

Application No: 13/1338N

Location: Stewart Street Motors, STEWART STREET, CREWE, CW2 7RW

Proposal: Removal of the existing car sales site and building and the erection of 7No one bed and 7No two bed flats in a 3 storey block (Resubmission)

Applicant: Stewart Street Motors

Expiry Date: 26-Jun-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- The principle of the development
- The loss of the employment site
- Residential amenity
- Design
- Highway matters
- Flood risk
- Ecology
- Contaminated Land

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a small scale major development.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is currently used as a car sales area with a small portakabin style office building to the rear. The site is situated on the corner of Stewart Street and Collins Street which is sited within the settlement boundary of Crewe. The site backs onto the Valley Brook.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 14 residential properties which would be a mix of 7no. 1 bedroom apartments and 7no. 2 bedroom apartments within a three storey 'L' shape apartment block.

3. RELEVANT HISTORY

12/1862N - Removal of Existing Second Hand Car Sales Site, Building and the Erection of 7no. One Bedroomed and 7no. Two Bedroomed Flats in a Three Storey Block – Withdrawn 3rd August 2012

P08/0417 - Residential Development Comprising 14 Units (Resubmission) – Refused 24th June 2008 - *Refused for insufficient information on flood risk.*

P07/1663 - Residential Development Comprising 14 Units – Withdrawn 6th March 2008

P97/1016 - Erection of boundary railings – Approved 4th February 1998

7/03542 - 2 non-illuminated fascia signs and 1 illuminated S/S box sign – Approved with conditions 26th January 1978

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

RES.2 (Unallocated Housing Sites)

RES. 3 (Housing Densities)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

TRAN.9 (Car Parking Standards)

E.7 (Existing Employment Site)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

5. CONSULTATIONS (External to Planning)

United Utilities: No objection, the site must be drained on a separate system with only foul drainage connected into the foul sewer.

Strategic Highways Manager: No objections

Environment Agency: The Environment Agency has no objection in principle to the proposed development but we would like to make the following comments. We have previously reviewed a Phase 1 Contaminated Land Risk Assessment dated November 2012 and a Ground Investigation Report dated February 2013 for Stewart Street Motors, Crewe to assess the risk to controlled waters. The site is located on the Sidmouth Mudstone Formation, a Secondary B aquifer and immediately adjacent to Valley Brook.

The following condition has been suggested,

Condition

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the Phase 1 Contaminated Land Risk Assessment (Nov 2012) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

The EA also recommend during any future site investigation that the adjacent Valley Brook is monitored/ sampled to ascertain if the surface water course is being impacted from already identified contamination on site and if so how significant the pollution linkage is. After gathering this additional information a more thorough and detailed site assessment can be undertaken and a site specific remediation strategy developed where necessary (as per the recommended condition above). The site is located in the area underlain by Mudstone Formation within bedrock geology and till deposits covering the bedrock. No licensed groundwater abstraction points were localised in the area. The EA note that shallow groundwater has been encountered during trial pits excavation at depths between 2.2- 2.8 m, although appear to be localised and limited to the eastern part of the site. In addition it should be demonstrated that perched water is not in a hydraulic continuity with the adjacent Valley Brook, as this could increase lateral migration of contaminants and potential pollution of the brook.

The site is shown on our Flood Maps as being within Flood Zone 1 (low probability of river/tidal flooding) but adjacent to Flood Zones 2 and 3 (medium and high probability respectively of river/tidal flooding). The Flood Maps are however indicative only and are not of sufficient accuracy to determine the risk of flooding at a specific location. The submitted Flood Risk Assessment (FRA) by Michael Lambert Associates (Ref: 10/4/08 V1) demonstrates that the proposed development is within Flood Zone 1.

The watercourse adjacent to the site is Valley Brook, which is designated "main river". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the EA is required for any proposed works or structures in, under, over, or within 8 metres of the top of the banks of the brook. The EA usually require the 8 metres wide strip to be clear and unobstructed, in order to carry out works to Valley Brook. However, in this instance, as there will be access to the brook via the parking area, the proximity of the proposed building to Valley Brook is acceptable in principle.

Environmental Health: Conditions suggested in relation to construction hours, piling works, external lighting, dust control, noise assessment, acoustic enclosures, bin storage, building regulations (insulation) and contaminated land phase II.

6. OTHER REPRESENTATIONS – None received at time of writing the report.

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

Flood Risk and Surface Water Assessment (carried out by Michael Lambert Associates 2008)

Ground Investigation Report (Strata Surveys Limited Feb 2013)

Design and Access Statement (carried out by DC Architects)

PPS3 Housing Self-Assessment Checklist

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle 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 is a brownfield site current in employment use. The proposal would also provide 14 units towards the Council's housing land supply, which will ease pressure on greenfield sites elsewhere within the Borough.

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 and a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

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 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.

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. Furthermore, the application site is currently occupied by a car sales use that is sited in close proximity to a concentration of residential properties and therefore residential redevelopment would be compatible with the surrounding uses. However, consideration must be given to the loss of the garage as a potential employment site.

Loss of Employment Site

Policy E.7 (Existing Employment Site) states that development which would cause the loss of an employment site will be permitted where the present use harms the character or amenities of the area, the site is not capable of a satisfactory use or overriding local benefits would result. The current use of the site is not considered a large employment generator, and therefore Policy E.7 is not strictly applicable to this application. This application form submitted with the application clearly states that Stewart Street Motors employs one full-time worker with a part-time assistant. It is therefore considered that the loss of a small employment site for a more compatible land use will have a positive planning benefit to the area.

Design

The surrounding area comprises a mix of residential and commercial development. The housing stock in the surrounding area largely comprises of traditional two storey terrace houses which front onto the highway with rear gardens/yards. The commercial development is a mix of car sales and light industrial.

The proposed apartment block will have three storeys, with the third within the roof of the building. The block will have a maximum height (excluding the corner roof feature) of 9.4m. The proposed apartment block will have traditional lintel features around the doors and windows, and contrasting brick courses. At the corner of Stewart Street and Collins Street the apartment block will have a focal design creating an octagonal dome on the roof.

The site plan shows the building sited adjacent to the highway matching the build line of the adjacent terrace properties. The layout of the development provides an active frontage to Stewart Street and Collins Street, as well as creating an active frontage into the parking area of the site, allowing for natural surveillance of the site.

It is considered that the proposed design reflects the general nature of the terraced properties within the vicinity, with key design features, such as the gable projections reflecting the front elevations. The focal feature on the corner has been designed to reflect the design of the Victorian properties further up Stewart Street at the cross roads with Alton Street, the corner buildings all have a diagonal elevation facing the junction. Albeit, the corner feature of the existing buildings are not as prominent as the proposed building, it is considered that a focal feature is important on the corner and the proposed design reflects the vernacular of the surrounding streetscene.

There will be limited landscaping and boundary treatment available within the site, however it is considered that with some sensitively designed soft and hard landscaping to the front and within the site, this should help to break up the expanse of parking shown on the amended plan.

It is therefore considered that the proposal would be acceptable in design terms and would have an acceptable impact on the character and appearance of the area. The proposed development would accord with Local Plan policy BE2 (Design).

Amenity

The principal windows in the south elevation of the proposed building will face the blank gable of the dwelling at 25 Stewart Street, and therefore no privacy issues are raised in respect of this dwelling. A separation distance of approximately 12m will be achieved. Whilst this is below the recognised 13.5m separation distance, it is not out of character for this location.

The north gable end of the new building faces the gable of 15 Stewart Street, which contains one first floor window and its rear garden area. A separation distance of approximately 10m will be achieved between the two properties. Whilst this is below the recognised 13.5m separation distance, it is not out of character for this location. Furthermore, there are no windows proposed in the north gable and consequently there would be no concerns of overlooking. The Valley Brook sits between the two buildings and therefore it is considered that the proposal is acceptable.

The remainder of the surrounding development comprises commercial premises and open space and as a result, it is considered that adequate privacy and residential amenity will be afforded to both existing and proposed properties.

Whilst no provision for onsite private amenity space is proposed it is considered that this is acceptable in this instance as the proposal is for apartment development in an area of terraced properties. It is therefore considered that the development is therefore in accordance with policy BE1 (Amenity).

Flood Risk

The previous applications on the site for residential development in 2007/2008 were withdrawn and refused due to issues of insufficient information having been submitted to the Local Planning Authority in relation to flood risk. The proposal site is situated in Flood Risk Zone 1 (low probability of river/tidal flooding) but adjacent to Flood Zones 2 and 3 (medium and high probability respectively of river/tidal flooding). The Environment Agency state that the watercourse adjacent to the site is Valley Brook, which is designated "Main River". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agency's prior written consent is required for any proposed works or structures in, under, over, or within 8 metres of the top of the banks of the brook.

The Environment Agency usually requires an 8 metres wide strip to be clear and unobstructed, in order to carry out works to Valley Brook. However, in this instance, the Environment Agency state that as there will be access to the brook via the parking area, the proximity of the proposed building to Valley Brook is acceptable in principle.

The agent has also noted that the development site will not include any part of the valley brook and the existing wall and vegetation will be retained in situ at this point. It is therefore considered that as the Environment Agency concerns have been appeased, the reason for refusal for the previous application has been addressed and the proposal is therefore acceptable.

Highways

The site plan submitted shows the provision of 22 parking spaces which would achieve the lower standard of one space for the 7no one bedroom flats and two spaces for the 7no two bedroom sites, and a visitor space.

The Strategic Highways Officer has raised no objections to the proposal and noted that the provision was acceptable. It is therefore considered that the proposal will not have a detrimental impact on highway safety.

Ecology

As the site sits adjacent the Valley Brook with the trees and associated vegetation adjacent the proposal may have had some impact on nature conservation. However, as noted in the previous application the proposal will not include an area of the 'The Valley Brook' and no works will be carried out to the area. The Councils Ecologist has assessed the application and does not consider that there would be any significant ecological issues associated with the proposed development.

Contaminated Land

The application site is currently a car sales garage, but has a history of being a petrol station in the past. It has been noted that there are existing petrol containers under the site and therefore at the very least a Phase I report is required and depending on the outcome a Phase II would also be necessary to consider the potential impact the development could have on and future occupiers of the site and demonstrate that the site can be suitably developed for residential use.

The NPPF states that 'Planning policies and decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation'

The applicant has submitted a ground investigation report with the application and the Environmental Health and the Environment Agency have been involved in the process. The previous application was previously recommended for refusal on contaminated land issues prior to being withdrawn. Both the Environment Agency and the Environmental Health department have raised no objections to the proposal subject to a condition to be attached to the permission for further survey works and possible remediation to be submitted prior to commencement of development of the residential scheme.

11. CONCLUSIONS

It is considered that the general principal, design, and layout of the proposal are acceptable. The proposed building will sit comfortably within the streetscene and will not have a detrimental impact on neighbouring amenity or highway safety. There will be a suitable amount of parking provision on the site, the proposal will not have a detrimental impact on ecology and is therefore considered to be acceptable and in accordance with the relevant policies of the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time 3 years**

- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. No development shall take place until details of external lighting has be submitted to and agreed in writing by the Local Planning Authority.**
- 6. Noise assessment**
- 7. Acoustic enclosures**
- 8. Bin Storage**
- 9. Sound insulation and noise reduction in accordance with Building Regulations Approved document E**
- 10. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 11. Submission and approval of materials**
- 12. Submission of landscaping scheme**
- 13. Submission of Boundary Treatment**
- 14. Highway and car parking works to completed prior to first occupation**
- 15. Removal of permitted development rights, extensions and outbuildings**

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

(c) Crown copyright and database rights 2013. Ordnance Survey
100049045, 100049046.

Works

Garage

THE SITE

Garage

5 to 7

STEWART STREET

10 5 0 10 Meters