

Application No: 20/0394N
Location: The yard, LEWIS STREET, CREWE
Proposal: Outline application for 5 pairs of semi detached dwellings with vehicular access off Lewis Street.
Applicant: D Bennion
Expiry Date: 01-Jul-2020

SUMMARY

The site lies within the Crewe Settlement Zone Line as designated in the adopted Cheshire East Local Plan Strategy, where there is the presumption in favour of sustainable development. As a result the proposal is acceptable from a pure land use perspective.

The benefits of the proposal would be the re-use of a previously developed site as supported in the NPPF, the provision of open market housing and the associated economic benefits during construction and the use of previously developed land.

The development would have a neutral impact upon, ecology, amenity, trees, highway safety, flooding, design & contaminated land.

The application follows a recent refusal of planning permission for residential development of the site and the key issue is whether those concerns regarding residential amenity and noise impact have been addressed. It is considered that those issues have been now resolved in this resubmitted application.

As a result the proposal is considered to be in accordance with the Development Plan and constitute a sustainable form of development of which there is a general presumption to support and there are no material considerations of sufficient weight against the proposal to indicate otherwise. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted.

RECOMMENDATION

APPROVE with conditions

REASON FOR REFERRAL

The application is referred to Southern Planning Committee at the request of Cllr Houston for the following reason;

'Over development. The number of houses with the required amenity space and parking places leave insufficient space for a turning circle at the end of this already congested cul de sac'

PROPOSAL

This is an outline application for the erection of 5 pairs of semi-detached dwellings with vehicular access off Lewis Street.

Access is included within the application with all other matters reserved.

Following the previous refusal (see planning history below) a noise assessment has been provided to consider impact of future occupiers from nearby noise sources and the plots to the western boundary have been re-orientated and moved away from the southern boundary

SITE DESCRIPTION

The application site comprises a plot of land sited to the rear of Lewis Street. The site contains a number of outbuildings and portacabins and appears to have previously been in use as a roofing contracting business.

The site is within a mixed residential/commercial area with residential properties to the west, commercial to the east and south and the railway is sited to the north. The boundary treatment consists of fencing/planting around the site and trees are noted just outside of the northern and southern boundaries.

The site is elevated from Lewis Street and also rises to the east. The site is located in the Settlement Boundary as contained in the Local Plan and also given proximity to the railway consultation is required with Network Rail

RELEVANT HISTORY

19/3529N – Outline application for 5 pairs of semi detached dwellings with vehicular access off Lewis Street – Refused 24-Oct-2019 for the following reasons:

1. The indicative plan does not demonstrate how the properties could be accommodated on site in a manner which does not cause harm to the living conditions of neighbouring properties through overlooking of windows/garden areas. It also does not demonstrate how the properties could be accommodated without causing harm to living conditions of future occupiers through loss of outlook to main face elevations and that sufficient and useable levels of rear garden area could be provided without being oppressed/overshadowed by existing features on/outside the site. As a result the proposal is contrary to SE1 (Design), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principals) of the Cheshire East Local Plan, Saved Policy BE.1 of the Crewe & Nantwich Local Plan and the advice contained within the Development on Backland and Gardens Areas SPD, the Cheshire East Residential Design Guide SPD and the NPPF.

2. *Insufficient information has been provided in which to assess the impacts of noise and disturbance to the occupiers of the proposed properties from that associated with the railway, the road and adjoining the commercial use. Without this information it is not known what the existing noise levels are and whether or not they can be suitably mitigated to prevent significant harm to living conditions of future occupants. The proposal is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East) & SE.2 (Efficient Use of Land), saved Policies BE1 of the Crewe and Nantwich Local Plan and the NPPF.*

7/14092 – Open store – approved 06-Apr-1987

ADOPTED PLANNING POLICY

Development Plan

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Congleton Borough Local Plan First Review 2005.

Cheshire East Local Plan Strategy (CELPS):

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 - Efficient Use of Land
SE3 - Biodiversity and Geodiversity
SE5 - Trees, Hedgerows and Woodland
SE9 - Energy Efficient Development
SE12 - Pollution, Land Contamination and Land Instability
IN1 – Infrastructure
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution
SC4 - Residential Mix

Crewe and Nantwich Local Plan Saved Policies (CNLP):

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)

Other Material planning policy considerations

National Planning Policy Framework ('The Framework');

SPD – Backland Development

Cheshire East Design Guide SPD

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection subject to a condition requiring a construction management plan as access width is to adoptable standards, trip generation would be similar noting existing use, proposal would provide a turning area for refuse vehicles which does not currently exist for Lewis Street.

CEC Environmental Protection – No objection subject to condition requiring compliance with mitigation as stated in the noise report and conditions/informatives regarding working hours for construction, piling, dust, electric vehicle charging, boilers and contaminated land

CEC Flood Risk – No objection subject to condition requiring submission of a drainage strategy

CEC Housing – No objection as below threshold to require affordable housing provision

United Utilities – No objections subject to drainage conditions

Network Rail – Advisory notes offered to the applicant and request condition regarding proposed land levels

Crewe Town Council (full comments on file) – No objection in principle however concerns regarding the following:

- Sufficient parking for the new proposal is required given lack of parking on Lewis Street.
- There is no turning head in Lewis Street, so it is important that the layout provides adequate turning for all vehicles using the street. This needs to be kept free of parked cars.

REPRESENTATIONS

1 letter received asking for plan to confirm if there will be any overlooking caused by the proposal

APPRAISAL

Principle of Development

The site lies in the Settlement Zone Line as designated in the adopted Cheshire East Local Plan, where there is the presumption in favour of sustainable development.

Policy PG2 identifies that within Crewe *'significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport'*.

The site is classed as previously developed land and SD1 states that developments should make efficient use of land including previously developed land. Policy SE2 then goes on to state that the Council will encourage the redevelopment of previously developed land.

The principle of development is therefore compliant with Development Plan policy, subject to site planning considerations such as design, highways issues, amenity and living conditions.

The application seeks outline permission with all matters reserved except access, therefore most of the detailed site planning issues would be considered in any subsequent reserved matters application should outline planning permission be granted. The adequacy of access to the site and impact on the local highway network is for consideration with this application. Other issues, such as the detailed design of development would be considered in a future reserved matters application. However, if outline planning permission is to be granted the local planning authority ("LPA") must be satisfied that a development of 10 No. semi-detached dwellings can be accommodated on the site in a manner that would comply with Development Plan policy in respect of residential amenity and other site planning issues.

The previous application was refused due to concern that the development could not come forward without undue harm to neighbouring residential properties and future occupiers of the proposed development. The key issue is therefore whether those concerns have been addressed in this application.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Measurement 2019 indicates that the delivery of housing was substantially below 45% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2019) was published on the 7th November 2019. The report confirms:

- A five year housing requirement of 11,802 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.

- A deliverable five year housing land supply of 7.5 years (17,333 dwellings).

The 2019 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 13th February 2020 and this confirms a Cheshire East Housing Delivery Test Result of 230%. Housing delivery over the past three years (7,089 dwellings) has exceeded the number of homes required (3,084). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

Affordable Housing, Open Space, Education, Health

In accordance with planning policy, the small scale of the proposal does not generate any requirements for on-site provision or committee sums for off-site provision.

Location of the site

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

The submitted design and access statement provides information regarding the distances of the site to nearby amenities and confirms that the site is located close to the town centre and public transport options. The site is locationally sustainable.

Residential Amenity

The main residential properties affected by this development are 30-40 Lewis Street, properties in Lewis Court, 925-106 Flag Lane & 1B Lewis Street

As the proposal has been submitted on outline form the actual impacts on amenity will not be known until reserved matters stage.

However an illustrative plan has been provided which is assessed below:

Properties in Lewis Court & 925-106 Flag Lane

The indicative plan indicates that the plots to the north-western boundary would achieve an interface in excess of the 21m interface as recommended in the SPD. Therefore no significant harm to living conditions to these properties.

30-40 Lewis Street

The indicative plan indicates that the closet plots to the north-western boundary (plots 7-10) would achieve an interface of between 25m-21m to properties to the south on Lewis Street. This would comply with the recommended interface distances as noted in the SPD to prevent significant harm to living conditions through overlooking.

The SPD does however advise that these distances should be increased where there are variations in land levels between sites. In this instance the application site is slightly elevated compared to the existing properties on Lewis Street, with the separation distance between windows serving plots 7-8 and the nearest property No.40 Lewis Street shown as being 24.2m. A question was raised by the occupier of this property about the potential for any overlooking. This detail would be determined at the reserved matters stage, but the indicative plan demonstrates that the dwellings can be accommodated on the site without resulting in any harmful degree of overlooking and in compliance with interface standards.

The previous application was refused as despite meeting the recommended interface distances between windows, the proposed plots to the southern boundary were considered to be sited too close to the rear boundaries to prevent harm through overlooking of the garden areas of properties Lewis Street with resultant poor outlook to the proposed properties.

The current proposal has sought to overcome this refusal reason by moving plots 9&10 further to the north-eastern boundary and rotating the properties so that they sit side on to properties on Lewis Street. This has removed the concern regarding overlooking of garden areas given the revised orientation and has also improved outlook to future occupants.

It is also noted that there are some conifer trees located just outside of the site boundary which may limit potential overlooking, however as these are not under the control of the applicant and as such could be removed at any point so only limited weight is given to the presence of these trees in terms of limiting such impact.

1B Lewis Street

The indicative plan indicates that the closest plot (plot 1) would be sited 21m to the facing windows of No.1B Lewis Street. This would comply with the recommended interface distances as noted in the SPD to prevent significant harm to living conditions through overlooking.

When considering the impact of this development on nearby residential property, the removal of the current lawful use (builders yard) must also be considered. The cessation of the existing use as a builders/storage yard would provide a benefit to the adjoining local residents as the proposed residential use is generally considered to be a lower impact than the existing use. It is notable that no objections on amenity grounds have been submitted to this resubmitted application.

Future occupants

There is a railway to the north of the site and a commercial use to the east of the site. Both of these factors are likely to generate some noise which may have some impact to living conditions of future occupants in terms of noise/disturbance to both the rooms of the properties to be created and their garden areas.

This formed part of the refusal reason for the previous application as no noise report had been provided to assess the potential noise impacts. The current application seeks to overcome this refusal reason and a noise report has been provided. The report concludes that noise levels to properties and garden areas have been found to be within acceptable levels subject to the imposition of certain mitigation measures requiring the provision of a 2m high acoustic fence and use of acoustic glazing for all window and vents on elevations facing the railway (plots 6-10).

Garden areas

The previous application was refused as not all garden areas complied with the recommended minimum size of garden area of 50sqm as noted in the SPG. Concern was also raised relating to the poor outlook to amenity areas for properties fronting the railway given the location of existing conifer trees which would have dominated and overshadowed garden areas.

The indicative plan shows that all plots would now have at least the recommended minimum size of garden area as noted in the SPG and most plots would exceed this level. The existing conifers trees are also now shown as being removed and are considered a benefit to the amenity areas.

Plot 10 still retains some of the existing trees and may result in the garden area being slightly oppressed. However the removal of the majority of the existing conifers to the northern boundary would allow a sufficient degree of sunlight to reach the garden area.

Therefore it is considered that the illustrative material provided indicates that the dwellings could be accommodated without significant harm to living conditions of neighbouring or proposed occupants.

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. There is an Air Quality Management Area (AQMA) on Wistaston Road to the south of the site.

This proposal is for the residential development of 10 dwellings. Given the scale of this development and the existing use of the site this scheme does not require an air quality impact assessment. However there is 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.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land informative will be attached to the decision notice of any approval.

Highways

The proposal is for 10 residential units with off-road parking and which would make use of an amended access from Lewis Street, with only access to be determined at this stage. The access arrangements and highways issues were found to be acceptable in the previous application.

The access has a width of 4.8m wide to reflect adoptable standards. The residential units would replace the existing land use (builders yard) and the net highways impact of the proposal would be minimal. There does not appear to be a turning area at the end of Lewis Street for refuse vehicles at the present time and the proposed development would have the added benefit of providing this. The access arrangement is therefore considered to be acceptable and compliant with policy.

Whilst the indicated parking arrangements may be sufficient, it is considered that the parking arrangements for plots 10-8 & 6 should be improved in a future reserved matters application. The size of the site suggests that a workable layout is achievable.

The indicated layout shows 20 spaces, 2 per dwelling. This is compliant with Development Plan policy but it is important to note that this detail would also be addressed at reserved matter stage when the final scale of the development is resolved.

The Head of Strategic Infrastructure has also been consulted and has raised no objections subject to a construction management plan and informative requiring a dropped crossing.

Therefore it is considered that the development could be accommodated without harm to the existing highway network and in fact the provision of a turning head would benefit existing local residents and improve the existing situation. It is considered that this addresses the concerns noted by the ward Councillor and Crewe Town Council.

Trees

There are existing trees within the vicinity of the proposed development, mainly around the perimeter of the site. It is apparent that vegetation to the north provides separation from the railway corridor. The submitted plans show tree symbols but no detailed arboricultural information has been provided. It is likely any vegetation within the site would be impacted by remediation works.

As such an Arboricultural Impact Assessment is required to consider the impact of the development on existing trees. However based on the indicative layout it appears that the sole impact to existing trees relates to the proximity of the proposed hard surfacing area serving the plots to the north-eastern boundary. It is likely that either the hard surfacing could be re-located away from the root spread or use of hand dig and special material to avoid root compaction. This would be further addressed at reserved matters stage.

As such it appears that the proposal could be accommodated on site without harmful impact to existing trees.

Design

The locality consists of predominantly semi-detached and terraced properties in 2 storey form, although a detached dwelling is also noted. As a result it is considered that 5No. pairs of semi-

detached properties could be accommodated on the site without causing significant harm to the existing urban grain.

No detail is applied for at this stage with appearance, scale and layout being reserved matters. Therefore these details cannot be considered at this stage.

An indicative plan has been provided which shows that the dwellings could be located on site in a way which would provide an acceptable standard of urban design. These details would be secured at reserved matters stage.

As a result considered that 5No. pairs of semi-detached dwellings could be accommodated in site without causing significant harm to the character/appearance of the area.

Ecology

Breeding Birds

If planning consent is granted, the Councils Ecologist suggest impact to breeding birds can be mitigated by condition requiring an updated survey should demolition take place between 1st March and 31st August:

Hedgehogs

Recent records of hedgehogs occur within 1km of the site. The submitted Phase 1 Habitat Survey (Elite Ecology, October 2019). Hedgehogs are a biodiversity action plan priority species and hence a material consideration.

The report makes recommendations including an inspection by an ecologist of scrubland and trees prior to removal between November and March. The Councils Ecologist therefore recommends that if permission is granted a condition should be imposed to ensure compliance with the recommendations made in section 5.3.3 of the report.

Wildlife sensitive lighting

In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), prior to its installation details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. Therefore the Councils Ecologist recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The suggested conditions are considered to be reasonable and necessary in the interest of protecting local wildlife.

Flood Risk

The application site is located within Flood Zone 1 (land assessed as having less than a 1 in 1,000 annual probability of flooding) according to the Environment Agency Flood Maps.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to drainage conditions.

The Councils drainage team have also been consulted who advise that the application is acceptable in principle. However, further detail will need to be submitted at discharge of condition stage. It is also worth noting based on the existing topographic survey there is a potential to raise land 300 - 400mm, the applicant should consider if boundary treatment would be needed within the drainage strategy, all surface water will must to be managed within the boundary causing no adverse flooding to existing or proposed properties. The drainage strategy should also ensure if soakaways aren't feasible the development is limited to greenfield run-off rates and in line with the hierarchy of drainage above.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

Economic/Social benefit

With regard to the social/economic role of sustainable development, the proposed development will help to provide new open market housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Neighbourhood Plan

There is no Neighbourhood Plan in force for Crewe.

PLANNING BALANCE

The site lies within the Crewe Settlement Zone Line as designated in the adopted Cheshire East Local Plan Strategy, where there is the presumption in favour of sustainable development. As a result the proposal is acceptable from a pure land use perspective.

The benefits of the proposal would be the re-use of a previously developed site as supported in the NPPF, the provision of open market housing and the associated economic benefits during construction and the use of previously developed land.

The development would have a neutral impact upon, ecology, amenity, trees, highway safety, flooding, design & contaminated land.

The application follows a recent refusal of planning permission for residential development of the site and the key issue is whether those concerns regarding residential amenity and noise impact have been addressed. It is considered that those issues have been now resolved in this resubmitted application.

As a result the proposal is considered to be in accordance with the Development Plan and constitute a sustainable form of development of which there is a general presumption to support and there are no material considerations of sufficient weight against the proposal to indicate otherwise. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted.

RECOMMENDATION:

APPROVE subject to the following conditions:

- 1) Time – 3 years of within 2 of last Reserved Matter approval
- 2) Reserved Matters within 3 years
- 3) Layout, Scale, Appearance and Landscaping Matters to be submitted and approved
- 4) Plans
- 5) Levels to be submitted as part of the first RM application
- 6) Construction Management Plan
- 7) Compliance with noise assessment
- 8) Piling
- 9) Dust
- 10) Electric vehicle charging
- 11) Boilers
- 12) Contaminated land
- 13) Drainage strategy
- 14) Landscaping scheme to be provided
- 15) Landscaping scheme to be implemented
- 16) Breeding birds survey
- 17) Hedgehog mitigation
- 18) Lighting scheme
- 19) Ecological enhancement strategy
- 20) Removal of permitted development rights
- 21) Arboricultural Impact Assessment
- 22) Drainage strategy

In order to give proper effect to the Board`s/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.



LAND ON THE EAST SIDE OF WINDYCOTE CHESTER STREET CAR PARK

LAND ON THE NORTH SIDE



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