

Application No: 19/3551N

Location: Land to the North of SYDNEY ROAD, CREWE

Proposal: Erection of 21 dwellings, access, car parking, landscaping, open space and associated works

Applicant: Muller Property Group

Expiry Date: 01-Nov-2019

Summary

Whilst the proposed site currently lies outside the Crewe settlement boundary, in open countryside, it will soon be surrounded on all sides by built development and is proposed to be incorporated within the settlement as part of the SADPD. As such it is not considered that there can be any objection in principle to this site being developed for housing.

There are no highways objections to the proposal, and ecological impacts can be addressed by mitigation, and an offset payment to achieve net gain.

The trees and hedgerows on the site boundary are largely to be retained, and some new planting is proposed to green the street-scene. There are no objections with regards to trees or landscaping.

Whilst there were originally concerns with the layout, amended plans have now been submitted which address these matters and as such the proposals are now in general accordance with the urban design guide and meet the required privacy distances.

Issues of noise, air quality and contaminated land can all be addressed by condition.

Strategic Housing originally objected to the proposals as it was unclear how the affordable housing would be provided. Following further proposals from the applicant their revised comments are awaited.

Finally Network Rail's concerns about lack of security fencing on the site boundary have now been addressed.

Recommendation

APPROVE subject to conditions and the completion of a Section 106 Agreement.

DESCRIPTION OF SITE AND CONTEXT

This 0.5 hectare site lies on land behind properties fronting Sydney Road to the south, adjoins the west coast main train-line to the east, and to fields to the north and west, on which development has just started on building houses for Anwyl Homes as part of the Sydney Road allocated housing site Phase 1.

The site consists of three small fields, separated by fences, and is relatively level, with the railway on a slightly higher level. There is a fenced boundary to the north to the fields beyond, and a stronger hedge-with-trees boundary to the east.

DETAILS OF PROPOSAL

This full application proposes building 21 dwellings, all 2 storey and a mix of mainly semi detached, and 3 detached properties. The properties would be arranged around a turning head/parking court area, and the access road would be a shared surface. A pedestrian/cycleway access is proposed linking the site to the adjacent approved development to the east, including a small area of open space in this area. Trees and most of the hedgerow would be retained on this boundary.

The layout has been amended from the original submission, with the introduction of a shared surface access way, and less internal space taken up with hard surfacing.

RELEVANT HISTORY

The main site (Phase 1) has recently been approved:

18/4050N Reserved matters application for appearance, landscaping, layout and scale following Outline approval 13/2055N - Outline application for up to 240 residential dwellings, open space and new access off Sydney Road - 138, SYDNEY ROAD AND LAND TO THE NORTH EAST OF SYDNEY ROAD, CREWE, CW1 5NF APPROVED November 2018

13/2055N Outline application for up to 240 residential dwellings, open space and new access off Sydney Road - 138, SYDNEY ROAD AND LAND TO THE NORTH EAST OF SYDNEY ROAD, CREWE, CW1 5NF

17/0737N Phase 1 submission for Parcels 4 and 5 (9 number dwellings) with respect to reserved matters (appearance, landscaping, layout and scale) - 138, SYDNEY ROAD AND LAND TO THE NORTH EAST OF SYDNEY ROAD, CREWE, CW1 5NF

In addition there is the outline approval for the adjacent site (Sydney Road Phase 2):

15/5184N Outline planning application for residential development of up to 250 dwellings, open space and associated works, all other matters reserved apart from access. (Resubmission of 15/0184N) - 138 SYDNEY ROAD, CREWE, CW1 5NF APPROVED ON APPEAL

15/0184N Outline planning application for up to 275 dwellings open space and associated works, with all detailed matters reserved apart from access - 138, SYDNEY ROAD, CREWE, CW1 5NF WITHDRAWN

A recent reserved matters application, 19/4337N for Phase 2 has been submitted, but remains undetermined at the time of this report.

POLICIES

Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement Hierarchy
PG6 Open Countryside
PG7 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient use of land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 Green Infrastructure
SE 13 Flood Risk and Water Management
CO 1 Sustainable Travel and Transport
CO 4 Travel Plans and Transport Assessments
SC 1 Leisure and Recreation
SC 2 Outdoor Sports Facilities
SC 3 Health and Well Being
SC 4 Residential Mix
SC 5 Affordable Homes
IN 1 Infrastructure
IN 2 Developer Contributions

The site is immediately adjacent to, but not part of policy LPS 7: Sydney Road Crewe, a housing allocation.

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27 July 2017. There are however policies with the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Crewe and Nantwich Local Plan

NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Neighbourhood Plan

There is no start made in Crewe.

Other Material Considerations

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

IEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of writing the report

CONSULTATION RESPONSES – External to Planning

Network Rail: Originally issued a holding objection, essentially due to the proposed close boarded fence on the railway boundary. A series of recommendations/advisories were also given. Whilst no formal comments have been received, it is understood the amended proposals, that sets the acoustic fence in from the boundary fence is considered acceptable.

United Utilities: No objection subject to conditions.

Archaeology: No observations to make.

Cheshire Police: Some suggestions are made with regards to improvements to defensible space, the proposed footpath and encouragement to the applicant to seek an application for Secure by Design. These matters are discussed further in the report.

CEC POS: whilst originally having concern about the lack of proposed POS on the site, following discussions, and submission of a revised layout they are now much happier with the proposals which include a better footpath link with some (although limited) open space beside it, and the offer of a financial contribution of £48,000 which will be used to enhance Lansdowne Road.

Environmental Protection: No objections subject to conditions. Their comments are set out in the main body of the report.

Strategic Housing: Commenting on the original scheme, they objected on the grounds the applicant had not provided an affordable housing scheme setting out what their proposals are for the 6 affordable dwellings. Following confirmation from the applicant of their proposals. Housing's revised comments are awaited.

CEC Flood Risk: No objection subject to conditions.

Education – No reply received

OTHER REPRESENTATIONS

One resident has expressed some concern about traffic speed on Sydney Road, and lack of a continuous footpath on the road.

OFFICER APPRAISAL

Principle of Development

The site is somewhat of an anomaly in that it is a greenfield site outside the settlement boundary, technically in the open countryside. The site is a small area now entirely surrounded by built development, or by the development of Sydney Road Phase 1 which has now commenced on the outer boundary of the site. The SADPD however which Members will be aware of, has now been consulted on and the feedback is being assessed, seeks to re-draw the Crewe settlement boundary to unsurprisingly include this site within the settlement.

As such, whilst the SADPD can only be given limited weight at this stage, and the site is in open countryside at this time, and the proposals are therefore contrary to policy to Policy PG6 as it is not included in the acceptable uses or exceptions to the policy, it is considered that there are material planning considerations that outweigh the presumption against the proposals, namely:

- The SADPD will in the near future bring the site within the settlement boundary. Page 121 of the Crewe Settlement Report (referred to as change 6a) sets this out together with the justification.
- The site is entirely land-locked with built development (either built or in the process of being built) to all boundaries and as such does not have the character of being in the open countryside.

Other material considerations are considered below, but it is considered the proposal is acceptable in principle – whilst recognising the policy conflict at this time.

Highway Safety / Parking

Whilst originally raising concern about the over formality of the design, with two footpaths, following the revised layout it is understood the scheme is acceptable to Highways, as it now incorporates a shared surface with a narrower road width. This is also supported by the Council's Urban Design Officer.

The development utilizes the access to the Sydney Road Phase 1 development, and provides adequate turning facilities and parking.

Ecology

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones for developments over 10 units outside existing urban area. It is therefore advised that Natural England must be consulted on this application to advise on the potential impacts of the proposed development upon statutory designated sites. They have been, and any comments received will be reported in an update report.

Great Crested Newts, Badger, Mud snail, Lesser Silver Diving Beetle

These protected/priority species are known to occur in the broader landscape, but are unlikely to be present on the application site or significantly affected by the proposed development.

Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. It is advised that the proposed development would result in a minor localised loss of habitat for this species. If planning consent is granted it is recommended that the precautionary measures detailed in the submitted Ecological Assessment prepared by Camlad Ecology be conditioned and that hedgehog gaps be incorporated into garden fences.

Nesting Birds

If planning consent is granted a condition is required to safeguard nesting birds.

Lighting

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Net gain for Biodiversity Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

It is therefore recommend that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The Council's Ecologist has undertaken an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

This assessment quantifies the residual impacts of the development and calculates in 'units' whether the proposed development would deliver a net gain or loss for biodiversity. The assessment, a copy of which is attached, shows that the proposed development would result in the loss of 2.83 biodiversity units.

It is therefore advised that in the absence of further habitat creation or retention proposals, the proposed development currently fails to comply with Local plan Policy SE (5). The applicant has however suggested an off set payment of some £11,498.50 which has been agreed as an appropriate sum to ensure ecology net gain.

Design/Layout

The proposed layout has been amended during the life of the application, to address issues of urban design, privacy and to create a central area which is less dominated by hard surfaces. The location of the dwellings has changed slightly to address some of these issues, but essentially remains the same, namely a large courtyard style arrangement around a turning space at the end of what will (including the approved adjacent development) be a long cul de sac.

The layout now allows for the introduction of more green space, with hedges and planting breaking up what could have been a very hard space dominated by frontage parking. The road widths have been reduced and pavements removed to create a shared space which is considered to be appropriate for this form of development.

The house design continues the approach adopted in the adjacent development and is considered acceptable.

Pedestrian/cycle links

A pedestrian/ cycleway is proposed on the eastern boundary linking through to the adjacent development. This pathway sits within an area of green space and is fully supported allowing a far more direct access out of the site onto Sydney Road.

Public Open Space

As outlined above, a small area of open space is proposed on the eastern boundary of the site, incorporating the pedestrian/cycle link. Whilst this does not meet the policy requirement in terms of area, the applicant has proposed a financial contribution in lieu of provision which ANSA have accepted.

Landscape

The Council's landscape officer states that while the site is located within the boundary of the area identified as Open Countryside, it is surrounded by existing development and areas that have permission for residential development. It is not considered that the proposals will result in any significant landscape or visual impacts and as such the landscape officer raises no objection.

Trees

Two low (C) category Oak trees, a group of Hawthorn/Elder and group of Cypress along the eastern boundary of the site are shown for retention and protection on the submitted Tree Protection plan, although their relationship to plots within the adjacent development is not considered sustainable in the long term. The Arboricultural Assessment suggests the removal/relocation of a semi mature low (C) Category Oak (T10) to the northern boundary within proposed Plot 4 for similar reasons.

The trees are generally unremarkable and their loss has no significant impact on the wider amenity of the area.

Scope for any replacement planting within the site in mitigation is severely limited and would be restricted to small ornamental tree/shrub planting.

Should planning consent be granted, it is recommended that a condition requiring tree protection measures to be agreed should be attached.

Residential Amenity

The site adjoins existing residential properties to the south, and approved properties to the northern and eastern boundaries. Following the layout changes, the proposals now meet the required separation distances to adjoining properties. Whilst there are some of set relationships within the site, these are across public areas to property frontages, and the relationships are considered acceptable.

Noise

In support of the application, the applicant has submitted an acoustic report by RPS Planning and Environment.

The impact of the noise from Crewe to Manchester Railway and the local road networks on the proposed development has been assessed in accordance with:

- BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings

An agreed methodology for the assessment of the noise source.

The report recommends noise mitigation measures designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties / occupants of nearby properties are not adversely affected by noise from railway and road network.

The reports methodology, conclusion and recommendations are accepted. The report recommendations, which include building design measures (trickle vents & double glazing) and an acoustic fence on the site boundary with the rail line, should be conditioned.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, this office has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

This proposal is for the erection of twenty one new residential dwellings. In support of the application the developer has submitted a qualitative screening assessment written by Redmore Environmental. The report states that a detailed assessment into the impacts of NO₂ and PM₁₀ during the operational phase is not required in accordance with EPUK and IAQM criteria based on the predicted development flows, and concludes, therefore, that the development impacts on local air quality will be not significant. The report also concludes that the potential dust impacts during construction will also be not significant subject to appropriate dust mitigation measures.

That being said, there is still a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Crewe has three Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

Conditions relating to Travel Planning, Electric Vehicle Infrastructure and Ultra Low Emission Boilers are recommended.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.

Phase I Preliminary Risk Assessment and a Phase II ground investigation report have been submitted in support of the planning application. These reports also include the area covered by application reference 19/0216N, however only the reports for the current application site has been reviewed. It is noted that the Phase II report was written to discharge the contaminated land conditions on 19/0216N and not specifically for this planning application.

The Phase I has identified the potential contaminant linkages for the site, and recommended ground investigation works to further assess these potential linkages.

A ground investigation was done on the wider site, but only TP07 and TP08 were located within the area of this planning application. The made ground present at TP07 was found to have elevated concentrations of contaminants of concern, however the made ground at TP08 was not

analysed, despite its presence at this location too. The report has recommended remedial works, however it is unclear from the report's text whether only the made ground in the area of TP07 is proposed to be removed, or whether all made ground on the application area is to be removed. Clarification is required.

Some buildings are still present on the site. The underlying soils also require some consideration.

A remedial strategy will be required for the site once the above points are clarified.

As such, and in accordance with the NPPF, conditions, reasons and notes are recommended should planning permission be granted:

Affordable Housing

The Cheshire East Local Plan Strategy (CELPS) and the Council's Interim Planning Statement: Affordable Housing (IPS) states in developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable. This percentage relates to the provision of both social affordable rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 21 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 6 dwellings to be provided as affordable dwellings.

The CELPS states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 2095. This can be broken down to 972 x one bedroom, 670 x two bedroom, 279 x three bedroom, 96 x four bedroom and 78 x five bedroom dwellings. Of these applicants 108 are over 55 years of age. These 108 can be broken down to 102 x one bedroom and 6 x two bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually up to and including 2018 in Crewe was for 50 x one bedroom, 149 x three bedroom and 37 x four bedroom dwellings for General Needs.

The SHMA also showed an annual requirement for 12 x one bedroom and 20 x two bedroom Older Person's accommodation. These can be via flats, cottage style flats, bungalows and Lifetime adaptable homes.

Of the 6 Affordable Dwellings, 4 units should be provided as Affordable/Social rent and 2 units as Intermediate tenure.

The applicant in this Full application has advised that they will be providing 6 dwellings as Affordable. These six have not been advised on what tenure (Rented/Intermediate) each is to be. As this is a Full application, an Affordable Housing Scheme is required, this has been omitted.

The proposed mix of 2 and 3 bedroom houses is not meeting the identified local need. This is particularly true with the Older Person Dwellings. A mix of 1x bedroom Cottage Style Flats for both General Needs and Older Persons on the ground floor and 2, 3 and 4 bedroom dwellings are sought.

Until these concerns are met and an Affordable Housing Scheme is provided, Housing object to this Full Application.

The applicant writes:

“In the applicant’s Supporting Planning Statement, it was confirmed that a policy compliant contribution would be made and as such, the applicant is willing to enter a legal agreement to secure the provision of affordable housing. Accordingly the applicant is proposing to provide four 2 bedroom and three 3 bedroom houses. The tenure mix of 65% social rent/35% intermediate tenure is agreed. The affordable units will be on plots 16-21. From a purely practical point of view, it would make sense for either two of the two bed or both three bed units to be provided as shared ownership or intermediate tenure as these are to be provided as semi detached units. We can also confirm that the affordable units will be tenure blind.”

Housing’s comments on this are awaited.

Network Rail

The proposals have been amended to address Network Rail’s concerns about the lack of security fencing on the site boundary to the West Coast Mainline. The proposals now retain the security fence, and proposes a boundary/acoustic fence set behind it. This is the approach adopted on the adjacent development to the north and is considered acceptable.

Education

No reply has been received at the time of writing the report so it is unclear if there is any requirement. Any comments received will be reported in an update report.

CONCLUSIONS

Whilst the proposed site currently lies outside the Crewe settlement boundary, in open countryside, it will soon be surrounded on all sides by built development and is proposed to be incorporated within the settlement in the SADPD. As such it is not considered that there can be any objection in principle to this site being developed for housing.

There are no highways objections to the proposals, and ecological impacts can be addressed by mitigation, and an offset payment to achieve net gain.

The trees and hedgerows on the site boundary are largely to be retained, and some new planting is proposed to green the street-scene. There are no objections with regards to trees or landscaping.

Whilst there were originally concerns with the layout, amended plans have now been submitted with address these matters and as such the proposals are now in general accordance with the urban design guide and meet the required privacy distances.

Issues of noise, air quality and contaminated land can all be addressed by condition.

Strategic Housing originally objected to the proposals as it was unclear how the affordable housing would be provided. Following firmer proposals from the applicant their revised comments are awaited.

Finally Network Rail's concerns about lack of security fencing on the site boundary have now been addressed.

Accordingly the application is recommended for approval, subject to the signing of a Section 106 Agreement.

SECTION 106

In accordance with the policy requirements the application should seek 106 contributions for the following:

- 30% Affordable Housing
- Off site contribution of £48,000 which will be used to enhance Lansdowne Road POS
- An Ecological off set payment of some £11,498.50

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the scheme is compliant with the CIL Regulations 2010.

RECOMMENDATION

Approve subject to a Section 106 Agreement to secure the following;

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	No more than 80% open market occupied prior to affordable provision in each phase.

Ecology	Off set payment of £11,498.50	Upon commencement of development
Public Open Space	Off site contribution of £48,000 which will be used to enhance Lansdowne Road POS space	Upon commencement of development

And subject to the following conditions;

- 1. Standard 3 year time period**
- 2. Approved plans**
- 3. Materials**
- 4. Implementation of landscaping**
- 5. Tree protection**
- 6. Hedgehog precautionary measures and gaps in fences**
- 7. Bird nesting season**
- 8. Submission of measures to provide features for priority bird species**
- 9. Lighting**
- 10. Ecological enhancement measures**
- 11. Separate systems for drainage**
- 12. Surface water drainage scheme to be approved**
- 13. Submission of a sustainable drainage management and maintenance plan.**
- 14. Submission of a Travel Information Pack**
- 15. Required installation of Electric Vehicle Infrastructure**
- 16. Ultra Low Emission Boilers**
- 17. Phase II ground investigation and risk assessment**
- 18. Verification report**
- 19. Soils testing**
- 20. Measures to deal with unexpected contamination**
- 21. Submission of a detailed drainage strategy**

Informatives:

- NPPF**
- Construction hours of operation**
- Environmental Protection Act**
- Pile Foundations**
- Dust management plan**
- Drainage Act 1991**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	No more than 80% open market occupied prior to affordable provision in each phase.
Ecology	Off set payment of £11,498.50	Upon commencement of development
Public Open Space	Off site contribution of £48,000 which will be used to enhance Lansdowne Road POS space	Upon commencement of development

