

Application No: 15/1545N

Location: Site of 2 and 4 Heathfield Avenue and 29, 29A and 31 Hightown, Crewe, Cheshire, CW1 3BU

Proposal: Construction of 9 houses and 5 apartments with associated parking and access provision

Applicant: Nick Morgan, R.G. Harris Ltd

Expiry Date: 02-Jul-2015

## **SUMMARY**

The proposed development seeks to utilise a previously developed site within the settlement boundary for Crewe and therefore benefits from a presumption in favour of development under local plan policy RES.2 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Para 14 goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

The proposed development would provide market housing to meet an acknowledged shortfall in a highly sustainable location which would be of social benefit. The proposal would also have economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops. In environmental terms, the proposal would bring forward a redundant brownfield site therefore making efficient use of the land and would also improve the character and visual appearance of the area through redevelopment. The scheme is well designed and would provide a range mix of residential units which would be in keeping with the character of the area.

There would be a shortfall in parking provision and a shortfall in separation distances between some proposed units and neighbouring properties; however, owing to the town centre location and the context of the site within a 'tightly knit' area, the proposal would not be incongruous or harmful in these regards. The proposal would provide sufficient amenity for the new occupants. Together, the benefits of the scheme all translate to a proposal which is sustainable both in the environmental, economic and social sense and far outweigh any adverse impacts of the scheme.

The applicants have demonstrated general compliance with national and local guidance. On this basis, the application is recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation to secure contributions towards local primary school places.

## **RECOMMENDATIONS**

<b>APPROVE subject to conditions &amp; S106 Agreement</b>
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## **REASON for REFERRAL**

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

## **PROPOSAL**

This application seeks full planning permission for the erection of 9 houses and 5 apartments with associated parking and access provision at the site of '2 and 4' Heathfield Avenue and '29, 29A and 31' Hightown, Crewe.

## **SITE DESCRIPTION**

The application site occupies a corner position at the junction where Hightown meets with Heathfield Avenue, Crewe. The site measures 0.17 ha in size and comprises a redundant brownfield site which previously accommodated a row of shops with lock up garages to the rear. The site has been cleared in recent years.

The surroundings are predominantly residential although there are some small scale retail and other commercial premises nearby.

The site is located within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and is not allocated for any other purpose within the Local Plan.

## **RELEVANT HISTORY**

P09/0014 - Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure – Resolved to approve but then withdrawn 04-Oct-2014

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design and 69-78 - Promoting healthy communities

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

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)  
TRAN.9 (Car Parking Standards)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
RES.2 (Unallocated Housing Sites)  
RES.3 (Housing Densities)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE 1 – Design  
SE 2 - Efficient Use of Land  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Other Material considerations:**

SPD2 – Development on Backlands and Gardens

### **CONSULTATIONS**

#### **Head of Strategic Infrastructure (Highways)**

Comments will be reported to Members by update.

## **Environmental Protection**

No objections, subject to conditions / informatives restricting hours of piling; the prior submission of a piling method statement, construction hours, a scheme to minimise dust and contaminated land.

**United Utilities** – No objections, subject to conditions relating to foul water and surface water.

## **Education**

No objection subject to a financial contribution towards primary school provision. This development of 10 dwellings with 2+ bedrooms is expected to generate 2 primary and 2 secondary aged pupils. There are insufficient places in the primary schools however there is capacity in the local secondary schools. The contributions required would be: 2 primary children x £11,919 x 0.91 x 2 = £21,692.58

## **REPRESENTATIONS**

None

## **APPRAISAL**

The key issues are:

- Principle of the development
- Housing land supply
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- Education
- S106 contributions Levy (CIL) Regulations

## **Principle of Development**

The site is located within the Crewe Settlement Boundary where Policy RES.2 of the adopted local plan allows for residential development on unallocated sites in Crewe. Accordingly, the principle of residential development on the site is acceptable under local plan policy subject to other material considerations. Such material considerations relate to whether the development represents a sustainable form of development, integral to which are considerations relating to the impact on the character and appearance of the area, highway safety, residential amenity and impacts on local infrastructure (in this case education).

Whilst the development would exceed the residential densities suggested by policy RES.3 this policy is out of date and is not consistent with The Framework - Para 214 of The Framework indicates that where policies have not been adopted under the Planning and Compulsory Purchase Act 2004 due weight should be given to policies according to their degree of consistency with The Framework. As this policy is not consistent, limited weight is afforded to it.

## **Locational Sustainability**

The proposals seek to utilise previously developed land, inside the settlement boundary in close proximity to Crewe Town Centre, which offers a good range of shops and services and transport links. On this basis, the application performs well in terms of locational sustainability and in this regard adheres with para 14 of the National Planning Policy Framework (NPPF) which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. However, locational factors are all but one factor of sustainability and regard must be had to the social, economic and environmental roles of sustainability.

## **Housing Land Supply**

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 14 no. residential units within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed. As such, the proposal would bring social benefits in the form of market housing.

## **Design Standards**

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the street-scene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version largely support this local plan policy.

The application site occupies a prominent position at the corner where Hightown meets with Heathfield Avenue. The frontage with Hightown measures approximately 23 metres in length and would host a row of 4 mews properties with a three storey apartment block turning the corner and fronting both Hightown and Heathfield Avenue. To the side of the apartment block, along Heathfield Avenue, there would be vehicular access to a rear parking court. The remaining frontage to Heathfield Avenue would be given over to 5 mews properties which would be split up into 2 blocks. In terms of layout, the proposed development would provided active frontages to each street and would follow the general pattern of development in the area, which is characterised by a Victorian / Edwardian 'grid-iron' pattern.

In terms of treatment of the elevations, the proposed mews properties would be two-storey with accommodation in the roof space. They would be of simple and modest proportions and would include architectural details such as recessed porches, bay windows, chimney details and contrasting brick cills and headers. This would make for an attractive scheme which would be similar in character to the Victorian / Edwardian style properties which characterise Heathfield Avenue in particular.

With respect to the proposed apartment block, this would be three-storey in height and would turn the corner with feature full height glazing and a roof form that would ease the transition with the adjoining proposed mews properties. In the vicinity of the site, there are a number of three storey elements and as such, the scale and general design of the apartment block would not appear

incongruous in the area. The application is considered to be acceptable in design terms and would improve the appearance of the area by redeveloping an existing brownfield site that fails to enhance the quality of the area in its present vacant state.

## **Residential Amenity**

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

The main consideration in respect of amenity is direct overlooking between the proposed units and neighbouring properties. The proposed units fronting Hightown would achieve a separation of 15 metres with the front elevations of no.s 42-38 (inclusive) Hightown. This would be reduced to 14 metres between the proposed units and those nearest properties on Heathfield Avenue.

Whilst this falls below the minimum separation expected between main elevations, this is consistent with the existing terraces along Heathfield Avenue. As these properties co-exist without detriment to the amenities of occupants it is considered unreasonable to impose greater separation distances in this location given the established tight knit pattern of development within the locality. Furthermore, it is important to note that there was resolution to approve a scheme for 27 residential units at this site with similar separation distances. As such, it is not considered that refusal could be sustained on this basis.

With respect to the properties at the rear, and the relationship between the proposed units themselves, separation distances would be met and would not therefore result in direct overlooking.

The proposed development would not result in loss of light to neighbours by virtue of visual intrusion or the orientation and location of buildings. The site is located in an inner urban location where development densities are high. This development is consistent with the character of the area and would not significantly adversely impact upon neighbouring levels of amenity.

## **Highways**

Vehicular access to the site is to be taken from Heathfield Avenue in the approximate position of an existing dropped kerb access. The Head of Strategic Infrastructure (HSI – Highways) has confirmed that the access arrangements are acceptable. However, the HSI has expressed concern about the level of parking provision. According to parking standards, the proposed development would be expected to provide 24 no. spaces.

The application has been amended to provide 18 no. parking spaces (previously 16). Whilst this would result in 6 spaces less than the level desired by the parking standards, it is important to note that the site is well located close to the town centre. The proposal would take advantage of the town centre facilities and would benefit from the opportunities to use sustainable means of transport. Further, owing to the small size of some of the units (1 bed apartments), car ownership will not be as high. As such, as amended, it is not considered that the proposed parking provision would sustain a reason for refusal in this case.

## **Education**

With respect to the impact that the proposal would have on local education provision, the Council's Education Department has confirmed that the proposed development of 14 units is expected to generate 2 primary and 2 secondary aged children. The Council's Education Department has confirmed that there are insufficient primary school places in the local vicinity to absorb the 2 primary aged children generated by this development as well as other developments which have been approved. There is sufficient capacity within the local secondary schools. In order to offset the deficit at primary level, the development would need to provide financial contributions towards the local primary schools to facilitate additional school places. This should form part of a s106 agreement.

### **S106 contributions Levy (CIL) Regulations:**

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

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 Council's Education Department have advised that the proposed development will need to address a shortfall of primary school places. Without such, the scheme would result in planning harm and would place undue pressure on local infrastructure. Without such, this would serve as negative impact and are directly and reasonably related to the scale of development and is necessary to help meet an identified need.

### **Planning Balance**

The proposed development seeks to utilise a previously developed site within the settlement boundary for Crewe and therefore benefits from a presumption in favour of development under local plan policy RES.2 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Para 14 goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

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chain and spending by future residents in local shops. In environmental terms, the proposal would bring forward a redundant brownfield site therefore making efficient use of the land and would also improve the character and visual appearance of the area through redevelopment. The scheme is well designed and would provide a range of residential units which would be in keeping with the character of the area.

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The applicants have demonstrated general compliance with national and local guidance. On this basis, the application is recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation to secure contributions towards local primary school places.

## **RECOMMENDATION**

**APPROVE subject S106 Agreement making provision for:**

- **£21,692.58 commuted sum towards education**

**And the following conditions**

1. Standard time limit 3 years
2. Development to be carried out in accordance with approved / amended plans
3. Submission of contaminated land report
4. Submission / approval and implementation of environmental management plan
5. Piling method statement to be submitted  
Limited
6. Submission / approval and implementation of scheme to minimise dust emissions
7. Drainage – scheme for foul drainage submitted to and approved
8. Drainage - scheme for surface water drainage submitted to and approved
9. Construction of approved access
10. Materials to be submitted and approved
11. Landscaping scheme to be submitted including boundary treatments
12. Landscaping implementation
13. Parking to be provided as per approved plan prior to first occupation
14. Removal of permitted development rights Classes A-E for mews properties
15. Provision of cycle parking
16. Provision of bin storage

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**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

