

Application No: **10/4489N**

Location: **Land To The Rear Of, 91, Hall O Shaw Street, Crewe**

Proposal: **Development of Land at Hall O'Shaw Street to Provide 14 Dwellings of Mixed Type**

Applicant: **Fourth Estates Ltd**

Expiry Date: **3 February 2011**

Ward **Crewe East**

Date report Prepared: 18th January 2011

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- **Principle of development**
- **Impact of development on RT.1 designated bowling green**
- **Design of the proposal**
- **Impact of development on residential amenities adjoining the site**
- **Impact upon the amenities of the future occupiers of the dwellings**
- **Highway/parking issues**
- **Contaminated Land**
- **Impact upon a public sewer which crosses the site**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The site is located to the rear of the former North Ward Club (which has recently been destroyed by fire) within the Crewe Settlement Boundary. Adjoining development is predominately residential with Victorian terraced houses to the north fronting Chestnut Grove and to the south fronting Surrey Street. A residential development of 10 dwellings (1-10 Railway View) is located to the east of the site beyond which runs the Crewe-Manchester railway line. The land is generally level and was last in use as a bowling green, which is designated as RT.1 land in the Local Plan. Following the actions of the site owner, the land is now enclosed by a 2 metre high brick wall and the bowling green has been left overgrown. The

application site also includes a detached bungalow which is to be demolished as part of the proposed development.

DETAILS OF PROPOSAL

This is an outline application for 14 dwellings with access to be determined at this stage and all other matters reserved. The access would be taken from Hall O Shaw Street/Richmond Road and the indicative layout plan for the site includes a terrace of 4 dwellings and 2 apartment blocks (1 containing 5 apartments and the other containing 4 apartments).

RELEVANT HISTORY

P08/0179 - Twelve Dwellings with Associated Parking and Improvements to Railway View Properties Phase 1 – Refused 2nd May 2008

POLICIES

Development Plan policies

Local Plan Policy

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 Housing Sites)
RES.3 (Housing Densities)
RT.1 (Protection of Open Spaces with Recreational or Amenity Value)

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP4 – Make the Best Use of Existing Resources and Infrastructure
EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets
EM18 – Decentralised Energy Supply
MCR4 – South Cheshire

National policy

PPS 1: (Delivering Sustainable Development)
PPS 3: (Housing)
PPG17: Planning for Open Spaces, Sport and Recreation
PPS23: Planning and Pollution Control

Supplementary Planning Document on Development on Backland and Gardens

CONSULTATIONS (External to Planning)

The Strategic Highways and Transportation Manager: This is a sustainable location close to Crewe Town Centre with very little on street parking and no waiting restrictions in the immediate area. This site will generate low traffic movements with no significant impact on the surrounding highways network.

There are no highways objections subject to the following condition:

No development shall take place until detailed drawings outlining the site's access, layout, parking provision and visibility splays have been submitted to and approved by the LPA/HA, and no development shall be occupied until the access has been constructed in accordance with the approved drawings and to CEC specification.

Environmental Health: Objects to the above application subject to the following comments with regard to contaminated land: Planning Policy Statement 23 recommends that all outline planning applications should submit at least a desk top study with the application, therefore the application should be refused on the grounds of insufficient information.

Network Rail: No comment to make

United Utilities: No objection providing that the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system united utilities will require the flow to be attenuated to a maximum discharge rate of 25 l/s as determined by United Utilities.

Sport England: Object to the application;

- In terms of the impact on sport and the lawful use of the site as a bowling green (Sport England does not concur with the agent's view that the site can no longer be classed as outdoor sport or open space as outlined in the supporting documents), the development would effectively result in the permanent loss of the sporting use of the site. Although the site is currently unused and in a state of disrepair, PPG 17 makes it clear at paragraph 18 that this in itself should not be taken to mean that there is an absence of need/demand in the locality.
- In terms of the RT.1 Assessment, Sport England does have some reservations about the extent of the study undertaken and the issues that have been considered at this stage. For example, whilst the agent has targeted a number of bowling clubs within the area with postal questionnaires, there has been no consultation undertaken with the National Governing Body for the Sport (MGB) or the Council's Leisure Services Department, as these will be particularly important in ensuring that all of the relevant clubs have been identified but also that casual use on bowling greens (particularly municipal/pay as you play sites) have been identified. Similarly, in the absence of any consultation with the NGB and the Leisure Services Department, the assessment does not take into account current and future participation rates in the sport and the impact that this could have on provision within the area as well as any future housing growth (including the increase in housing numbers being proposed for this particular site whilst at the same time resulting in the loss of an existing facility) and demographic projections for this particular area.

- Although the study includes a section relating to growth in participation and comments that existing clubs have sufficient capacity to attract younger people to the game, it is not clear how this assumption has been arrived at. Again, consultation with the relevant NGB and the Council's Leisure Services Department would have helped in this respect.
- Finally, the assessment does not demonstrate that the scheme is widely supported by either the bowling community or the local community.
- Notwithstanding the issues above, even if the questionnaire responses from local clubs are taken into account I do not consider that these demonstrate that there is a genuine surplus of provision for bowling within the area. In terms of membership levels for the clubs only one of the identified clubs (Bentley Motors) identifies a decrease in membership numbers, however there are no details of their current membership in any case. All of the other identified clubs (with the exception of Shavington Working Mens Club which provides no information) either report a constant level of membership or an increase in membership levels over the past 5 years. Equally, the majority of the respondents have commented that there is a shortage of bowling facilities in the area and that there is a need for a new bowling green in the area.
- Although the assessment comments that it is difficult to ascertain whether the lack of bowling facilities identified by the respondents is genuinely due to the lack of available greens/sites or other issues such as quality, floodlighting or ancillary facilities, this is a question that should have been asked to consider this issue further. This may help to understand whether the issues affecting bowls in the locality are more about quality as opposed to quantity and that a committed sum towards addressing such issues may be appropriate.
- Sport England do not consider that the assessment genuinely demonstrates that there is an excess of provision for bowling to justify the loss of this particular site. Equally the scheme does not propose any form of compensatory provision to offset the loss of the existing site.
- Therefore, Sport England wishes to raise an objection to the proposal on the basis that the proposal is contrary to Policy RT.1 of the Local Plan and paragraphs 10 and 13 of PPG 17.

OTHER REPRESENTATIONS

Two letters of representation received from the occupants of 15 and 19 Chestnut Grove and 95 Richmond Road raising the following points;

- The construction of Railway View caused many problems for the surrounding residential properties
- The site of Railway View was not used as a car park for the bowling green as stated in the supporting information
- The use of the bowling green ceased when the owner of the site dug up the green and removed the floodlights and bowling shed not due to lack of use
- The bowling green should have been reinstated following the previous refusal
- Loss of privacy
- Landscaping of the site will not materialise
- Over-development of the area following recent approved applications
- The site should be returned as a bowling green or as another sporting use
- Overshadowing
- Loss of light
- Increased noise and vibration caused by the proposed access
- The layout of the site does not comply with Manual for Streets
- The piecemeal development of the site has resulted in a lost opportunity in relation to affordable housing

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Produced by Architectural Planning Partnership LLP and dated November 2010)

- The site is within an established sustainable residential area close to the town centre, public transport routes and recreational amenities etc. The revised proposal has now been during the last year or so, the subject of extensive pre-application debate. It now appears to have overcome earlier design and technical issues leaving the principle of low cost residential development offered for consideration

Planning Statement and RT.1 Assessment (Produced by Oligra Town Planning and dated October 2010)

The executive summary for these documents is as follows;

- The application site was once a crown green bowling green. The green no longer exists and the underlying land is now overgrown and derelict
- When the application site functioned as a bowling green, it was used solely by private members and bona fide visiting guests of the Northward Social Club
- The LPA has granted planning permission for residential development on the site of the Northward Social Club and on the car park that served the club and its bowling green
- The application site cannot be returned TO its former use. It would have no sustainably located club house and membership base, and the loss of the car park prevents off street car parking from being provided
- It is proposed to develop the application site, which is located in the Crewe inner urban area for residential use
- By virtue of its former use, the application site is designated in the Local Plan Policy RT.1 as 'open space with recreational value. Policy TRT.1 allows for the development of open spaces supported by an open space assessment
- Although the site is no longer a bowling green and therefore technically falls outside the definitions of open space set out in the 1990 Act and in PPG17 (Planning for Open Space, Sport and Recreation) the application is supported by a self-assessment as there is no audited PPG17 Local Authority Open Space Assessment with which to assess the application site.

OFFICER APPRAISAL

Principle of Development

Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe. Whilst the density of development is above that required by RES.3 of the Local Plan it should be noted that the site is in a sustainable location in close proximity to Crewe Town Centre and the density of the site is consistent with the surrounding terraced residential properties. Furthermore, approval for the same development has been given in the past.

The site is protected under Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) of the Borough of Crewe and Nantwich Replacement Local Plan. The lawful use of the site is as a bowling green although recently the site owner has dug up the bowling green, removed the bowling hut and used the site for external storage. The main issue in this case is whether the development is compliant with Policy RT.1

Loss of the Bowling Green

Policy RT.1 states that development will not be permitted that would result in the loss of open space shown on the Proposals Map. It also states that an exception may be made where - *'A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance.'* This Policy reflects the guidance contained in Planning Policy Guidance Note 17: 'Planning for Open Space, Sport and Recreation' (Paragraph 10).

PPG17 goes on to state that in the absence of a robust and up to date assessment produced by a Local Authority, a developer may undertake their own assessment of need, although it would need to be shown that their proposals are clearly supported by the local community. The companion guide to PPG 17 sets out a framework for undertaking local assessments of need.

The applicant's agent has submitted an 'RT.1 Assessment'. It is comprised mainly of the bowling green survey information that was gathered in 2008 and submitted with the previous application which has been 'repackaged'; there is little 'new' information contained in the submission. Therefore the surveys submitted with the RT.1 Assessment are over 2 years out of date.

The applicant's agent states that, as the bowling green is no longer in use, it should not be classed as 'open space'. This is contrary to Paragraph 18 of PPG17 which states *'Where recreational land and facilities are of poor quality or under-used, this should not be taken as necessarily indicating an absence of need in the area'*. This is also supported by a recent appeal decision at a site in Norfolk (APP/F2605/A/06/2029836) where the Inspector stated that *'Whilst I acknowledge that the site is currently unused, this does not necessarily demonstrate a lack of demand. I accept also that the site was operated as a private club, but this does not detract from the role that it evidently played in meeting local recreational needs until a few years ago. None of these factors seems to offer any justification for departing from the approach advocated in both the adopted Local Plan and PPG17. Indeed to do so on this basis would seriously undermine this guidance'*

The submitted RT.1 Assessment does not include any consultation with the National Governing Body for the sport or the Council's Leisure Services Department. Consultation with these bodies is relevant in ensuring that all relevant clubs have been identified. Sport England also point out that this is necessary to ensure that the assessment takes into account *'current and future participation rates in the sport and the impact that this could have on provision within the area as well as any future housing growth (including the increase in housing numbers being proposed for this particular site whilst at the same time resulting in the loss of an existing facility) and demographic projections for this particular area'*

Furthermore the assessment does not demonstrate that the scheme is widely supported by either the bowling community or the local community.

Even if the questionnaire results contained within the RT.1 Assessment were to be taken into account they do not demonstrate that there is a surplus of provision of bowling greens in the area and the site has no special significance. In terms of membership levels for the clubs, only one of the identified clubs (Bentley Motors) identifies a decrease in membership numbers,

however there are no details of their current membership in any case. All of the other identified clubs (with the exception of Shavington Working Men's Club which provides no information) either report a constant level of membership or an increase in membership levels over the past 5 years.

In terms of a shortage of bowling facilities in Crewe, 8 out of the 10 clubs surveyed indicated that there was a shortage. The results do not break this response down further and it is not clear whether there is a shortage of bowling greens or other issues such as quality, flood lighting or ancillary facilities. This question should have been asked as part of the questionnaire as it would help to understand whether the issues affecting bowling in the locality are more about quality as opposed to quantity.

In terms of the changing operational situation in five years time, 5 clubs stated progressing, 4 stated no change and 1 stated unknown. This shows that no clubs have identified that they expect to decline. In terms of the requirements for a new bowling green in Crewe; 6 clubs identified that there was a need for a new club, with 3 saying that there is no requirement and 1 not answered.

The submitted RT.1 Assessment is considered to be inadequate for the reasons set out above and it does not demonstrate that there is an excess of provision for bowling to justify the loss of this particular site. Equally the scheme does not propose a replacement bowling green of equivalent or greater quality in a suitable location and subject to better management arrangements.

Design

The application is outline only with appearance, landscaping, layout and scale to be determined at the reserved matters stage.

An indicative layout has been submitted with this application and this indicates that the site could accommodate the 14 units proposed and that the indicative layout would not harm the character and appearance of the area.

Amenity

As stated above the appearance, landscaping, layout and scale of the development are to be dealt with at the reserved matters stage.

In terms of the properties which front onto Chestnut Grove, the indicative plans shows that there would be a separation distance of 23 metres from the proposed terrace and 19 metres from the block of 4 apartments to the rear elevations of the properties fronting Chestnut Grove. A separation distance of 21 metres from principal elevations would usually be required and it is considered that a scheme could be designed to ensure that there would be no impact upon residential amenities.

In terms of the properties known as Railway View to the east of the site, there would be a separation distance of just 4 metres to the block of four apartments. Although this separation distance is tight the proposed development would be to the north-east and the Railway View

properties are back-to-back dwellings with a single principal aspect which in this case would face east. The proposed development is therefore considered to be acceptable.

To the south of the site there would be a separation distance of approximately 14 metres to the rear elevations of the properties which front Surrey Street from the nearest block of 5 apartments. It is considered that block could have a blank side elevation facing Surrey Street and as a result there would not be a detrimental impact upon residential amenity.

To the west of the site the site of the former Northward Club has an extant planning permission for 5 dwellings. The indicative layout plan shows that there would be a separation distance of 24 metres to the block of 5 apartments and 15 metres to the back corner of the proposed terrace. These separation distances are considered to be appropriate.

To the north of the proposed access point, No 95 Richmond Road has a blank side elevation facing the site. This property is a semi-detached dwelling with a small rear garden of approximately 10 metres in length. The proposed access would run along this side boundary and concerns have been raised in relation to the impact of the proposed development upon the amenities of this property through noise and disturbance. In order to address the issue, the submitted plan shows that an acoustic fence/wall of 2 metres in height would be erected along this boundary (a fence/wall to a height of 2 metres could be erected without planning permission). In relation to this issue the Council's Environmental Health Department have raised no objection and as a result it is considered that on balance the proposed development is acceptable.

The refusal of application P08/0179 included as a reason for refusal the lack of a noise survey in relation to the adjacent North Ward Club. As the North Ward Club has now been demolished this issue no longer stands.

Highways

The access to the proposed site would be taken to the south of the property known as 95 Richmond Road and would result in the demolition of the existing bungalow. The Strategic Highways Manager has raised no objection to the proposed development and has stated that site is within a sustainable location, will generate low traffic movements and will have no significant impact upon the highways network. The development is therefore considered to be acceptable in terms of its highways implications.

Contaminated Land

The Government's guidance on land affected by contamination is set out in Planning Policy Statement 23 (PPS23) on Planning Pollution Control Annex 2: Development on Land Affected by Contamination.

PPS23 states 'because of the widespread potential occurrence of contamination, the possibility should always be considered, regardless of past land use, when development is proposed involving or introducing a particularly sensitive use such as housing with gardens, schools, nurseries or allotments'.

The guidance puts the responsibility on the developer to ensure that a development is safe and suitable for use for the purpose for which it is intended. Therefore, the developer is responsible for determining whether land is suitable for a particular development.

It should be noted that contamination is not just restricted to land with previous industrial use. It can occur on green field sites as well as from natural sources such as Radon.

The risks from potential contamination should be identified at the application stage of the planning process.

Annex 2 to PPS23 states that 'Outline permissions should not be granted until the LPA is satisfied that it understands the contaminated condition of the site and that the proposed development is appropriate as a means of remediating it. If the LPA is satisfied about this, further investigations and the detailed design of remediation might still be needed. Identifying these issues as reserved matters will enable detailed approval at an appropriate stage and give the developer greater certainty before incurring the costs involved. Where the LPA is minded to grant outline planning permission, the length of time needed for further investigations and detailed design should be considered in determining the timescale for submission of a detailed application on the reserved matters'

In this case no contaminated land assessment has been produced despite a request for such a survey being made to the applicant's agent. As a result insufficient information has been submitted with this application and this issue will form a reason for refusal.

Other issues

The previous application included a reason for refusal relating to the proximity of the development to a public sewer which crosses the site. The indicative layout shows that the site can be developed without having a detrimental impact upon this sewer. This view is supported by United Utilities who have not objected on these grounds.

The previous application included a shared access point with the properties at Railway View and a re-organisation of the parking at Railway View. As part of the previous application it was considered that the developments were inextricably linked and that both developments would trigger requirements for affordable housing and public open space provision. These issues formed reasons for refusal. Since the previous application, access is now proposed to be taken from Hall O Shaw Street/Richmond Road and the developments would not share a common parking area. It is now considered that in this case that the link between the sites has been eroded and it is not possible to require any affordable housing or public open space provision on the site.

CONCLUSIONS

The principle of residential development on the site of this bowling green which is protected by Policy RT.1 is not considered to be acceptable as the submitted survey is inadequate. Even if the results of the survey were accepted they do not show that there is an excess provision of bowling greens in Crewe and the application does not propose a suitably located alternative which is of equivalent or greater value.

The application does not include a contaminated land assessment and as a result insufficient information has been submitted with this application and the proposed development is contrary to guidance contained within Annex 2 of PPS23.

The indicative layout plan shows that the application site can be developed for 14 dwellings without adversely impacting upon residential amenities at nearby properties, raise any highway safety/parking implications or adversely impacting on the character and appearance of the area.

RECOMMENDATIONS

REFUSE

1. The application site is defined as an area of open space with recreational or amenity value where there is strict control over new development. The submitted application does not adequately assess the need for bowling greens within Crewe in accordance with the companion guide to PPG17. Even if the results of the RT.1 Assessment were accepted they do not show that there is an excess of bowling greens in the area and the application does not propose a replacement facility in a suitable location. The proposal is therefore contrary to Policy RT.1 (Protection of Open Space with Recreational or Amenity Value) of the Crewe and Nantwich Replacement Local Plan 2011, PPS1 (Delivering Sustainable Development), PPG17 (Planning for Open Space, Sport and Recreation) and advice contained within the Sport England Statement 'Planning for Sport & Active Recreation: Objectives and Opportunities'.

2. Insufficient information has been submitted with the application in relation to land contamination on this site. Annex 2 to PPS23 advises that outline permissions should not be granted until the LPA is satisfied that it understands the contaminated condition of the site and that the proposed development is appropriate as a means of remediating it. In this case no such information has been submitted and the application is contrary to PPS23 (Planning and Pollution Control).

Location Plan: Cheshire East Council Licence No. 100049045

