

Application No: 13/0018N

Location: UNDERWOOD COURT AND WEST VIEW, UNDERWOOD LANE, CREWE

Proposal: The demolition of 2no. vacant residential care homes to be replaced with 34no. 2 and 3 bed homes with associated parking and landscaping. The proposals result in a change of use from C2 to C3.

Applicant: Christopher Prime, Your Housing Group

Expiry Date: 13-Mar-2013

SUMMARY RECOMMENDATION - Approve subject to conditions and the satisfactory completion of a S106 Agreement

MAIN ISSUES

- Affordable Housing Provision
- Impact of character and appearance of the area
- Impact on residential amenity
- Impact on trees
- Implications for education infrastructure
- The Heads of Terms for the S106 Agreement

REASON FOR REPORT

This application is brought before Members as it is a major development on a Council owned land.

DESCRIPTION OF SITE AND CONTEXT

The site lies within the Crewe Settlement boundary . Presently the site comprises West View, a vacant former nursing home housing up to 36 elderly residents and 36 elderly persons sheltered apartments within Underwood Court. West View was previously operated by Wyvern Housing Association and Underwood Court was previously operated by the Council. There are two separate access points serving the 2 sites.

There is a mix in housing types and tenure in the generally area, with houses directly adjoining the site being a relatively modern development of detached and semis detached dwellings and bungalow accessed via Kinloch Drive. Elevated above the northern boundary to the Underwood Court part of the site is a footpath route to the town centre, beyond which lies a 1970's housing estate. A small commercial estate is directly opposite the site on Underwood Lane beyond which lies more housing.

There are a number of mature trees throughout the site, which are considered to contribute to the general amenity of the area and screen views into the site. The trees are not protected.

There is a seven metre drop in levels in a southerly direction. The layout has been revised to address the significant drop in levels across the site. As amended, this scheme will treat each part of the site independently from each other. The existing West View access will be retained to form the proposed vehicular access for 19 housing units within that part of the site and a relocated access will be utilised for the majority housing units on the Underwood Court part of the development site, with units fronting onto Underwood Lane having off street parking accessed via private driveways accessed directly from Underwood Lane.

As a consequence the Underwood Court part of the site is at a higher level than West View and the interface between the two site is a sharp drop in levels.

DETAILS OF PROPOSAL

The scheme proposes a housing development of the site comprising of 34 residential units arranged off two discreet access points . The scheme is intended as 100% social rented accommodation. The Borough Council will remain in freehold ownership of the site, however, Wulvern Housing Association will develop and thereafter manage the site on a long leasehold.

The site presently incorporating Underwood Court will accommodate 15 terraced and semi-detached units and 1 no detached unit in a cul de sac accessed from Underwood Lane.

The residential mix is:

Eight no 2 bedroom houses (2 storey)

Seven no 3 bedroom houses (2 storey)

The site presently incorporating the former West View care home will accommodate 19 terraced and semi-detached units in a cul de sac layout accessed from Underwood Lane. Four units to be located to the Underwood Lane frontage are intended to have off street parking via a parking court to the rear

The residential mix is:

Eleven no 2 bedroom houses (2 storey)

Eight no 3 bedroom houses (2 storey)

RELEVANT HISTORY

No relevant history.

POLICIES

The National Planning Policy Framework (NPPF)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP7 Promote Environmental Quality

L2 – Understand Housing Markets

L4 – Regional Housing Provision

L5 Affordable Housing

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

EM18 – Decentralised Energy Supply

Borough of Crewe and Nantwich Replacement Local Plan 2011

RES2 (Unallocated Housing Sites)

NE5 (Nature Conservation and Habitats)

NE9 (Protected Species)

BE1 (Amenity)

BE2 (Design Standards)

BE3 (Accessing and Parking)

BE4 (Drainage, Utilities and Resources)

BE5 (Infrastructure)

TRAN9 (Car Parking Standards)

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)

Policy 11 (Development and waste recycling)

Other Material Considerations

Supplementary Planning Document 'Development on Backland and Gardens'
Cheshire East – Interim Planning Statement on Affordable Housing (2011)

Cheshire East – Interim Planning Policy Statement on the Release of Housing Land
Strategic Housing Land Availability Assessment (SHLAA)

By Design – better places to live; Safer Places – the Planning System and Crime Prevention
– A Companion Guide to PPS1

West View Development Brief

CONSULTATIONS (External to Planning)

Strategic Highways Manager: Verbal comments received at time of writing report. No objections

Environmental Health (Contaminated Land) - No objection is raised, subject to a condition requiring a Phase II investigation, and a remediation scheme if necessary.

Environmental Health (Noise and Amenity) – No objection subject to conditions regarding hours of work/deliveries and the incorporation of measures to minimise dust during construction.

Nature Conservation (Ecology) – No objection. Survey information is accepted and demonstrates no implications for protected species.

Housing Strategy Manager – Supports the application. Will provide 100% affordable rented units for which there is a need in this part of the Borough

United Utilities : No objection subject to conditions concerning site to be drained on separate system

Forestry Officer - Raises no objection subject to conditions concerning tree protection for trees to be retained. None of the trees on the site are deemed to be worthy of TPO.

Greenspace Manager - No objection subject to the provision of a commuted sum of £40000. This will be in the form of the refurbishment of the existing equipped children's play area at the end of Dutton Way, some 90 metres from the proposed development.

Education - No objection subject to a financial contribution of £65,078 in lieu of secondary education.

OTHER REPRESENTATIONS

6 letters and emails of objection have been received from residents in the immediate vicinity of the site to the scheme as originally submitted. One respondent later withdrew their objections following amendments. The comments can be read in full on the website but raise the following concerns:

Highways

- Additional traffic generated as a result of the proposals- previous elderly occupiers unlikely to drive
- Safety – The creation of driveways for housing fronting onto Underwood Lane is dangerous
- Additional queuing traffic at Badger Lane/Underwood Lane traffic lights as a result of the proposal

Amenity

- Loss of privacy to houses adjacent
- Design is out of character with area and overly prominent
- Increased noise from development in neighbouring house
- Overlooking from windows of new houses into adjoining dwellings
- Boundary treatment -long term security

Trees

- Loss of trees which are an amenity and provide privacy

APPLICANT'S SUPPORTING INFORMATION:

A full package of supporting information has been submitted with the application including;

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment and Mitigation Statement
- Transport Assessment
- Phase 1 Contamination Assessment
- Arboricultural Assessment
- Draft Heads of Terms

All of these documents are available in full on the planning file, and on the Council's website.

OFFICER APPRAISAL

Principal of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site has an established use as a pair of care homes, albeit that the current proposal would represent different use of the site.

Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *"the Government is committed to securing economic growth in order to create jobs and prosperity,*

building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."

According to paragraphs 19 to 21, *"the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations."*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *"the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for affordable housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Given the urban location of the site and the presumption in favour of sustainable development from the NPPF along with the provisions of Sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined *"in accordance with the plan unless material considerations indicate otherwise"*, it is considered that there is a presumption in favour of the development.

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy and therefore should be supported in principle.

The key issues are therefore considered below.

Impact on character and appearance of the area

This proposal comprises a small development of mainly semi-detached, two storey dwellings that are in keeping with the mixed residential vernacular of the area.

The scheme treats both part of the site separately, although the uniformity of the housing types and designs link the sites. The changes in site levels and the creation of a terraced interface internally between the two sites allows for the housing layouts within each separate parcel to maximise the housing density of the site, whilst retaining the most important trees within the frontage particularly to the Kinloch Close area of the West View part of the site. Parking is set generally behind the building lines and within the rear parking court. Three of the units fronting onto Underwood Lane do however incorporate driveways to the front of the building line.

Whilst this development incorporates greater coverage of the site than the existing building and areas of hardstanding/parking, a considerable number of mature trees to the periphery, particularly the Kinloch Road frontage. Whilst some trees/ shrubs within the development area are removed, replacement planting is proposed which will safeguard the amenity of the area.

The height, scale, massing and coverage of the proposed dwellings is considered appropriate having regard to the similar heights and scale of surrounding properties and the sloping nature of the site.

It is considered that the proposed development would reflect local character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environment and would comply with policies of the Local Plan.

Trees

It has been accepted by the Council's Arborist that due to the sloping nature of the site, its developable area and the positions of existing trees throughout the site, it would not be possible to successfully retain all the most desirable trees and achieve a viable housing layout.

A considerable number of trees will need to be removed to facilitate the development of this scheme. None of the trees on the site are considered to merit formal protection via TPO in the view of the Council's Arborist.

Following concerns expressed by the Council's Arborist, the scheme has been significantly revised. The revised scheme provides for an improved juxtaposition/relationship to the A1 category Beech tree located on the Underwood Lane frontage and the retention of 5 'B' quality trees along Kinloch Close located within the north east corner of the site. The revised Arboricultural Impact Assessment (AIA) has proposed some minor pruning of some of these trees to facilitate the development proposals. Such works are considered to be of a relatively minor nature and within the scope of BS3998:2010 Tree Work (Recommendations).

Fourteen 'B' category trees (8 individual specimens and a group comprising of 6 trees) will be required to be removed in order to facilitate the development proposals. The majority of the trees are internal site features, although a number of trees including a good quality Copper Beech, a linear group of Norway Maple located on the Underwood Lane frontage and 3 'B' category trees facing Kinloch Close currently provide a moderate contribution to the visual amenity of the area.

A further 19 individual 'C' category trees, a 'C' category group and 4 individual 'U' category trees are proposed to be removed to facilitate the development.

In seeking to achieve the most acceptable design solution, specific key trees were identified for retention to provide focal points for additional landscaping provision and provide a positive improvement to the street scene and to protect the amenity of residents on Kinloch Close.

The revised scheme has reduced the construction impacts upon those trees to be retained, however the Arboricultural Impact Assessment does identify the boundary treatments, including close boarding fencing; garden railings and a retaining wall which will require further detailed tree protection measures by way of an Arboricultural Method Statement to ensure minimal damage to the rooting environment of trees. This can be achieved by condition.

The landscaping (both hard and soft) and additional planting to the landscape belts adjoining the site, which are within the highway will need to be treated carefully to mitigate for the loss of trees, however, it is considered that the layout as proposed is an efficient use of the site and that the contribution that this site will make to the delivery of affordable housing will outweigh the harm caused to the character of the locality due to the loss of trees.

Amenity

External Relationships

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. This scheme satisfies and generally exceeds this requirement.

Objections have been raised by neighbours on grounds of loss of privacy due to the removal of trees from the site boundaries, however, the space between the proposed new dwellings and adjoining neighbours is such that such objection could not be sustained as reasons to refuse the application. It should also be borne in mind that none of the trees within the site are afforded any formal protection.

Internal Relationships

The layout of the scheme in the main satisfies spacing standard guidance and it is considered that there would be no significant harm on the amenity of future occupants of the scheme through overlooking, overbearing, daylight or privacy. However, there are some very minor breaches of spacing standards between some facing principal elevations. Notwithstanding this, it is considered that this would not result in an unacceptable level of amenity for future occupants. It should also be noted that the layout has been informed by some of the principles of Manuel for Streets which can often result in lower spacing standards, at the expense of improved public realm.

A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing. Each dwelling has sufficient space for 3 bins, clothes drying and a shed. In amenity terms it is considered that the layout complies with the requirements of Policy BE.1 of the Local Plan.

It is recommended that permitted development rights for extensions are removed to ensure that an adequate privacy distance is maintained in the future.

Education

The Education Officer has examined the proposal and has raised no objection subject to the provision of a contribution of ££65,078 toward secondary education. This could be secured through a Section 106 Agreement if the development was deemed to be acceptable.

Affordable Housing

This application is for 34 affordable rented homes provided as a mix of 21 x 2 bed 4 person houses and 13 x 3 bed 5 person houses over the two parts of the site.

Underwood Court is owned by Wulvern and will be developed by them to provide 8 x 2 bed 4 person houses and 7 x 3 bed 5 person houses to be let as affordable rent.

The West View part of the site is owned by the Council and is being sold to Your Housing Group on a long lease, Your Housing Group will develop this site to provide 13 x 2 bed 4 person houses and 6 no 3 bed 5 person houses to be let as affordable rent.

The Strategic Housing Market Assessment 2010 identified a requirement for 256 new affordable homes each year between 2009/10 – 2013/14 in the Crewe sub-area, which is the area this site is located in, the type of affordable housing required each year is 123 x 1 beds, 20 x 2 beds, 47 x 3 beds 40 x 4/5 beds and 26 x 1/2 bed older persons accommodation.

The site is located close to West Street, there are currently 50 applicants on the housing register with Cheshire Homechoice who have selected this area of Crewe as their first choice, these applicants require 24 x 1 bed, 13 x 2 beds, 9 x 3 beds and 1 x 4 beds (3 applicants haven't specified how many bedrooms they require)

There has been delivery of approximately 280 affordable dwellings in Crewe since 2009/10 and there is some anticipated delivery, however even with the anticipated delivery there will still be a significant shortfall of delivery against the identified need for the period of 2009/10 – 2013/14, therefore can confirm that Housing support this application as it will deliver affordable housing which will contribute to the identified need in Crewe

Highways

The site is directly adjacent to the public transport network, it is a sustainable location being located adjacent to the bus stops on Underwood Road. The town Centre is within reasonable walking distance.

Paragraph 39 of the NPPF advises that;

In setting local planning standards for residential development and non residential development local planning authorities should take into account:

- The accessibility of the development
- The type, mix and use of the development
- The availability of and opportunities for public transport;
- Local car ownership levels; and
- An overall need to reduce the use of high emission vehicles

The proposal incorporates off road car parking for each dwelling, the majority of the units having 2 car parking spaces, however six of the units have one space. Whilst less than 200% this is considered to be in accordance with the objectives of policies of the local plan and the NPPF, given the accessible location of the site on a bus route and the need to utilise the site efficiently in density terms.

Whilst no formal comments have been received at the time of writing this report, The Strategic Highways Manager has been involved in the discussions that have taken place. He has verbally advised that he raises no highway objections raised to the application subject to conditions.

Renewable energy

Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Development Framework, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the Design & Access statement has not considered the incorporation of such measures. No information is submitted in support of this application in respect of renewable resources however this could be dealt with by planning condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site comprises previously developed land in a sustainable urban location, with access to a range of local services and facilities nearby and has good public transport links.

The scheme is considered to be a sustainable development of a brownfield site where there is a presumption in favour of the development. For the reasons outlined above; the scheme, in the main, complies with relevant Development Plan policy and the NPPF.

The National Planning policy Framework in paragraph 14 makes it clear that planning permission should be granted for sustainable forms of development. There are no adverse impacts resulting from this development which would *significantly* or *demonstrably* outweigh the clear benefits of the scheme.

The design of the scheme is acceptable and sympathetic to the existing urban environment. The impact of the development on adjoining land uses and the living conditions of neighbours is within acceptable standards and can be controlled by condition.

The proposal will have no adverse impact in terms of highway safety, landscape or ecology.

Whilst there is some conflict in terms of the loss of trees on the site overall, the numerous benefits and this schemes contribution to the housing need, particularly the need for affordable rented family sized accommodation in this part of the Borough is considered to be a significant benefit which outweighs the harm cause by virtue of loss of trees..

Community Infrastructure Levy (CIL) Regulations

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

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

The commuted sum in lieu of children's play space is necessary, fair and reasonable, as the proposed development will provide 34 family sized dwellings of different sizes, the occupiers of which will use local facilities as there is no children's play being provided as part of the scheme, as such, there is a need to upgrade/enhance existing facilities in the vicinity. Likewise, the education department are forecasting that the area will have a shortfall of secondary schools places within 2 years and on this basis there will be a need to provide additional places as a direct consequence of this development

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

SUBJECT TO

The satisfactory completion of a S106 Legal Agreement comprising:

HEADS OF TERMS

- Provision of commuted sum in lieu of on site provision of Childrens off site Play
- Education contribution - £65,078 for secondary education

RECOMMENDATION

Grant Conditional Planning Permission subject to the following conditions:

- 1) Commencement of Development (3 years)
- 2) Approved Plans
- 3) Materials to be submitted
- 4) Details of Surfacing materials to be submitted
- 5) Detailed Landscaping Scheme to be submitted, scheme to include Council land adjacent
- 6) Landscaping Scheme Implementation and maintenance
- 7) Tree protection measures to be submitted
- 8) Tree retention

- 9) Details of Boundary treatments to be submitted for approval – such details to include all gates(including to parking court)
- 10) Scheme to retain 30% as being affordable units in perpetuity (split as 6no on West View and 5no dwellings on Underwood Courts)
- 11) Parking to be made available prior to occupation
- 12) Parking Courts to be surfaced and drained in accordance with scheme to be submitted and implemented prior to first occupation
- 13) Hours of construction:
Monday – Friday 08:00 to 18:00 hrs
Saturday 09:00 to 14:00 hrs
Sundays and Public Holidays Nil
- 14) Hours of pile driving:
Monday – Friday 08:30 – 17:30 hrs
Saturday 08:30 – 13:00 hrs
Sunday and Public Holidays Nil
- 15) Phase II Contaminated Land Survey prior to commencement
- 16) Details of any lighting to be submitted and approved
- 17) Breeding birds surveys if any works are undertaken between 1st March and 31st August in any year,
- 18) Detailed proposals of features suitable for use by breeding birds to be submitted
- 19) Construction Management Plan to be submitted and approved in writing prior to the commencement of development. Implementation in accordance with the approved plan.
- 20) Finished levels throughout site to be submitted and approved
- 21) 10% Renewable energy
- 22) Permitted development removal (all extensions and alterations Classes a-e)

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