

Application No: 18/2481N  
Location: Land off Browning Street, Crewe.  
Proposal: Proposed 8 houses and associated infrastructure, plus remodel of car park.  
Applicant: Mr M Thompson, Engine of the North  
Expiry Date: 29-Mar-2019

### **Summary**

The site is within the Crewe Settlement Boundary and the principle of residential development is considered to be acceptable and the development would be appropriate in this location.

The scheme will assist in bringing economic benefits to Crewe town centre from additional residential uses.

The proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, ecology, bin storage provision, and traffic generation terms. It would be of an acceptable design that would have a minimal impact upon the amenities of neighbouring properties or future residents.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy.

### **RECOMMENDATION:**

**Approve subject to Conditions and the completion of a Section 111 Agreement to secure £4,000 to amend the Traffic Regulation Order On either Richard Moon Street, Gatefield Street of St Mary's Street.**

### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an existing public car park situated to the south of Browning Street, Crewe.

It is a brownfield site, approximately 0.3 hectares in size on the north-west edge of Crewe town centre and is currently used as a free car park (76 spaces), owned and managed by Cheshire East Council.

The site is within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan.

## **DETAILS OF PROPOSAL**

This is a full planning application for the redevelopment of part of the car park, including the erection of 8 dwellings and associated infrastructure and the remodelling of the car park.

The dwellings would be two-storey terraced properties, a block of 5 facing onto Richard Moon Street and a block of 3 facing onto Browning Street.

The existing car park provides 76 spaces and with the remodelling the car park would provide 43 spaces including 2 disabled spaces.

## **RELEVANT HISTORY**

17/0283N Redevelopment for 8 dwellings and associated infrastructure, plus remodelling of remaining car park – Refused 28<sup>th</sup> April 2017 for the following reasons :

- 1. The Local Planning Authority considers that insufficient information has been provided in relation to; the existing yellow hatched area outside plot 6, the bin access/storage, information on the parking to be reserved for the Limelight, parking for the adjacent taxi business, access to the parking on Browning Street for spaces labelled 46-54. The development would be contrary to Policies BE.2 and TRAN.8 of the Borough of Crewe and Nantwich Replacement Local Plan.*
- 2. The proposed development would result in an overdevelopment of the site by reason of insufficient private amenity space and cycle parking/bin storage areas and would result in the displacement of vehicles onto nearby streets. The development would be contrary to Policies BE.1, BE.2 and TRAN.8 of the Borough of Crewe and Nantwich Replacement Local Plan.*

## **POLICIES**

### **Crewe and Nantwich Replacement Local Plan (CNRLP)**

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.6 – Development on Potentially Contaminated Land  
NE.5 – Nature Conservation  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
TRAN.8 – Existing Car Parks

## **Cheshire East Local Plan Strategy March 2016 (CELPS)**

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

MP1 - Presumption in favour of sustainable development  
PG1 - Overall Development Strategy  
PG7 - Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SC4 - Residential Mix  
SC5 - Affordable Homes  
SE1 – Design  
SE2 - Efficient use of Land  
SE3 - Biodiversity and Geodiversity  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land contamination and Land Instability  
SE13 - Flood Risk and Water Management

There is no neighbourhood plan in place for Crewe.

### **Other Material Considerations**

National Planning Policy Framework.

### **CONSULTATIONS (External to Planning)**

#### **United Utilities:**

None received at the time of report writing; however there were no objections to the previous application, subject to conditions.

#### **Highways:**

No objection subject to a Section 111 Agreement to secure a contribution to amend an existing Traffic Regulation Order.

#### **Environmental Health:**

No objection subject to conditions/informatives relating to noise, piling, hours of construction, contaminated land, lighting and air quality.

#### **Housing:**

No objection

#### **Flood Risk:**

No objection subject to a condition.

#### **Crewe Town Council:**

*“The Town Council objects very strongly to the revised proposal for the following reasons:*

1. The application is contrary to the “saved” Policy TRAN8 of the Borough of Crewe and Nantwich Replacement Local Plan which states that:

“Proposals for new development involving the loss of existing car parks as shown on the proposals map will not be permitted unless the developer provides:

- Improvements to public transport systems in order to serve the development; or
- As part of the scheme a direct replacement for the number of car parking spaces lost.”

The proposal is also contrary to Policy INF2 of the first consultation draft Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD)

“Existing public car parks should be retained in use as such. Development proposals involving the loss of public car parking spaces will only be permitted where:

1. The spaces are adequately replaced either on the site or nearby; or
2. It is satisfactorily evidenced through a car parking survey that the spaces lost are surplus to demand; or
3. Their loss can be acceptably mitigated through improvements to public transport facilities that will serve the development and such improvements are provided, or paid for, by the developer.”

Browning Street Car Park is extremely well used by residents, employees and visitors. It is full for most of the working day. It clearly cannot be shown to be surplus to demand. This proposal could result in a 40% reduction in spaces available to the public from 76 (current) to 43. Demand for these spaces would be increased as a result of the occupation of 8 new dwellings for which no dedicated provision is made. It is not reasonable to assume that there would be no daytime parking requirements for these dwellings. Occupiers may have shift work, work part-time, or not be in work. The loss of 33 spaces is clearly significant for local residents, businesses and town centre employees as demonstrated by the objections submitted to this application. It is clearly contrary to Policy TRAN8, notwithstanding the applicant’s contrived argument that as the car park is not lost, but merely reduced in size, it is not in conflict with TRAN8. It is also clearly in conflict with the emerging SADPD Policy INF 2.

Cheshire East Council’s own Environmental Planning and Parking Services Officers have noted that this is a well-used car park and that parking shortage appears to be a significant issue in this area of the town.

2. The 23 unit Limelight development will create additional pressure on the remaining spaces. The Limelight development (ref 11/3168N) provides for 15 spaces within the Limelight site, although it is unclear whether they could be satisfactorily accessed from this revised layout of the Browning Street Car Park.

3. The Browning Street Car Park is also full at night now (note that the parking survey in the applicant’s transport study is now a couple of years out of date). There is already pressure on off-street parking in this area from recent and proposed developments including Hightown Apartments, residential conversions on Hightown, as well as the recently commenced conversion of the former Limelight Club. There is also pressure from adjoining areas of terraced housing where there is insufficient on-street parking to meet growing needs. This currently results in informal off-street parking either side of Flag Lane Bridge. It is understood that Cheshire East Council proposed to dispose of at least one of these informal sites, which will displace yet more parking demand. The private carpark to the rear of Mavour Court, which is even closer is also fully utilised. The internal courtyard to the adjacent apartments on St Marys St is also fully utilised. More off-street parking is

*required, not less. The developer proposes as mitigation the removal of a yellow line on Richard Moon Street. This is subject to statutory process, and so cannot be guaranteed, and cannot be taken in to account as part of this planning application. In any event it is outside of the applicant's control, and so could not be subject to a condition. There must have been a safety reason for the original TRO, what has changed since? Even these parking restrictions are removed, the 10 additional spaces will not compensate for the loss of 33, especially given the increased demand from the proposed new residential properties.*

*4. The application would be contrary to Policies BE 1 and 2 of the Borough of Crewe and Nantwich Replacement Local Plan. The proposal is overdevelopment providing insufficient private amenity space. Plots 2, 3 and 4 have private amenity spaces of 30 to 32 sq. m. This is significantly less than the minimum standard of 50 sq.m., and has to include bin and cycle storage. There are no suitable areas outside the curtilage for safe play or recreation. Whilst the available space may be commensurate with adjacent dwellings, those dwellings were constructed before the streets were taken over by the motor car, and it is not appropriate to use them as a yardstick.*

*5. The new scheme provides bin storage within the curtilage of the proposed dwellings, but where will bins be left on collection day, and how will refuse vehicles access them? There will be further loss of parking if bins are left on the car park, with the potential obstruction of drivers' sight lines.*

*6. There is no adequate provision for disabled access to 2 Browning Street. Notwithstanding the assertions in para 5.8 of the Planning Statement, the occupier has submitted an objection. The ramped wheelchair access to the house is at the rear, and adequate space is required for access to nearby waiting vehicles. The development would also prevent access for maintenance to the end gable of 19 Richard Moon Street.*

*7. If approved, this development would set a precedent for the redevelopment of other free car parks which are essential for people employed in the town centre, especially those on low wages, and for the increasing number of residents in apartment and HMO conversions without off- street or on-street parking provision.*

*8. There are other alternative sites in the ownership of Cheshire East Council which could be developed for affordable housing, for example the former Macon House site.*

*9. This application would not be entertained if submitted by a private developer, and would not be considered in other parts of the Borough. It is shameful that having once been refused, a subsidiary of Cheshire East Council has re-submitted the scheme, and it should once again be refused."*

## **OTHER REPRESENTATIONS**

At the time of report writing 60 representations have been received relating to this application. These can be viewed in full on the Council website and express the following concerns:

### **Highways/Parking**

- Loss of parking for local residents, workers and businesses
- It would create unacceptable on-street parking
- The parking survey is inaccurate and done at the wrong time of day
- More parking will be required for the Limelight development
- Removing yellow lines on Richard Moon Street will cause congestion
- Everyone has at least 1 car nowadays so parking is important

- Mini-cab firms operate from here
- More pressure put on the surrounding streets
- Crewe already lost parking spaces to the Lifestyle Centre
- Congestion could affect access for emergency vehicles
- This is the only remaining free car park in town
- In conflict with Policy TRAN.8
- Lack of public transport available

## **General**

- It is the same as the previous application that was refused
- Damage to the local economy
- Adverse impact on the town centre
- No access for maintenance of existing property
- Blocking a disabled access
- Alternative sites are available
- Houses are too small and will stick out like a sore thumb
- No landscaping proposed
- Will make the area over crowded
- Lack of outdoor space for children to play
- Lack of investment in schools and local play areas
- Loss of daylight
- Damage to existing properties during construction
- Inadequate bin storage
- Disgraceful for a Council company to do this
- Not fair on the people of Crewe
- Impact on local house prices

In addition the local Member of Parliament has objected to the proposal on the grounds of contravention of Policy TRAN.8, loss of parking provision, impact on parking for the Limelight development and impact on on-street parking to the detriment of the town.

## **Principal of Development**

The site is within the settlement boundary of Crewe where there is a presumption in favour of development; therefore the principle of developing this site is considered to be acceptable in principle. This is subject to the proposals being acceptable in terms of the other issues set out below.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for*

*achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

The proposed dwellings would be of a traditional terraced design in keeping with the local vernacular and the materials would be traditional brick and tile, the details of which are specified in the application. These materials are considered to be appropriate and in keeping with the character and appearance of the local area.

The scheme has been developed following the guidance and principles set out in the Cheshire East Design Guide.

Subject to the proposed conditions, the development is considered to be in compliance with Policies SD2 and SE1 of the CELPS.

## **Highways Implications**

Policy TRAN.8 of the CNRLP states the following:

*Existing town centre car parks identified on the proposals map will be retained for car parking and they will be managed to give priority to short term parking and to discourage parking for commuters.*

*Proposals for new development involving the loss of existing car parks, as shown on the proposals map, will not be permitted unless the developer provides:*

- *Improvements to public transport systems in order to serve the development; or*
- *As part of the scheme, a direct replacement for the number of car parking spaces lost.*

This proposal does involve the loss of some car parking spaces within Browning Street Car Park, but does not involve the loss of the car park as a whole. In addition Browning Street is a long stay car park. As such, it is not considered to be in contravention of Policy TRAN.8.

Policy INF2 of the first consultation draft Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD) is set out below; this document carries limited weight as a material planning consideration at the current time due to the relatively early stage it is at within the adoption process.

Policy INF2 states

*‘Existing public car parks should be retained in use as such. Development proposals involving the loss of public car parking spaces will only be permitted where:*

- 1. The spaces are adequately replaced either on the site or nearby; or*
- 2. It is satisfactorily evidenced through a car parking survey that the spaces lost are surplus to demand; or*
- 3. Their loss can be acceptably mitigated through improvements to public transport facilities that will serve the development and such improvements are provided, or paid for, by the developer.’*

The proposal is for 8 residential units within the Browning Street car park in the centre of Crewe, and a re-modelling of the Browning Street car park and a reduction in provision. The northern and

southern access off Browning Street and Flag Lane would remain and the parking provision would reduce from 76 spaces to 43.

The car park is well used and it is likely there will be a displacement of vehicles from the Browning Street car park to other nearby car parks. Additional on-street parking capacity could be made available by amending a Traffic Regulation Order (TRO) and removing some of the parking restrictions on Richard Moon Street, Gatefield Street or St Mary's Street. Each of these locations is within a very short walk from the site. This would create an additional day time parking capacity for approximately 10 cars on adjoining streets.

Refuse collection could take place on-street as it currently does for existing adjacent properties.

It has been stated that the proposal is contrary to policy TRAN8, but the purpose of TRAN8 is to give priority to short term car parks and discourage long term commuter car parking. The Browning St car park is a free to use, long stay car park.

Given this, and as the proposal is in a highly sustainable town centre location and there are a number of near-by car parks within a short walking distance, this proposal is considered acceptable.

No objection is therefore raised by the Head of Strategic Infrastructure subject to a condition requiring submission of a Construction Management Plan for the development phase and a contribution of £4,000 for the amendment of a TRO (as a S111 Agreement)

## **Ecology**

The Council's Nature Conservation Officer has assessed the application and is satisfied that it is acceptable in terms of its impact on ecology.

If planning consent is granted conditions are required to safeguard nesting birds and the use of features for the use of nesting birds and roosting bats.

## **Housing**

This scheme is a mix of market housing and Starter Homes. There is no planning requirement for affordable housing on this site as it will only provide 8 new residential units in total.

The scheme will provide 4 houses for sale on the open market and 4 Starter Homes. There are currently over 1500 people on the Council's waiting list for Crewe, these applicants have applied for social rented housing but this is an indicator of the level of housing need in Crewe and a variety of tenures and type of accommodation is required to meet this need.

The Council's Housing Officer therefore supports this application.

## **Education**

The proposals are for apartment for 8 dwellings which does not require a contribution towards education provision.

## **Amenity**

Having regard to the five dwellings facing onto Richard Moon Street. The existing dwelling to which they would be adjacent has no windows in the side elevation, meaning there would be no adverse impact on the privacy of or light to this dwelling. The same applies to the three dwellings facing onto Browning Street.

With regards the residential amenity of future residents, the proposals would provide a level of private amenity space commensurate with that of surrounding development. Occupiers would be able to sit out, hang washing and store bins and cycles.

Subject to conditions the proposals would not result any significant loss of residential amenity of neighbouring properties and would provide adequate amenity space for future residents, and therefore accords with Policy BE.1 (Amenity) of the Local Plan.

### **Previous Reasons for Refusal of 17/0283N**

Officers have assessed the current proposals and consider that the revised scheme addresses the concerns previously raised in respect of each reason by the following:

#### Reason for Refusal 1

The yellow hatched area outside plot 6 appears to relate to access for an ambulance to the side of 2 Browning Street. The applicant has met on site with the occupier of this building, who has confirmed (verbally) that ambulance access to the car park is not required. There is another access available to the front. There is no easement affecting a right of access for the occupier of this property. Wheelchair access will remain unrestricted to side of 2 Browning Street.

The application site is entirely within Cheshire East Council (CEC) ownership and does not impinge access for the Limelight, subject to the remodelling of their car park.

The current space used by taxis are unaffected by the scheme and taxis do not have any rights to reserved parking within the car park itself.

The layout has now been revised, therefore there are no longer spaces labelled 46-54.

#### Reason for Refusal 2

Bin and cycle storage are shown in the rear gardens of all the eight proposed dwellings.

Whilst the gardens are not 50sqm, they are of an adequate size to sit out, hang washing and play. The garden sizes are in keeping with those in the surrounding area. In addition there is also a park a short distance from the site (Samuel Street).

It should also be noted that terraced streets in inner locations such as this would generally have a small yard.

This is consistent with the appeal decision at the 54 West Street, Congleton where 12.5sqm gardens were proposed. In this case the Inspector stated that;

*'even in new build it may not always be possible or appropriate to provide gardens of the size required by the SPG, particularly in relation to flats or developments close to town centres'....*

*... 'There is nothing before me to indicate what domestic activities the Council considers could not be accommodated in their rear yards. There would be sufficient room there for clothes drying and for people to sit out from time to time. Not everyone has an interest in gardening or needs a large area in which to relax. The limited size of the rear yards would be apparent to anyone choosing to live there and for many it would not be a disadvantage. Many people choosing to live in an edge of town centre location neither need nor want a substantial garden'*

The applicant maintains that their parking survey demonstrates that there is limited demand during the day and a good supply of town centre parking.

### **Other Matters**

One of the objectors has concerns about how she will maintain her property after the development is complete and others have expressed concerns about the impact of the development on property prices. These are not material planning considerations and can not be given any weight in the determination of this application.

### **Conclusion**

The site is within the Crewe Settlement Boundary and the principle of residential development is considered to be acceptable and the development would be appropriate in this location.

The scheme will assist in the local building business and bring economic benefits to Crewe town centre from additional residential uses.

The proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, ecology, bin storage provision, and traffic generation terms. It would be of an acceptable design that would have a minimal impact upon the amenities of neighbouring properties or future residents.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy.

Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

### **RECOMMENDATIONS**

**APPROVE** subject to the completion of a Section 111 Agreement to secure £4,000 to amend the Traffic Regulation Order On either Richard Moon Street, Gatefield Street of St Mary's Street and the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**

3. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
4. External materials in accordance with the submitted details
5. Landscaping details including boundary treatments
6. Implementation of landscaping
7. Submission of Phase II ground investigation and risk assessment and if necessary a remediation strategy (contaminated land)
8. Testing and verification for any soil or soil forming materials for use in garden areas
9. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority. Prior to first occupation/use of the development, confirmation should be provided to the LPA that no such contamination was found, and if so what remedial measures were agreed and implemented.
10. Construction Management Plan
11. Submission and approval of details of foul and surface water drainage
12. Submission and approval of existing and proposed levels
13. Provision of electric vehicle charging points to the dwellings
14. Protection of breeding birds
15. Provision of features suitable for breeding birds and roosting bats
16. Implementation of the recommendations in the submitted acoustic report
17. Submission of details of any external lighting

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 Development Management, 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S111 Agreement:

1. A contribution of £4,000 to amend the Traffic Regulation Order On either Richard Moon Street, Gatefield Street or St Mary's Street

