fall within the application site. The application seeks to demolish all of these units.

As the site falls within a residential area of Crewe, within the Crewe Settlement Boundary, and given that the application site is relatively flat in nature, it is not considered that the development would create any significant landscape concerns.

Furthermore, the Councils Landscape Officer has confirmed these conclusions.

Trees and Hedgerows

The application site includes a combination of agricultural and residential development.

There are no TPO trees within or adjacent to the site and other than grassed areas, the application site is relatively barren of vegetation other than for the presence of a hedgerow on the site frontage with Mabllins Lane.

The proposed indicative layout shows the retention of this hedgerow. However, it would be punctured in order to accommodate the new access points. In order to offset this loss the indicative layout show the provision of further hedgerows within the site.

Subject to the Landscaping issues being considered at reserved matters stage, it is not considered that the proposal would create any significant tree or hedgerow concerns.

Ecology

The application is supported by a protected species survey.

The Council's Nature Conservation Officer has reviewed this survey and advised that with the exception of nesting birds, the proposed development is unlikely to have an adverse impact on protected species.

As such, in the event of an approval, a condition to protected nesting birds and a condition to incorporate features for breeding birds are proposed.

It is noted that the proposed development will result in the loss of a length of hedgerow.

As such, the Council's Nature Conservation Officer advised that hedgerows are a priority habitat and a material consideration and therefore recommends that the submitted layout plan should be amended to show the provision of suitable native species hedgerow planting to compensate for that lost.

A revised indicative layout was received demonstrating the provision of new hedgerow planting to overcome this concern.

Design Standards

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

As the application is for outline permission with access only. Matters of layout, scale and appearance from a design perspective cannot be considered as part of this scheme.

This application shall consider whether the number of dwellings sought could be accommodated within the site in an acceptable layout of any configuration, not necessarily the indicative layout submitted.

The application seeks the erection of 17 residential units on this 0.38 hectare plot. The indicative layout shows that this would be achieved via a mixture of detached, semi-detached and a 2-storey block of apartments.

The original submission sought a 3-storey residential block which would accommodate a further 2 flats within the roof space. This third storey and subsequently 2 units have been taken out of the scheme on the advice of the planning officer.

The submitted indicative layout plan shows that the proposed dwellings would be erected in a 'U-shaped' pattern, with the majority of the built form fronting Mablins Lane. This would comprise of 7 units in total (3 detached and 4 semi-detached).

A new access road would pass through these dwellings to a further 3 dwellings to the south of the site consisting of a row of 3 attached units and a further 6 units forming part of a residential block at the north of the site. In the middle of the site would be the access road, parking and landscaping.

The neighbouring properties along Mabllins Lane are constructed in a linear pattern fronting the road. This layout is reflected on the indicative layout.

With regards to form and scale, the revised indicative plans indicate that the applicant seeks to erect 3 detached, 4 semi-detached, a row of 3 terraced units and a new 2-storey residential apartment block.

There are numerous examples of all of these forms sought within the area and as such, the form of the development is considered to be acceptable.

In terms of scale, although this matter has not been sought for approval at this stage, it is considered important to restrict the height of the proposed dwellings to ensure that they shall not appear incongruous within their setting.

Planning history searches demonstrate that the approximate heights of the nearby properties are; 7.8 metres (No.43A Mabllins Lane), 7 metres (No.17 Mabllins Lane), 7.5 metres (No.36 Kestrel Drive).

As such, should the application be approved, it is recommended that the height of the proposed units be restricted to a maximum of 7.8 metres to ensure that their height's would not appear incongruous within the streetscene.

Other matters regarding scale, height and appearance will be considered at reserved matters stage.

Subject to this height restriction condition, it is considered that the proposed design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy BE.2 of the Local Plan.

Access

This application seeks approval of the access arrangements for the proposed development.

Seven properties are to be accessed directly from Mabllins Lane with the apartments and the further houses accessed via a simple priority kerbed access from Mabllins Lane.

The width of the access road at Mabllins Lane is proposed at 5.5m narrowing to 4.8m about 12m into the development.

The Strategic Highways Manger (SHM) has reviewed the submitted information and advised that Mabllins Lane is residential in nature and existing housing on the road is mainly accessed direct from the highway via dropped kerbs. The direct frontage access to eight dwellings is acceptable as is the access from the priority junction to the dwellings to the rear.

It has also been advised that the traffic impact of additional dwellings sought will be limited in this area.

It has also been advised that the site is sustainably located.

The proposed parking provision is acceptable.

Concerns were raised regarding the accessibility of the refuse collection points has been raised and a revised indicative layout has been submitted as a result.

The SHM has reviewed the revised layout and this has now satisfied his concerns.

The SHM's conclusion is that subject to the proposed plans being conditioned and the inclusion of an informative for the creation of the new highway crossings, he has no objections.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

The Council's Flood Risk Officer has reviewed the application and advised that whilst there are no objections in principle; parts of the site are at risk of flooding from surface water. This risk is higher in the south east of the site. Appropriate measures should be incorporated into the design of the site to mitigate the risk of flooding from this source.

As such a condition seeking the prior submission of a plan demonstrating the surface water drainage is recommended.

United Utilities have also reviewed the application and advised that they have no objections subject to conditions requiring the prior submission of a foul drainage scheme and the prior submission of a surface water drainage scheme.

As such, subject to these conditions, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

Environmental Conclusion

The proposed development would not create any significant landscape, tree or hedgerow issues, nature conservation, access, design flooding or drainage concerns subject to conditions.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Crewe for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is not considered that the proposed development would be economically sustainable.

Social Role

Affordable Housing

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2013 Strategic Housing Market Assessment Update (SHMA).

The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA.

The SHMA shows that for the sub-area of Crewe there is a need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds, 12 x 1 bed older persons units and 20 x 2 bed older persons units.

There are currently 1699 applicants on our housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 571 x 1 beds, 673 x 2 beds, 348 x 3 beds, 60 x 4+ beds and 2 x 6 beds (46 applicants haven't specified how many bedrooms they need).

Therefore as there is an affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable.

This 30% provision and tenure split shall be secured via a S106 Agreement and forms a significant social benefit.

Residential Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The closest neighbouring properties to the application site include; No.43a Mablines Lane to the north of the site, the properties on the opposite side of Mablines Lane, No.17 Mabins Lane to the south and the properties which back onto the site from Kestrel and Falcon Drive.

Within the relevant side elevation of No.43a Mablines Lane to the north of the site, the only opening present is a first-floor bathroom window. As this is not a sole window to a principal habitable room, it is not considered that the occupiers of the dwelling itself would be detrimentally impacted by the proposed development in terms of loss of privacy, light and visual intrusion.

With regards to overlooking into this neighbouring gardens private amenity space, when the detail of the application is considered at reserved matters stage, any overlooking concerns could be overcome with the use of an obscured glazing condition.

The properties on the opposite side of Mabllins Lane would be over 25 metres away from the proposed development. It is considered that this distance is large enough to ensure that the scheme does not create any significant amenity concerns for these neighbours with regards to privacy, light or visual intrusion.

Within the relevant side elevation of No.17 Mabllins Lane to the south, there are no openings, eliminating any issues relating to privacy, light or visual intrusion for this neighbour.

To the south of the site are the rear gardens and rear elevations of the properties which front onto Falcon Drive.

The distance between the proposed closest dwellings to these neighbouring dwellings on the indicative plan is approximately 19 metres, and partially offset at their closest juncture.

Although this distance falls just short of the recommended 21 metre standard, given that the properties would be offset and could be moved further away as part of the reserved matters application, it is considered that a distance much closer to this standard can be achieved on the site, overcoming any amenity concerns to this side.

To the west of the site, the closest of the developments sought would be the side elevation of the two-storey residential block which would be approximately 18 metres away from the rear elevations of No. 44 Kestrel Drive.

In addition, the side elevation of the dwelling sought on plot 3B would be approximately 15.8 metres away from the rear elevation of No.32 Kestrel Drive.

It is considered that these distances are sufficient to overcome any concerns in relation to loss of light or visual intrusion. Issues regarding loss of privacy can be overcome with the use of obscure glazing conditions at reserved matters stage.

It is not considered that any other potential amenity issues would be created by the proposed development given the large separation distances between the built forms.

In terms of the amenity of the future occupiers of the proposed dwellings, sufficient space would be available for each dwelling to have sufficient outdoor private amenity to perform normal tasks such as; hang out washing, sit outside etc.

Subject to this and the detail of the window and door positions and the use of obscure glazing where necessary, it is not considered that the future occupiers of the proposed dwellings would be detrimentally impacted by the proposed development.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; a restriction over the hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of bin storage details, the prior submission of electric vehicle infrastructure, the prior submission of an environmental management plan and a phase II contaminated land condition. Informatives regarding hours of construction and contaminated land are also sought.

As such, subject to the above recommendations, it is considered that the proposed development would adhere with Policy BE.2 of the Local Plan.

Education

The Council's Education Officer has reviewed the submission and advised that forecasts show that the development will have an impact upon Primary, but not Secondary school education. As such, should the application be approved, a contribution of £32,538.87 is required to offset the impact.

Social Conclusion

Social benefits in the form of the provision of affordable housing and education contributions shall be provided as part of the development. In addition, no significant neighbouring amenity concerns would be created. As such, it is considered that the proposal would be socially sustainable.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The proposal would also have a detrimental impact upon the local primary school provision in the area. As such, a contribution of £32,538.87 is sought and proposed to offset this impact. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies within the Crewe settlement boundary where Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan. As such, the principle of erecting dwellings in this location is acceptable subject to the scheme's adherence with other relevant local plan policies.

The proposal would bring positive planning benefits such as; housing and affordable housing, an education provision and a boost to the local economy. In addition the site is located in a relatively sustainable location.

Subject to conditions, no issues with regards to; landscape, trees, hedgerows, ecology, design, access, flooding and drainage or residential amenity would be created.

As such, it is considered that the proposal represents a sustainable form of development and as such, is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. £32,538.87 contribution to Primary School education**

And conditions;

- 1. Time Limit (Outline) A06OP**
- 2. Submission of reserved matters A01OP**
- 3. Reserved Matters application made within 3 years A03OP**
- 4. Development in accordance with approved plans**
- 5. Restriction of dwelling/unit heights to 7.8 metres (maximum)**
- 6. Prior submission of a foul drainage scheme**
- 7. Prior submission of a surface water drainage scheme**
- 8. Hours of Piling**
- 9. Prior submission of a piling method statement**
- 10. Prior submission of a dust mitigation scheme**
- 11. Prior submission of an Environmental Management Plan**
- 12. Prior submission of land contamination report (Phase II)**
- 13. Safeguard breeding birds A06NC**
- 14. Incorporation of features for breeding birds**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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