

Application No: 23/2158C

Location: Land To Rear Of 203 And 205, MIDDLEWICH STREET, CREWE, CHESHIRE

Proposal: Erection of 2 No. dwelling houses with associated access and landscaping.

Applicant: Mr Nicholas Reynolds, NAW Reynolds Building (Marthall) Ltd

Expiry Date: 12-Jun-2024

SUMMARY

The application site is found to the rear of 203 and 205 Middlewich Street within the settlement boundary of Crewe.

The site is within the Crewe Settlement Boundary, and there is existing residential development to all sides of the application site.

Policy PG9 of the SADPD states that:

'Within settlement boundaries, development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan'.

Following on from the above, Policy HOU16 of the SADPD states that:

'The particular benefits of providing well-designed new homes on small and medium-sized sites, up to 30 homes, will be given positive weight in determining planning applications'

The principle of residential development on the application is considered to be acceptable.

The proposed development will not have an adverse impact upon neighbouring amenity. It achieves an acceptable standard of design which respects the pattern, character and form of the surroundings. There are adequate access arrangements, drainage, utilities and existing infrastructure.

SUMMARY RECOMMENDATION

Approve with conditions

REASON FOR DEFERRAL

This application has been deferred from the Southern Planning Committee meeting of 10th January 2024 to allow for consultation with the Lead Local Flooding Authority.

The application was then deferred from the Southern Planning Committee meeting of 6th March 2024 to require an in depth Flood Risk Assessment to consider existing flooding at the site and consequences from this proposal and a site visit by the relevant Local Lead Flood Authority Officer (LLFA) and their attendance at the committee meeting.

REASON FOR REFERRAL

The application has also been the subject of a call-in request by Cllr Jill Rhodes for the following reasons:

‘The applicant does not own the means of access to the site. Nor is it a public highway. This is a private parking area for houses on Russet Close.

The proposed access road where it passes between the 2 houses is not wide enough for a refuse or emergency vehicle’

This application has been deferred from the Committee meeting of 6th March 2024 to allow for the Council’s Flood Risk Officer to visit the site.

SITE DESCRIPTION

The application site is found to the rear of 203 and 205 Middlewich Street within the settlement boundary of Crewe.

The site itself formed part of the rear gardens of 203 and 205 Middlewich Street

There is existing residential development to all sides of the application site.

PROPOSAL

This application seeks full planning permission for the erection of a pair of semi-detached two storey dwellings with associated access and landscaping. The vehicular access to the site will be taken from Russet Close.

RELEVANT HISTORY

17/4594N - Single storey side and rear facing extension - Approved with conditions 2012

12/1129N - Rear First Floor Extension - Approved with conditions 2012

P07/1463 - Outline Application for One Pair of Semi-Detached Two Storey Houses – Withdrawn

P01/0176 - Detached Garage – Approved with conditions 2001

P99/0733 – Garage – Approved 1999

7/16329 - Bedroom and garage extension – Approved 1988

7/12494 - Vehicular access – approved 1985

7/11394 - Extensions and alterations – approved 1984

PLANNING POLICY

Cheshire East Local Plan Strategy (CELPS)

PG.1 - Overall Development Strategy

PG.2 – Settlement Hierarchy

PG.7 - Spatial Distribution of Development

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

IN.1 – Infrastructure

IN.2 - Developer contributions

SE.1 – Design

SE.2 - Efficient use of land

SE.3 - Biodiversity and geodiversity

SE.4 - The Landscape

SE.5 - Trees, Hedgerows and Woodland

SE.6 - Green Infrastructure

SE.9 - Energy Efficient Development,

SE.12 - Pollution, Land contamination and land instability

SE.13 - Flood risk and water management

CO.1 - Sustainable Travel and Transport

Site Allocations and Development Policies Document

PG.9 – Settlement Boundaries

GEN.1 – Design Principles

ENV.1 – Ecological Network

ENV.2 – Ecological Implementation

ENV.3 – Landscape Character

ENV.5 – Landscaping

ENV.6 – Trees, Hedgerows and Implementation

ENV.16 – Surface Water Management and Flood Risk

HOU.8 – Space, Accessibility and Wheelchair Housing Standards

HOU.10 – Backland Development

HOU.11 – Extensions and Alterations

HOU.12 – Amenity

HOU.13 – Residential Standards

HOU.14 – Housing Density

HOU.15 – Housing Delivery

HOU.16 – Small and Medium-sized Sites

INF.3 – Highway Safety and Access

Neighbourhood Plan

There is no Neighbourhood Plan in Crewe.

National Planning Policy Framework

CONSULTATIONS (EXTERNAL TO PLANNING)

Highways – No objection.

United Utilities - No objection subject to the imposition of a drainage condition.

CEC Flood Risk – No objection subject to a condition requiring the proposed development to be carried out in accordance with the submitted drainage strategy and drainage layout.

Environmental Protection – No objection, subject to the imposition of conditions relating to EV charging and contaminated land (x4).

TOWN COUNCIL COMMENTS

Crewe Town Council: Objects to the proposal on the following grounds

- Back land development in this location demonstrates over development of the site with an overcrowding effect from the proposed development.
- Inadequate access to support development, e.g. access by waste and emergency services.
- Loss of amenity to existing residents of Russet Close due to proximity of access and additional traffic.
- Access does not provide a safe highway, including lack of identified pedestrian pavement.
- Risk to established trees.
- Loss of amenity due to loss of privacy based on overlooking nature of the proposed development.
- Inadequate access for waste services past the current extent of Russet Close, leading to on street waste.
- Loss of biodiversity, against CE Planning Policy requiring net biodiversity gain.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected. In response, there have been letters of representation received from 9 addresses objecting to the proposal for the following reasons:

- Overlooking
- Loss of trees
- Lack of infrastructure
- Loss of privacy
- Substandard access
- Ownership of access
- Previous refusals
- Boundary treatments
- Trees and landscaping

- Unclaimed land being used as a dumping ground
- Highway safety
- Saturation of residential dwellings
- Increase in drainage problems
- Impact of ecology
- Over development
- Existing issues on Russet Close

APPRAISAL

Principle of Development

The application site is located within the settlement boundary of Crewe, and within a predominantly residential area.

Policy PG.9 of the SADPD states that:

'Within settlement boundaries, development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan'.

Following on from the above, Policy HOU.16 of the SADPD states that:

'The particular benefits of providing well-designed new homes on small and medium-sized sites, up to 30 homes, will be given positive weight in determining planning applications'.

Policy HOU.10 (Backland Development) of the SADPD states that proposals for tandem or backland development will only be permitted where they:

- 1. demonstrate a satisfactory means of access to an existing public highway in accordance with Policy INF 3 'Highway safety and access', that has an appropriate relationship with existing residential properties.*
- 2. do not cause unacceptable harm to the amenity of the residents of existing or proposed properties, in accordance with Policy HOU 12 'Amenity'*
- 3. are equal or subordinate in scale to surrounding buildings, particularly those fronting the highway; and*
- 4. are sympathetic to the character and appearance of the surrounding area through its form, layout, boundary treatments and other characteristics.*

Notwithstanding the above, the scheme is also aligned with housing delivery policies; PG1, PG2 and PG7 of the CELPS. As such, the principle of erecting dwellings in this location is acceptable subject to the scheme's adherence with other relevant local plan policies. These are considered below.

Design

Policy GEN.1 of the SADPD states that development proposals should:

- *create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place*
- *reflect the local character and design preferences set out in the Cheshire East Borough Design Guide supplementary planning document unless otherwise justified by appropriate innovative design or change that fits in with the overall form and layout of their surroundings*

As noted above there are also design requirements within policy HOU10 (Backland Development) of the SADPD (see points 3 and 4).

The two proposed dwellings would be two storey and will be read in context with the existing dwellings on Russet Close. They will have a slightly lower roof height than these properties and be of a similar sized footprint, as such they will be subordinate in scale and will not lead to any significant visual impact. Furthermore, given the above, there will not be any over domination of the properties along Middlewich Street or Greenway.

Following on from the above, the proposed dwellings are relatively simple in design and are of a similar appearance to those along Russet Close. The layout of the proposed development will be similar to that of Russet close (which have previously been constructed on a backland site).

With regard to boundary treatments, a condition will be attached to any permission requiring the submission and approval of these details before commencement of the development. However, the submitted plans indicate that timber fencing up to 1.8 metres in height, this is considered to be acceptable in this location.

With the above in mind, it is considered that the proposed development will be subordinate to the existing neighbouring development and will be sympathetic to the character and appearance of the surrounding area.

There is a substantial turning area to the front of the proposed dwelling to allow for a turning head for emergency vehicles should the need arise. While this amount of hardstanding is not ideal, it will have very limited public viewpoints and no visual impact on the existing street scene. Given this, it is not considered that this would be a sustainable reason for refusal.

There will be limited viewpoints of the proposed dwellings from Middlewich Street or Greenway, as such there will not be any significant visual impact on either of these two street scenes. The proposed dwellings will be a little more visible from Russet Close, however they will be read in context with these existing dwellings and have no significant visual impact on the street scene of Russet Close.

Overall, it is considered that the proposed development is of an acceptable design that is sympathetic to the existing development and will not have any significant visual impact on the street scene. As such, it is considered that the proposal is in accordance with Policies SE.1 of the CELPS and GEN.1 and HOU.10 of the SADPD.

Residential Amenity

Policy HOU.12 states that:

Development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. *loss of privacy;*
2. *loss of sunlight and daylight;*
3. *the overbearing and dominating effect of new buildings;*
4. *environmental disturbance or pollution; or*
5. *traffic generation, access and parking.*

Policy HOU.13 of the SADPD sets out residential standards for new development and states that proposals for housing development should generally:

- i. meet the standards for space between buildings as set out in Table 8.2 'Standards for space between buildings', unless the design and layout of the scheme and its relationship to the site and its characteristics provides an adequate degree of light and privacy between buildings; and*
- ii. include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.*

There are neighbouring residential dwellings to all four sides of the application site.

The dwelling to the south stands approximately 19.5 metres away (at the closest point) and has a side elevation facing towards the application site. This relationship between the two properties will be side-to-side elevation and will not be directly facing. As such it is not considered that there will be impact on neighbouring residential amenity from this perspective.

The closest neighbouring dwellings to the north are 14 and 15 Russet Close which both have rear elevations facing towards the application site. These elevations will be off set from the proposed dwellings and stand approximately 15.5 metres away from the nearest of the two proposed dwellings. Given the off-set relationship, it is considered that the impact upon neighbouring residential amenity is acceptable.

The existing dwellings to the west, along Greenway, will share a principal elevation to principal elevation relationship with the two proposed dwellings. There will be a separation distance of approximately 38 metres between the facing elevations, this distance in excess of the recommended separation distance (21 metres) as prescribed in table 8.2 of Policy HOU.13 for a back-to-back facing habitable rooms. Therefore, it is considered that there will be impact on neighbouring residential amenity.

The existing dwellings to the east, along Middlewich Street, will share a principal elevation to principal elevation relationship with the proposed dwellings. The distance between these two elevations is approximately 40 metres at the closest point. As with above, this is in excess of the recommended 21 metres. As a result, it is not considered that there will be impact on the neighbouring residential amenity of the existing dwellings to the east.

Each of the proposed dwellings will have a reasonable amount of private amenity space in accordance with Policy HOU.13 and exceed the 50sqm set out in the Crewe and Nantwich SPD.

Overall, it is considered that the proposed development will not have any significant impact on neighbouring residential amenity or the future occupiers of the proposed development. As such, it is considered to be in accordance with Policy HOU.12 and HOU.13 of the SADPD.

Space Standards

Policy HOU.8 of the SADPD states that:

'Proposals for new residential development in the borough should meet the Nationally Described Space Standard'.

The above standards require a two bedroom two storey dwelling with three bed spaces to have an internal floor area of 70sq metres. Both of the proposed dwellings have an internal floor area of 73sq metres.

Therefore, the residential element of the proposed development is in accordance with Policy HOU.8 of the SADPD.

Highway Safety / Access / Parking

Policy INF.3 of the SADPD states that development proposals should:

- comply with the relevant Highway Authority's and other highway design guidance.
- provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles.
- make sure that development traffic can be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety or result in severe residual cumulative impacts on the road network.
- incorporate measures to assist access to, from and within the site by pedestrians.

The proposal is for 2 dwellings to the rear of existing properties, with off-road parking and an existing access via Russet Close.

The access will be taken via Russet Close which is a small cul-de-sac and forms part of the public highway. The site access is a private drive with a width of approximately 3.5m-4m, it is effectively single car width and serves the car parking spaces for two existing properties. As the access is off a quiet cul-de-sac and the vehicle numbers that would use it would be small, it does not raise a highways safety concern.

There would be sufficient parking for the existing and the new properties and refuse collection would be the same arrangement as for the existing properties.

Overall, the Council's Highways Officer considers that the parking and access are acceptable, and no objection is raised.

Landscape and Trees

Policy SE.5 of the CELPS states that:

Development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting. The council will seek to ensure:

- 1. The sustainable management of trees, woodland and hedgerows including provision of new planting within the infrastructure of new development proposals to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity;*
- 2. The planting and sustainable growth of large trees within new development as part of a structured landscape scheme in order to retain and improve tree canopy cover within the borough as a whole.*

At present the application site is formerly garden of 203 and 205 Middlewich Street and is now generally overgrown and while there are some trees present these are not considered to be specimens worthy of formal protection. Further to this, the Council's Arboriculturist does not consider that there will be any significant arboricultural implications arising from the proposed development.

Notwithstanding the above, a condition will be attached to any permission requiring strict adherence to the submitted landscaping scheme.

Overall, it is considered that the proposed development will not pose any significant landscape or arboricultural issues, as such the application proposal is therefore considered to adhere with Policy SE5 of the CELPS.

Ecology

The Council's Ecologist is satisfied that the proposed development will not have any significant impact on Protected Species or ecology in general. However, it is advised that a condition be attached to any permission requiring the submission of an ecological enhancement strategy (this would include bird and bat boxes, and a lighting strategy).

At the last committee meeting Members discussed the impact upon Hedgehogs (although this was not a reason for deferral). The conditions have been updated to secure hedgehog gaps within the boundary treatment and to require native planting.

Subject to the above recommended conditions, it is considered that the proposal would adhere with Policies SE.3 of the CELPS and ENV.3 of the SADPD.

Drainage

United Utilities have reviewed the application and advised that they have no objections subject to a number of conditions.

Following the deferral of the application at the Southern Planning Committee meeting on 6th March the Council's Flood Risk Officer has carried out a site visit. The Flood Risk Officer has confirmed that the ground appears clay like and that this is consistent with the soakaway tests undertaken. The soakaway tests have been carried out by the applicant and this confirms that soakaways will not be suitable for the ground conditions due to negligible infiltration.

A detailed drainage design has been provided and this shows that an underground storage tank would be constructed to serve this development. This tank is designed for the 1 in 100 years return period + 45% climate change factor. The surface water flow from the tank would then be limited to 2.0 litres per second using a flow control into an existing combined sewer within Russet Close.

Following on from the above, the Council's Flood Risk Officer is satisfied with the submitted Drainage Strategy, Drainage Layout and Surface Water Drainage Calculations, and considers that there are no significant flood risk or surface water concerns.

As such, subject to the recommended conditions, it is considered that the proposed development would adhere with Policy SE.13 of the CELPS.

Other Matters

The other planning applications/issues relating to Russet Close are separate issues and not material planning considerations for this application.

The unclaimed land between the western edge of the site and the rear gardens of the dwellings on Greenway is outside of the application red edge. The maintenance and ownership of this land is a matter for consideration.

Any easement over the access road leading to the application site is a private matter between the interested parties.

The fact that the proposed dwellings may be rental properties is not a material planning consideration.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is acceptable in principle, it will not have an adverse impact upon neighbouring amenity. It achieves an acceptable standard of design which respects the pattern, character and form of the surroundings. There are adequate access arrangements, drainage, utilities and existing infrastructure.

RECOMMENDATION

APPROVE subject to the following conditions

- 1. Three year time limit**
- 2. Approved plans**
- 3. Materials as submitted**
- 4. Landscaping submission of a scheme (including native planting to the public areas)**
- 5. Landscape implementation**
- 6. Submission of boundary treatments (including gaps for hedgehogs)**
- 7. Removal of PD rights (Classes A, AA, B, C and E)**
- 8. Provision of EV charging points**
- 9. No removal of vegetation between 1st March and 31st August**
- 10. Submission of ecological enhancement**
- 11. Finished floor levels**
- 12. Testing of imported soil**
- 13. Reporting of not previously identified land contamination**
- 14. Access and Parking to be provided and made available for use prior to first occupation**
- 15. Submission of updated drainage strategy**
- 16. Submission of sustainable drainage management plan**

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



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