

Application No: 16/4175N  
Location: Land At Former Crewe L M R Sports Club, Goddard Street, Crewe  
Proposal: Erection of 74 one, two and three- bedroom dwellings  
Applicant: Gaynor Mellor, Wulvern Housing Ltd  
Expiry Date: 30-Nov-2016

## **SUMMARY**

**The application site lies within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted. The site also falls on a parcel of Protected Open Space.**

**A needs assessment has clarified that there are no viable alternative sites that can be developed as a replacement facility.**

**Following discussions between the applicant, Sport England and the Council's Open Space Officer, it was agreed that a financial contribution to offset the loss would be appropriate.**

**The proposal would bring positive planning benefits such as the provision of new affordable dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.**

**No highway safety, forestry, drainage or flooding concerns would be created.**

**The dis-benefits of the scheme would be the loss of the Open Space itself, the lack of Open Space contribution to account for the additional demand of the development upon the existing provision, the lack of a primary school education contribution to account for the additional demand of the development upon the existing provision, the overdevelopment of the site resulting in knock-on design concerns and the impact upon the future amenities of the occupiers of 8 of the 74 dwellings due to the proximity of these dwellings to 3 and 4-storey development.**

**The Open Space has not been in use for a considerable time and a commuted sum is proposed to overcome the loss and provide provision elsewhere. Sport England raise no objection subject to this commuted sum being provided.**

**The benefits of 74 affordable dwellings is considered to be significant. In terms of the planning balance, it is considered that the weight afforded to this provision is**

sufficient to outweigh the lack of provision in relation to open space, the impacts upon the local primary school capacities, design and amenity concerns.

For the above reasons, on balance, the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to S106 Agreement to secure the affordable housing provision, a off-site public open space contribution, a contribution to provide double yellow lines on Goddard Street and a contribution to provide and maintain trees on the highway verge and conditions**

## **REASON FOR REFERRAL**

The application is referred to Planning Committee as it involves residential development of 20 dwellings or more.

## **PROPOSAL**

Full Planning Permission is sought for the erection of 74 affordable dwellings.

Revised plans have been received during the application process in an attempt to address the concerns of consultees and to try and resolve any pre-commencement conditions.

## **SITE DESCRIPTION**

The application site comprises a vacant sports club building and associated outbuildings including a small grandstand. It is situated on the western side of Goddard Street, Crewe and is largely bound by residential development. The associated sports ground is a protected open space.

## **RELEVANT HISTORY**

**12/0194N** - Application For Prior Notification Of Proposed Demolition – Approval not required 8<sup>th</sup> March 2012

**P07/1181** - 38 Dwelling Houses and Three Flats and Car Parking for 57 Spaces with Cycle Parking, Smoking Shelter and Substation – Withdrawn 15<sup>th</sup> October 2009

**7/09123** - Extension to existing social club premises – Approved 20<sup>th</sup> July 1982

**7/07845** - Alterations and extension – Approved 9<sup>th</sup> April 1981

## **LOCAL & NATIONAL POLICY**

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are;

RES.2 - Unallocated Housing Sites, RES.3 - Housing Densities, RT.1 - Protection of Open Spaces with Recreational or Amenity Value, RT.3 - Provision of Recreational Open Space and Children's Playspace in new housing developments, BE.1 – Amenity, BE.2 - Design Standards, BE.3 - Access and Parking, BE.4 - Drainage, Utilities and Resources, BE.5 – Infrastructure and BE.6 - Development on Potentially Contaminated Land

### **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; 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

### **Emerging Cheshire East Local Plan Strategy**

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

SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient Use of Land), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), IN1 (Infrastructure) and IN2 (Developer Contributions)

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to a S106 Agreement to provide a commuted sum of £3,150 to provide and maintain the inclusion of trees along the edges of the approved highway and a TRO amendment for double yellow lines (£4,000). In addition, a condition seeking the prior approval of a Construction Management Plan is also proposed.

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; The prior submission of a piling method statement; the prior submission of a dust mitigation scheme; the prior submission of a Construction Phase Environmental Management Plan; the submission of a travel pack prior to the occupation of the development; that an overnight electric vehicle charging point for each dwelling shall provided for each dwelling; the prior submission of a dust mitigation scheme; the prior to occupation the approved Contaminated Land remediation strategy shall be carried out and a verification report submitted to the LPA, prior to occupation, the submission of a soil verification report (imported soil for landscaping), and that the development should stop if contamination identified. Informatives in relation to contaminated land and hours of construction are also proposed

**United Utilities** – No objections, subject to a number of conditions including; That the approved drainage be carried out in accordance with the submitted Foul & Surface Water

Drainage Design Drawings at a restricted rate and the implementation of a Sustainable Drainage Management and Maintenance Plan

**Flood Risk Manager (Cheshire East Council)** – No objections subject to the following conditions; that the development shall be carried out in accordance with the submitted drainage strategy and that the surface water must drain from the development at the restricted rate

**Sport England** – No objections, subject to the provision of £70,000 to account for the loss of the playing fields

**ANSA (Open Space Officer)** – No objections, subject to the provision of a commuted sum for off-site provision of £194,250 for the policy required Open Space provision and the provision of a commuted sum of £70,000 to account for the loss of the playing fields (in line with Sport England's comments).

**Housing (Cheshire East Council)** – No objections

**Education (Cheshire East Council)** – No objections, subject to a commuted sum of £130,155 to be paid to the Local Planning Authority for the impact of the development upon the local Primary School Provision

**Crewe Town Council** – No objection

## **REPRESENTATIONS**

Letters were sent to the occupiers of the properties adjacent to the application site. In addition, a site notice was erected and the development advertised in the local press. In response, 4 neighbouring letters of representation have been received. The main areas of concern raised include;

- Principle of housing on the site
- Amenity – Loss of privacy, impact of noise upon future residents from existing business

## **APPRAISAL**

The key issues are:

- The principle of the development
- The sustainability of the proposed development considering the schemes; economic, social and environmental roles
- Viability
- CIL compliance
- Planning balance

## **Principle of development**

New Housing

Policy RES.2 of the Local Plan advises that within the settlement boundaries of Crewe and Nantwich, which are defined on the proposals map, the development or redevelopment of unallocated sites for housing will be permitted so long as it is in accordance with policies BE.1 to BE.5 of the Local Plan.

As such the principle of housing within Crewe is accepted, subject to its adherence with other relevant Local Plan Policies

### Protection of Open Space

The application site where the 74 dwellings are proposed 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 Football ground although it is no longer used for such purposes and has fallen into disrepair.

The main issue in this case is whether the development is compliant with Policy RT.1. Policy RT.1 states *'Development will not be permitted which would result in the loss of open space (which includes school playing fields) shown on the proposals map, which has recreational or amenity value.'* It is stated 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; or:*
- *The proposed development is ancillary to the principal use of the site as a playing field or open space and does not affect the quantity or quality of pitches or adversely affect their use.*
- *The proposed development affects only land incapable of forming part of a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area or any playing pitch, or the loss of any other sporting / ancillary facility on the site.*
- *The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.*
- *The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or open space.'*

The application is supported by a Sports Needs Assessment (SNA) which appraises alternative playing sites in Crewe which could be used to provide alternative provision to mitigate the loss of the application site.

The report concludes that none of the sites identified, of which there were 3, were suitable for various reasons. Therefore, the report recommends a number of options on how to proceed including;

- Re-review the other potential sites in Crewe where a pitch could be created. However, discussions with the Council have indicated that this is difficult to achieve.
- Provide a commuted sum to make improvements at a nearby site
- Provide additional pitch capacity at a new site in the Crewe area via a commuted sum

Following a meeting with the Council's Open Space Officer and a representative from Sport England, it was agreed that given the status of the early Council's Playing Pitch Strategy (PPS), it was difficult to be definitive in terms of need. Therefore whilst the solution to provide an alternative playing field was the favoured option, the analysis of the options had raised various issues.

As such, the principle of a commuted sum of £70,000, to be secured by the way of a S106 Agreement, would be an acceptable form of mitigation. This sum was calculated based on Sport England Facilities Costs (2016).

As a result of the above reasons, the proposed mitigation is considered to be acceptable and would adhere with both Local Plan and Sport England policies.

The principle of the development is therefore considered to be acceptable.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don't 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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**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; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Economic Role**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Crewe for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable, however this benefit would predominantly be realised during the construction phase.

## **Social Role**

### Affordable Housing

The proposed development is a 100% affordable housing scheme.

Wulvern (Registered Social Landlord) detail within their Planning and Affordable Housing Statement that of the 74 units proposed, 64 shall be Affordable rent and 10 shall be Shared ownership. The applicants have secured funding from the Homes and Communities Agency (HCA) for this project.

The Council's Housing Officer has advised that there is a need for this kind of accommodation in Crewe, particularly for the Affordable Rented accommodation.

The applicant has asked for this to be secured as part of a S106 Agreement.

As such, this presents a significant planning benefit.

### Open Space

Notwithstanding the loss of the Open Space on which the development is sought as considered within the Principle section of this report, consideration is also required of the impact upon the local Open Space capacity in the area that would be impacted by the proposal and the additional demand.

Local Plan policy dictates that such considerations are made for residential developments comprising of 20 units or more.

No open space provision is being offered as part of the development. The Council's Open Space Officer has therefore advised that a calculation based on the number of dwellings sought would require a commuted sum of £194,250.

Without this financial contribution, there would be resultant social dis-benefit. This needs to be factored into the planning balance

This is further considered within the viability section of this report.

### Education

The Council's Education Service has recently begun the process of strategically creating additional primary school capacity in the Crewe area due to a basic need of primary places demographically and from additional housing in the locality. The two largest expansions at present being Monks Coppenhall Primary School, by an additional 210 places, and Hungerford Primary Academy by an additional 210 places. The expansions are being jointly funded by basic need funds and S106 funding.

The Service is expanding the schools by 1 full Form of entry (210 places – 7 classrooms) to assist with finances, minimum disruption to the daily management of the school and to assist with the practicalities of class organisation and teaching standards.

On this basis the Service are seeking a full primary claim and will receive the payments for the works paid for by the Council up front to mitigate the 12 primary children as a direct cause of the Former LMR Club development.

The development is not forecast to impact secondary school or Special Educational Need (SEN) provision.

To alleviate forecast pressures, the following contributions would be required:

12 x £11,919 x 0.91 = £130,155 (primary)  
Total education contribution: £130,155

Without this financial contribution, there would be resultant social dis-benefit as a result of this scheme which needs to be factored in the planning balance

This is further considered within the viability section of this report.

### Residential Amenity

Policy BE.1 of the Local Plan advises that proposals for new development shall be permitted so long as the development does not prejudice the amenity of future occupiers or the occupiers of adjacent properties by reason of overshadowing, overlooking visual intrusion, noise and disturbance or in any other way.

The closest residential properties to the proposed dwellings would be the occupiers of the closest dwellings on the following roads; West Street (north), Goddard Street (east and south), Partridge Street (South) and Dale Way to the West.

Paragraph 3.9 of the Development on Backland and Gardens SPD advises that the separation distance between principal elevations of dwellings, should be approximately 21 metres.

To the north of the site is a rear alleyway which runs along the full length of the boundary, just outside of the site, which serves the rear gardens/yards of the properties on West Street.

Investigations indicate that the proposed dwellings would predominantly closely adhere with the policy minimum recommended separation standards to these closest properties. There are occasions where this standard is breached, however as the character of this area of Crewe is defined by residential development within relative close proximity, it is not considered that the impact upon these neighbouring dwellings to the north would be significant or uncharacteristic of the area with regards to loss of privacy, light or visual intrusion. The applicant has also confirmed, that where these separation standards are in breach, the proposed dwellings have been designed to ensure that there are no sole windows to principal habitable rooms at first-floor level, allowing the inclusion of obscure glazing (which can be secured by condition). All the windows in question are either bathrooms/WC's or hallways/landings.

To the east, the closest neighbouring dwellings are on the opposite side of Goddard Street to the application proposal. The dwellings sought to the east of the site would comfortably adhere to the 21 metre minimum standard between their front elevations and the front elevations of Goddard Street dwellings on the opposite side of the road eliminating any significant concerns with regards to loss of privacy, light and visual intrusion to this side.

Just beyond the south-east corner of the site is the side elevation of No.10 Goddard Street.

Within the relevant side elevation of this property, which faces onto the application site, there are 4 windows, x2 at first-floor and x2 and second floor.

A planning history search identifies that these openings serve; an en-suite and a bedroom (also served by another opening) at first floor and the same at second floor.

At its closest point, this neighbouring side elevation shall be approximately 4 metres away from the proposed side elevation of the dwelling proposed on Plots 41 and 62.

However, given that there are no sole windows to principal habitable rooms within the side elevation of No.10 Goddard Street, and because the only windows on the side elevations of plots 63 and 74 are an inset door to a living room, subject to the inclusion of privacy screens on the far southern end of the balconies to these plots, which have been demonstrated on revised plans during the application process, it is not considered that the development would create any issues to these neighbouring properties with regards to loss of privacy, light or visual intrusion.

The development would be sufficiently far enough from all other residential development to the south off Partridge Way so not to create any amenity concerns to this side.

To the west are the residential developments off Dale Way (off Dunwoody Way). These comprise of Junction House and Carriage House, both 3 and 4-storey developments.

To the west of the application site, the dwellings have been inset in order to overcome any conflicting amenity concerns with this neighbouring site.

Within the relevant side elevation of Junction House facing the application site there are 12 openings. These comprise of 3 openings over 4 floors and serve either as; hallway windows or secondary windows to open plan kitchen/dining and lounge areas.

The side elevation of the closest dwelling proposed on Plot 21 would be located directly parallel and approximately 17 metres away from these neighbouring windows.

The dwelling proposed on Plot 21 would be 2-storey and comprise of a secondary lounge/living room window only.

As none of the windows on either the existing or proposed development would serve as sole windows to principal habitable rooms, the separation standards do not apply and it is considered that the development would not create any concerns with regards to loss of privacy, light or visual intrusion for the occupiers of Junction House.

The dwelling proposed on Plot 20, although closer to Junction House than the dwelling on Plot 21, it would be offset from the relevant windows in Junction House, and as such, create no significant concerns.

The other neighbouring residential block to the west is Carriage House. According to the submitted plans, the closest proposed dwellings (block 8 – plots 16-18 and block 7 – plots 13-15), would be between 20 and 23 metres away, and partially offset from the eastern elevation of this neighbouring part 3 storey / part 4 storey development.

Within the relevant elevations of Carriage House there are 20 openings over 4 floors on the southern section of the block and 15 openings over 3 floors on the northern section of the block facing the application site.

According to a planning history search, some of these openings comprise of sole windows to principal habitable rooms.

Within the rear elevations of the dwellings proposed in blocks 7 and 8, there are also sole windows to principal habitable rooms.

However, as these distances adhere to the 21-metre minimum standard, it is not considered that the occupiers of Carriage House would be detrimentally impacted by the proposed development in terms of loss of privacy, light and visual intrusion.

With regards to the amenities of the future occupiers of the proposed development itself, there is a concern with regards to a substandard degree of privacy, light and visual intrusion being afforded to the future occupiers of the dwellings proposed in Block's 7 and 8 to the west of the site. This is because they would be relatively close (between approximately 20-23 metres away) from 3 and 4 storey development.

Paragraph 3.9 of the SPD states that '*...in the case of flats there should be 30m [metres] between principal elevations with windows to first floor habitable rooms.*' The proposal would not adhere to this standard and therefore could result in an unacceptable degree of overlooking for the future occupiers of these dwellings.

In an attempt to help temper this impact, the applicant has advised that the dwellings which lie parallel to the 4-storey development (Junction House), will not comprise of any sole windows to principal habitable rooms at first-floor level. Should the application be approved, it is recommended that these openings are conditioned to be obscurely glazed to prevent them from being overlooked. These windows comprise of bathroom/WC or hallway and landing windows only.

With regards to the private amenity space afforded to the future occupiers of the housing proposed, the guide within the SPD is a minimum of 50sqm.

Although the spaces proposed would not achieve this standard in many cases, it is considered that each unit would still have access to sufficient private amenity space in order to carry out normal functions e.g. dry washing, sit out etc.

In terms of the impact of environmental disturbance, this is assessed by the Council's Environmental Protection Team who have raised no objections, subject to a number of conditions including; The prior submission of a piling method statement; the prior submission of a dust mitigation scheme; the prior submission of a Construction Phase Environmental Management Plan; the submission of a travel pack prior to the occupation of the development; that an overnight electric vehicle charging point for each dwelling at plots 3, 4, 6-16, 19-21, 23, 24, 26, 27, 29, 31-38, 40; the prior submission of a dust mitigation scheme; prior to occupation the approved Contaminated Land remediation strategy shall be carried out and a verification report submitted to the LPA, prior to occupation, the submission of a soil verification report (imported soil for landscaping) and that the development should stop if contamination identified. Informatives in relation to contaminated land and hours of construction are also proposed.

In response to a letter of objection from a commercial premises on West Street to the north of the application site, the applicant also undertook a noise assessment and a subsequent supplementary document.

The neighbouring unit was concerned that the noise his business would create could have a detrimental impact upon the future occupiers of the closest of the proposed dwellings and in turn, result in complaints.

This report, and the supplementary document has been reviewed by the Council's Environmental Protection Officer. In response, the Officer has concluded that they were in agreement with the methodology, noise measurement locations and prediction calculations, of timber workshop operations and advised that they have no objections to the proposed application on these grounds.

To conclude, it is not considered that the proposed development will have any significant impacts upon the amenity of the occupiers of the surrounding dwellings, subject to conditions where necessary.

Although the future occupiers of the dwellings proposed on plots 14-18 could be impacted in regards to overlooking in particular, this impact is tempered by the fact that 2 of the 4 plots would include windows which can be obscurely glazed at first-floor level. Furthermore, the relationship between the existing and proposed built form would be slightly offset and still relatively significant.

As a result, subject to conditions, it is considered that the proposal would adhere with SPD2 and therefore Policy BE.1 of the Local Plan.

### Social conclusion

The proposal would provide significant social benefits due to the provision of 74 affordable homes where there is an identified need.

Although there is a requirement to provide financial commuted sums to offset the impact of the development upon local primary school capacity and to upgrade off-site open space provision, it has been demonstrated that this provision cannot be provided in this instance due to viability concerns. This is further expanded upon in the viability section of this report. Notwithstanding this point, this lack of contribution in relation to both Education and Open Space represents a social dis-benefit.

Although the impact upon neighbouring amenity would not be significant, there are concerns about the future occupiers of the dwellings to the west of the site due to their proximity to 3 and 4-storey development. However, as advised above, this is to an extent tempered by the inclusion of windows that can be obscurely glazed, a slight off-set relationship and still a considerable distance between existing and proposed built form.

On balance, the benefit in principle of providing 74 needed affordable dwellings is considered to outweigh the social impacts of the development with regards to a lack of education provision, a lack of open space provision and the impact upon amenity of the future occupiers of the units.

The development is therefore considered to be socially sustainable.

### **Environmental role**

#### Design

This is an urban site and therefore higher density development is appropriate to the character of the area. However, it is important that the by-products of this higher density do not lead to a character of development that is inappropriate or of a quality below that which we seek to achieve in the Borough. Policy BE.2 of the Local Plan advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. The Draft Residential Design Guide also advocates a high standard of residential design.

#### *Goddard street frontage*

Normally from an urban design perspective, the building would be closer to the street and have a more direct relationship. This is the typical character of Crewe with either back of street terraces or terraces with small defensible gardens (usually 3 ft. brick walls). This proposal sets development further back and creates what would normally be back garden between the building and Goddard Street, with parking and a garden boundary between.

This design proposal reduces the interaction and surveillance of the street. As such, the Council's Urban Design Officer has advised that it will be especially crucial for the upper floors to provide the surveillance over the street.

Goddard Street is a busy link to the Morrisons supermarket and beyond. The Council's Urban Design Officer has advised that the provision of parking on the street edge with limited surveillance from ground floor could lead to more anti-social activity, such as criminal damage.

The balcony on the upper floor will provide scope for surveillance in the warmer months but is unlikely to do so in the winter and also Spring/Autumn save on limited occasions.

As a result of the above reasoning, the Council's Urban Design Officer recommended at pre-application stage that the buildings on this frontage, be brought further forward but if this was not achievable, it was advised that the issues discussed above will need to be satisfactorily addressed in developing the design.

In consideration of the application proposal, the Council's Urban Design Officer has advised that the building is still set some way from the street edge with rear gardens between it and the Goddard Street frontage. It is advised that the bin storage and parking at the edge of the plots will further divorce activity within the building from the street. Whilst the proposed trees will add to the streetscene of Goddard Street, the Council's Urban Design Officer has advised that they could also aggravate surveillance from upper floors (the scheme is heavily reliant on surveillance from these floors given the rear garden relationship at ground floor).

The applicant has responded to these concerns. In terms of moving the dwellings closer to the Goddard Street frontage, the applicant has advised that this cannot be achieved because of the following reasons;

- *'It would compromise the only usable garden space of the properties. This is particularly important as they are intended to be occupied by families and Wulvern Housing consider garden space to be essential.*
- *It would compromise the parking spaces for residents which are necessary.*
- *It would give more oblique views from the properties, thereby reducing surveillance.*
- *There is a mixture of approaches to property frontages on Goddard Street and Richard Moon Street, most of which are set back from the pavement with open grassed areas to the front.'*

However, the applicants have advised that they have been able to make the following changes to the Goddard Street frontage on the advice of the Council's Urban Design Officer;

- *'Reduced the height of the bin stores to 1200mm and opened up the boundary wall by enlarging the area of railings to increase visibility to the street from the ground floor.*
- *The trees shown on the Planting Plan are small trees with a narrow spread and a clear stem of 2m. This will help to ensure that surveillance is not obscured while providing an attractive and softened frontage to the development.'*

The number of dwellings sought on this plot does not appear to allow for the dwellings proposed on the Goddard Street frontage to be brought forward in line with the character of the area. As such, the applicant's have tried to alleviate the Council's Urban Design Officer's concerns by either; keeping the built form in the front gardens to a minimum; providing further railings instead of solid boundary treatment and careful species planting.

It is not considered that these solutions would overcome this principal concern of the dwellings set-back position within the streetscene and the knock-on surveillance issues. However, this is as far as the applicant is willing to compromise to overcome this concern.

### *Internal Layout*

The Council's Urban Design Officer originally advised that his concerns regarding the layout comprised of the scheme being heavily car dominated with little soft landscape opportunity. There was also a lack of information in relation to the soft and hard landscaping sought and he considered this as being an important consideration at application stage, rather than by condition.

The Council's Urban Design Officer advised that the approach to boundaries within the heart of the scheme illustrated just how tight this layout was in space terms.

In response to these concerns, the applicant provided further information and made a number of revisions to the proposed layout plan including;

- Full soft landscape details on a Planting Plan which clarifies the opportunities for soft landscaping throughout the scheme.
- The provision of trees to the rear gardens to the north, centre and south of the site.
- The provision of landscaping strips with small trees included to the streets in locations which are wide enough to support trees. These are shown on the Planting Plan.
- Additional trees to plots 20 & 21 to provide screening from Dunwoody Way in the south-west corner.

Again, without a reduction in the number of dwellings being sought, the applicant has attempted to accommodate as much soft landscaping into the scheme as possible.

### *Detailed design*

The approach to a more contemporary design for buildings is endorsed and supported by the Council's Urban Design Officer. However, the approach needs to be carried through into the execution of detail both in terms of buildings but also boundaries, to help gel the scheme with the wider neighbourhood. The Urban Design Officer commented that there was a high reliance on railings to define boundaries between public and private when really this should be brick walling, presumably because of the limited space for walling. It was also noted that the boundaries were quite fragmented by the punctuation of parking spaces which could well lead to a street scene that lacks consistency and quality, amplifying issues in relation to the streetscape generally and feeling quite heavily car dominated.

On a positive note, the applicant had agreed to integrate the reclaimed Goddard Street kerbstones within the development which is a positive addition to the scheme.

In response to these comments, the applicant has made the following change to the scheme;

- Additional brick wall between plots 1 and 4.

It is not considered that this partial change in boundary treatment will overcome the Urban Design Officer's concerns on this scheme with regards to the detailed layout which again, is a result of the high density of the proposal.

### *Design Conclusions*

In the opinion of the Council's Urban Design Officer, there were a number of elements of the original submitted scheme that would lead to a red assessment under BfL12 criteria. It was advised that this is largely as a consequence of the density of the development and the impact of the double sided block on the Goddard Street frontage, creating a very cramped scheme, leading to issues re: prominence and impact of parking, impacts upon the quality of streets and public space and integration. The arrangement of the Goddard Street frontage block also gives rise to concern about surveillance and interaction with the street and therefore the wider relationship with the neighbourhood.

Whilst the changes made to the scheme in an attempt to address these concerns offer a degree of improvement on the original layout, there remain concerns that the scheme as proposed, falls short in delivering the type of quality, or indeed the quality of design that the authority aspires to.

### Highway Safety

The application is supported by a Transport Statement (TS) which is assessed below;

### *Sustainable access*

There are footways on both sides of Goddard Street which link into the footways on West Street and Richard Moon Street. There are dropped crossings on Goddard Street at the West Street junction and immediately to the west of the junction there is a controlled pedestrian crossing.

The closest bus stops to the site are situated on West Street. Services 1A, 6, 6E, 31 and 31A use these stops in both directions. These buses provide access to the town centre, the railway station, Crewe Business Park, Leighton Hospital, Nantwich, Shavington and Northwich.

### *Safe and suitable access*

The Council's Head of Strategic Infrastructure (HSI) has advised that the access is designed to adoptable standards for this size of development and sufficient access visibility will be available. The access will have dropped kerbs and tactile paving.

Off-road parking has been proposed at 1 space for a 1 or 2 bed unit, and 2 spaces for a 3 bed unit. Car ownership data for these type of units in this area shows that the proportion of properties with 2 or more cars is in the region of 3% to 5% which would approximate to 4 properties in this development. In addition to this, the grouped car parking will not be assigned to individual properties which will increase the efficiency of the provision. The Council's HSI has advised that the relaxation of parking standards will have a minimal impact upon the highway.

Cycle parking is also proposed within the building.

The new vehicle access will be located approximately 60 metres south of West St which, the HSI advises, is of sufficient distance. The HSI has advised that whilst on a site visit, on-street parking was observed to occur on Goddard St close to the junction of Goddard St/West St on both sides of the road. Although Goddard St is wide, this on-street parking hinders the movement of vehicles entering and exiting to/from West St.

As such, the Council's Highways Officer has advised that a Traffic Regulation Order (TRO) amendment is recommended that will change the existing single yellow to double yellow, and will be extended from the junction to the site access. This would only be required on one side of the road.

Driveway access for 12 properties from Goddard St is proposed. This will provide active frontage and as Goddard St is unclassified, this is accepted by the Council's HSI.

#### *Network Capacity*

A development of this type and size would generate less than 40 two-way vehicle trips during the peak hour, or little more than 1 vehicle every 2 minutes, and any highways impact is considered minimal by the Council's HSI.

#### *Conclusion*

The Council's HSI has advised that the application site is in an established location with pedestrian access available to local amenities and services, and bus stops. The HSI advises that the proposed accesses are suitable and parking provision is accepted.

The HSI raises no objections to the proposal, subject to the prior submission/approval of a Construction Management Plan (CMP) and a Section 106 Agreement to secure the required TRO amendment at a cost of £4,000 and £3,150 towards the provision and maintenance of trees within the development site.

The applicant has agreed to this legal agreement and this shall be secured via a S106 Agreement and it is therefore considered that the proposed development would adhere with Policy BE.3 of the Local Plan.

#### Nature Conservation / Ecology

The application is supported by an Ecological Appraisal.

## *Hedgehogs*

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. The Council's Nature Conservation Officer (NCO) has advised that there are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development.

As such, the Council's NCO has advised if planning consent he recommends that a condition be imposed on the application comprising of;

*'Gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m as detailed on submitted proposed boundary drawing ref 14-016 102 C.'*

## *Bats*

The Council's NCO has advised that the grassland habitats, hedgerows trees around this site are likely to be used by small numbers of widespread species of bats for foraging. The site however is unlikely to be of particular importance for foraging /commuting bats. The Council's NCO has advised that the creation of new hedgerows and native species planting would help to mitigate the adverse impact of the development upon foraging bats. As a result of these comments, the applicant submitted and updated planting scheme to include more appropriate planting. The Council's NCO advised that this revision satisfied this concern and now offers more wildlife friendly species.

The NCO also recommends that a condition be attached requiring the applicant to submit a lighting scheme developed in accordance with the advice set out in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009), prior to its installation.

A condition requiring the provision of bat and bird boxes was proposed. This detail has been submitted by the application to the satisfaction of the Council's Nature Conservation Officer. As such, its implementation only, shall be conditioned.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy NE.9 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy.

## Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a primary consideration in this instance. However, the application supported by a Flood Risk Assessment (FRA).

The Council's Flood Risk Manager has reviewed the submission and advised that he has no objections subject to the following conditions; that the development shall be carried out in accordance with the submitted drainage strategy and that the surface water must drain from the development at the restricted rate.

United Utilities (UU) were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a number of conditions including; that the development must proceed in accordance with the Foul and Surface Water Drainage Drawings received and that the surface water must drain at the restricted rate of 23.4ls and the implementation of a sustainable drainage management and maintenance plan.

As such, subject to the inclusion of these conditions, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

## Landscape and Trees

### *Landscape*

This is a brownfield site to the north west of Crewe. Much of the site is overgrown grassland and scrub with various boundary treatments. There is some hard standing present. There are trees present on the boundaries; a copper leaved Sycamore, a young Cherry, a group of young Sycamore, a young Oak and a line of mature Cupressus Leylandii (fronting Goddard Street).

Traditional terraced and mixed use development lies to the north, separated by a gated alley, Goddard street lies to the east (with a traditional sett surface), new apartment developments lie to the west and south east and an area of mounded rough ground to the south west. (The latter area appears to form part of the site of apartments approved under 12/0239N which has been implemented in part.)

The Council's Landscaping Officer, in consideration of the original landscape plans advised, as also noted by the Council's Urban Design Officer, that some areas of the site would be dominated by car parking and hard landscape treatment and there a limited opportunities to provide this.

As a result of this concern, the applicant updated the Landscaping plan and incorporated the following;

- Trees returned to the rear gardens to the north, centre and south of the site.
- Landscaping strips with small trees are included to the streets in locations which are wide enough to support trees. These are shown on the Planting Plan.
- Additional trees to plot 20 & 21 to provide screening from Dunwoody Way in the south-west corner.

In order to provide the trees within the streetscene, on the grass verge, the applicant has agreed with the Highways Officer, that this shall be acceptable, subject to a contribution of £3,150 for their maintenance.

These trees will also have the benefit of preventing 'fly parking' on some of the grass verges proposed.

It is considered that this revised layout and planting plan is an improvement upon the original proposal.

## Forestry

The application is supported by an Arboricultural Impact Assessment (AIA). The assessment affords all the trees as Grade C and indicates that the copper leaved Sycamore would be retained in the layout with protective measures. The remaining specimens would be removed.

The Council's Tree Officer has advised that the trees which would be removed are not of high amenity value should not be considered a constraint to development.

In the event of approval of the layout as it stands, a condition is recommended to require adherence to the tree protection measures shown on the Ascerta Draft protection plan P.736.16.03.

## Environmental Conclusion

The proposed revised development would be of a design which creates a number of concerns predominantly due to the number of dwellings proposed.

The development is not considered to create any highway safety concerns, subject to a S106 contribution for a TRO amendment and the provision of tree planting within the development site.

No ecology, forestry, flooding or drainage objections are raised subject to conditions where necessary.

Concerns are raised about the extent of soft landscaping due to the density of the site and the limited amount of opportunities to provide this.

As a result of the design concerns raised, it is considered that the development would be environmentally un-sustainable.

## **Viability**

The NPPF, when considering viability as a material planning issue, states as follows:

*'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'*

In terms of the requests for S106 contributions these have come from education, open space and highways. In this case, the applicant had previously agreed to pay some contributions towards the development to offset the impacts of the development. These include;

1. £70,000 towards the provision of off-site Public Open Space / facility to mitigate any objection from Sport England
2. £4,000 towards a TRO amendment to provide double-yellow lines on Goddard Street
3. £3,150 towards the provision and maintenance of on-site trees

However, a submitted viability report from the applicant, and a subsequent addendum advised that the development could not financially support the following required contributions;

1. Open Space (£194,250) and;
2. Education (£130,155)

This has been independently verified by the Council's external consultant and been found to be correct.

Accordingly, whilst the provision of the affordable dwellings contributes to social sustainability, that contribution is diminished by the fact that no mitigation to the recreational/open space provision will be provided and other costs such as the primary education contribution that this development would generate will have a social cost to the Crewe area. This will need to be assessed within the planning balance.

### **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 scheme, via planning policy triggers and identified need generates required financial contributions towards; Education (£130,155), Open Space (£194,250), Open Space replacement provision (£70,000), an updated TRO for double-yellow lines (£4,000) and the provision and maintenance of trees (£3,150).

The applicant has submitted a viability report to advise that the larger required contributions in relation to Open Space (£194,250) and Education (£130,155) cannot be provided without making the scheme unviable. This has been verified and accepted by Independent external consultants employed by the Council.

Notwithstanding this, the applicant has agreed to provide some of the contributions towards Open Space replacement provision (£70,000), a TRO amendment for double yellow lines (£4,000) and the provision and maintenance of trees on the highway verge (£3,150).

The affordable housing provision (100%), has been sought by the application to be secured via a S106 Agreement.

As these provisions do indeed relate to either policy provision and/or justifiable need, it is considered that these requirements are necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

### **Planning Balance**

The application site lies within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted. The site also falls on a parcel of Protected Open Space.

A needs assessment has clarified that there are no viable alternative sites that can be developed as a replacement facility.

Following discussions between the applicant, Sport England and the Council's Open Space Officer, it was agreed that a financial contribution to offset the loss would be appropriate.

The proposal would bring positive planning benefits such as the provision of new affordable dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No highway safety, forestry, drainage or flooding concerns would be created.

The dis-benefits of the scheme would be the loss of the Open Space itself, the lack of Open Space contribution to account for the additional demand of the development upon the existing provision, the lack of a primary school education contribution to account for the additional demand of the development upon the existing provision, the overdevelopment of the site resulting in knock-on design concerns and the impact upon the future amenities of the occupiers of 8 of the 74 dwellings due to the proximity of these dwellings to 3 and 4-storey development.

The Open Space has not been in use for a considerable amount of time and a commuted sum shall be received to overcome the loss and provide provision elsewhere. This is a neutral impact in terms of the planning balance

Given the continuing need for affordable housing in Crewe, the weight afforded to the provision of 74 affordable dwellings is considered to be significant in terms of the planning balance and that the weight afforded to this provision is sufficient to outweigh negative impacts of the proposals in terms of the lack of provision in relation to open space and the impacts upon the local primary school capacities, given the proven viability impacts demonstrated in this case

On balance, the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure;**

- 1. 100% Affordable Housing provision**
- 2. £70,000 towards the provision of off-site Public Open Space / facility**
- 3. £4,000 towards a TRO amendment to provide double-yellow lines on Goddard Street**
- 4. £3,150 towards the provision and maintenance of on-site trees**

**And conditions;**

- 1. Time (3 years)**
- 2. Plans (including planting plans)**
- 3. Prior submission/approval of facing and roofing materials**
- 4. Prior submission/approval of hard surfacing materials**
- 5. Implementation of balcony privacy screens on southern elevation of Block 1 at plots 63 and 74**
- 6. Removal of PD Rights Part 1 Classes A-E (except for garden sheds)**
- 7. Notwithstanding condition 6, details of all garden sheds to be submitted and approved prior to commencement**
- 8. Obscure Glazing requirement – First-Floor rear elevations of plots 7-12 and 16-18, plot 20 bathroom and landing only, plot 21 western gable-end ground-floor opening**
- 9. Prior submission/approval of a piling method statement**
- 10. Prior submission/approval of a dust mitigation scheme**
- 11. Prior submission/approval of a Construction Phase Environmental Management Plan**
- 12. Submission of a travel pack prior to the occupation of the development**
- 13. Overnight electric vehicle charging point for each dwelling at plots 3, 4, 6-16, 19-21, 23, 24, 26, 27, 29, 31-38, 40**
- 14. Bin stores on the Goddard Street frontage – no taller than 1.2 metres**
- 15. Prior submission/approval of a dust mitigation scheme**
- 16. Prior to occupation the approved Contaminated Land remediation strategy shall be carried out and a verification report submitted to the LPA**
- 17. Prior to occupation, the submission of a soil verification report (imported soil for landscaping)**
- 18. Development should stop if contamination identified**
- 19. Prior submission/approval of a Construction Management Plan**
- 20. Implementation of Boundary Treatment Plan (Including gaps for Hedgehogs)**
- 21. Prior to installation, submission/approval of an external lighting scheme (bats)**
- 22. Bat and Bird Boxes – Implementation prior to occupation**
- 23. Development shall be carried out in accordance with the submitted drainage strategy**
- 24. Surface water must drain from the development at the restricted rate 23.4l/s**
- 25. Development shall be carried out in accordance with the submitted Foul and Surface Water Drainage Drawings**
- 26. Implementation of sustainable drainage management plan**
- 27. Prior submission/approval of hard landscaping, including street furniture**
- 28. Tree protection - Implementation**
- 29. Landscaping – Implementation**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the 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 Head of Planning (Regulation) 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.**

