

Southern Planning Committee

Agenda

Date:	Wednesday, 29th June, 2022
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 3 - 6)

To approve the minutes of the meeting held on 25 May 2022.

4. **Public Speaking**

For requests for further information

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A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **22/1381N - CORNER OF EDLESTON ROAD AND BROOK STREET, CREWE: Four storey block including 11 apartments and associated parking and access arrangements (Pages 7 - 18)**

To consider the above planning application.

6. **21/4446N - 91 HUNGERFORD ROAD, CREWE, CW1 5EY: Change of use from existing C4, 6 bed, 6 person HMO to Sui Generis 6 bed, 9 person HMO (Pages 19 - 32)**

To consider the above application.

THERE ARE NO PART 2 ITEMS

Membership: Councillors M Benson, J Bratherton, P Butterill, S Davies, A Gage, S Hogben, A Kolker (Chair), D Marren, C Naismith, J Nicholas, S Pochin (Vice-Chair), L Smith and J Wray

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 25th May, 2022 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor A Kolker (Chair)
Councillor S Pochin (Vice-Chair)

Councillors M Benson, J Bratherton, A Critchley, D Edwardes, S Davies,
A Gage, S Hogben, D Marren, C Naismith and J Wray

OFFICERS IN ATTENDANCE

Daniel Evans, Principal Planning Officer
Andrew Goligher, Highways Officer
Andrew Poynton, Planning and Highways Lawyer
Rachel Graves, Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors P Butterill and L Smith.
Councillors A Critchley and D Edwardes attended as substitute members.

2 DECLARATIONS OF INTEREST/PRE-DETERMINATION

In relation to Item 5 – Swimming Pool, Flag Lane, Crewe, Councillor
C Naismith declared that he had been openly supportive of the scheme
and would be exercising his right to speak as Ward Councillor under the
public speaking protocol and would then leave the room for the remainder
of the item.

In relation to Item 5 – Swimming Pool, Flag Lane, Crewe, Councillor
A Critchley declared that he was a close friend of Councillor C Naismith
and had campaigned on his behalf but he had not predetermined the
application.

During consideration of Item 5 - Swimming Pool, Flag Lane, Crewe,
Councillor D Marren declared that until 1 April 2009 he had managed the
site as an officer of Crewe and Nantwich Borough Council and he had not
predetermined the application.

3 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 16 March 2022 be approved as a
correct record.

4 **PUBLIC SPEAKING**

RESOLVED:

That the public speaking procedure be noted.

- 5 **21/6400N - SWIMMING POOL, FLAG LANE, CREWE, CW2 7QX: REDEVELOPMENT OF FLAG LANE BATHS, CREWE INTO A FLAGSHIP COMMUNITY CENTRE FOR THE TOWN. REFURBISHMENT OF EXTERIOR OF THE BUILDING. REPLACEMENT OF ALL DOORS, WINDOWS AND ROOFLIGHTS. PROPOSED LANDSCAPING AND GENERAL REFURBISHMENT OF THE EXTERNAL GROUNDS. CHANGE OF USE FROM A PUBLIC SWIMMING POOL TO A SUI GENERIS HUB. DELICATE AND COMPLEMENTARY EXTENSIONS ON THE SOUTH ELEVATION THE EXTENSIONS ARE A DIFFERENT MATERIALITY TO THE BRICK**

Consideration was given to the above application.

The following attended the meeting and spoke on the application:

Councillor C Naismith (ward councillors), Crewe Town Councillor Jill Rhodes and Rev David Edwards (applicant).

Councillor J Wray arrived at the meeting during consideration of this item but did not take part in the debate or vote.

RESOLVED

That for the reasons set out in the report, the application be APPROVED, subject to the following conditions:

1. Three-year time limit
2. Approved Plans
3. Materials as per application
4. Electric Vehicle Infrastructure provision
5. Imported soil to be tested for contamination
6. Any found contamination reported to LPA
7. Prior to first use/occupation details of covered cycle parking to be submitted. Approved details to be provided prior to first use/occupation
8. Prior to first use/occupation details of proposed external lighting to be submitted. Approved details to be provided prior to first use/occupation
9. Nesting birds – timing of works
10. Development in accordance with ecological appraisal
11. Biodiversity enhancements
12. Prior to any work on the new windows details of new windows at a scale of 1:20 to be submitted and approved in writing
13. Prior to any works to the doors, details of all new internal and external doors to be submitted and approved in writing

14. Prior to any works to form the new shop fronts details of shopfronts including signage and roller shutters to be submitted and approved in writing
15. Prior to the installation of any external ramps/steps sections through external ramps and steps shall be submitted and approved in writing
16. Prior to the installation of any external structures, details of external structures including pay/exercise equip/Kiosk shall be submitted and approved in writing
17. Full landscape details shall be submitted and approved in writing
18. Implementation of the approved landscaping
19. Lighting as per the Design & Access Statement
20. Prior to the commencement of development, a schedule of retention of internal original features shall be submitted and approved in writing.
21. Prior to the installation of the lift details of the external design and materials for the proposed lift shall be submitted and approved in writing
22. Prior to any works to the proposed terrace and canopy details of the proposed terrace and canopy shall be submitted and approved in writing

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

6 22/1381N - CORNER OF EDLESTON ROAD AND BROOK STREET, CREWE: FOUR STOREY BLOCK INCLUDING 11 APARTMENTS AND ASSOCIATED PARKING AND ACCESS ARRANGEMENTS (RE-SUBMISSION OF 20/0829N)

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application:
Crewe Town Councillor Jill Rhodes and Mr Matt Peddle (applicant).

RESOLVED:

That the application be DEFERRED for a site visit.

The meeting commenced at 10.00 am and concluded at 11.47 am

Councillor A Kolker (Chair)

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Application No: 22/1381N

Location: Corner Of Edleston Road and Brook Street, Crewe

Proposal: Four storey block including 11 apartments and associated parking and access arrangements (re-submission of 20/0829N)

Applicant: Mr Matt Peddle, Premier Living Homes Ltd

Expiry Date: 31-May-2022

SUMMARY

The application site lies entirely within the Crewe Settlement Boundary as determined by the Crewe and Nantwich Local Plan.

The development is for the erection of a residential apartment building in an area characterised by a mixture of uses (including residential).

The proposed development is appropriate to the character of its locality in terms of the principle and the overall design. The development would not have a detrimental impact upon neighbouring amenity, local heritage, ecology, highway safety or trees.

The proposed development involves a contemporary design solution that will not detract from the nearby locally listed building.

This is a brownfield site and the proposal will provide housing in a sustainable location, easily accessed by public transport, within walking distance of the Town Centre, and not reliant on the private car. It will provide in-town living that will help support the local economy. These factors are considered to outweigh the objections that have been raised against the development.

Overall, the proposal development meets the criteria of the relevant policies of the Development Plan and is considered acceptable. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004, it is recommended that planning permission should be granted.

SUMMARY RECOMMENDATION

Approve with conditions

REASON FOR DEFERRAL

The application was deferred at the Southern Planning Committee meeting on 25th May 2022 to allow members to conduct a site visit.

REASON FOR REFERRAL

The application is to be determined by planning committee by Councillor Hogben for the following reasons:

- *Out of keeping with character and appearance of the existing street scene, given the over-dominant nature of the proposed building.*
- *Unsafe access to the building for future residents, contrary to Policy SE1 of Local Plan.*
- *Poor living conditions for future residents - inadequate living space. None of the proposed apartments meet Technical Housing Standards. While these have not yet been formally adopted by the council, it has been stated that those standards will be required and adopted when the Local Plan is reviewed or revised. In the meantime, this means the proposed accommodation would be detrimental to the living conditions of future occupants and thus contrary to national policy.*
- *The application represents poor design that needs to be improved to better fit in with the street scene on this prominent corner plot.*
- *Provision for vehicle parking for this development is inadequate. This seems to be usual for this kind of application in Edleston Road, which is already overloaded with HMOs.*
- *Waste management arrangements and access to waste bins are inadequate.*
- *Loss of amenity for Brook Street residents.*
- *Lack of detail on bicycle storage arrangements.*
- *This is a resubmission of to planning application 20/0829N, which was approved by an officer in February 2022. Following judicial review that approval was quashed by the High Court on 12th April because the council failed to consult on the significant changes made to the original application in December 2021. In the interests of openness and in the wider public interest, it is important the council ensures an objective and separate assessment of the application is made by elected councillors in public.*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of vacant land comprising hardstanding on the corner of Edleston Road and Brook Street. At the time of the planning officer's site visit there was 1 single garage unit present. The site is accessed via Brook Street and is located within the Crewe Settlement Boundary as well as the Nantwich Road area houses in multiple occupation article 4 direction zone.

The area is characterised by a mixture of uses including residential, retail and commercial. There is a locally listed building opposite (Temple Chambers).

DETAILS OF PROPOSAL

This is a full application for erection of a four-storey block including 11 apartments and associated parking and access arrangements (re-submission of 20/0829N).

Since the deferral of the application a revised ground floor plan has been provided. This plan shows that one car-parking space which it was not possible to access has been removed from the scheme. The cycle and bin storage areas have been repositioned (the bin storage area has also been increased in size). This plan has been sent to Crewe Town Council to see if they wish to make any revised comments.

RELEVANT HISTORY

20/0829N - Construction of a four-storey block including 11 apartments and associated parking and access arrangements – decision quashed

POLICIES

Local Plan Policy

Cheshire East Local Plan Strategy (CELPS) (Adopted)

MP 1 - Presumption in Favour of Sustainable Development, PG 1 - Overall Development Strategy, PG 2 – Settlement Hierarchy, SD 2 - Sustainable Development Principles, SE 1 – Design, SE 2 - Efficient Use of Land, CO 1 - Sustainable Travel and Transport, CO 1 - Sustainable Travel and Transport, IN 1 – Infrastructure, IN 2 - Developer Contributions

Parking Standards at Appendix C

Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNLP) (Saved Policies)

BE.1 – Amenity, BE.3 - Access and Parking, BE.4 – Drainage, Utilities and Resources

No Neighbourhood Plan

National Policy

National Planning Policy Framework (NPPF)

CONSULTATIONS (Summary)

Nature Conservation (Ecology): No objection subject to conditions

Environmental Health: No objection subject to conditions

Design: No objection subject to conditions

United Utilities: General advice and drainage condition suggested.

Conservation (Built Heritage): No objection subject to conditions

Highways: No objection (this is based on the revised plans showing 3 parking spaces)

VIEWS OF THE TOWN COUNCIL:

Crewe Town Council –objects to the original proposal on the basis that:

- i. Design is not in keeping with the area
- ii. Impact on heritage setting of the site
- iii. Lack of waste bin storage
- iv. Loss of amenity for nearby residents
- v. Inadequate bicycle storage
- vi. Substandard parking and highway safety issues
- vii. Substandard living accommodation for future residents due to room sizes being below minimum standard
- viii. Conditions required relating to detailing, fenestration and materials should be imposed to minimise any impact on the non-designated heritage asset

OTHER REPRESENTATIONS:

One letter of objection has been received from a resident of Crewe which is summarised below;

- Safety concerns for future occupiers due to an unlit gap between buildings
- Inadequate room sizes and impact on future amenity of occupiers
- Poor unit mix

Supporting Information

Planning, Design and Access and Heritage Statement
Contamination Land Site Check

OFFICER APPRAISAL

Principle of Development

Policy PG 2 (Settlement Hierarchy) of the CELPS identifies Crewe as a principal town where significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

The development is for the erection of a residential apartment building in an area characterised by a mixture of uses (including residential). The principle of the development is considered acceptable subject to compliance with the other relevant policies.

Affordable Housing

The development does not trigger the requirement for affordable housing provision.

Design

Policy SE1 (Design) of the CELPS sets out that development should contribute positively to the area. During the planning application extensive discussions have taken place regarding the design of the building as proposed to ensure that the scheme integrates into the existing, surrounding area in design terms.

The scheme is essentially a storey higher than the terraced buildings adjacent and the Temple Chambers on the opposite side of Edleston Road, albeit the street elevations submitted show the overall building height to be comparable. This site reads as a distinct plot and therefore this additional storey arrangement both reflects modern requirements in terms of floor to ceiling heights and the impact that has on the height of individual storeys, but also is able to be accommodated without undermining the general character of the area. The design officer is of the view that the proposal is appropriate in its general design approach. It is recognised that, in terms of overall scale and massing, the proposal would benefit from the reduction of a storey on the Brook Street frontage, which would then allow the building to further step and create the opportunity of a roof garden. However, that option is not available for consideration and this proposal must be assessed on its own merits, which is overall considered acceptable in terms of design.

The building has been designed as a modern addition to the streetscene, taking design cues from the surrounding, traditional existing buildings. In terms of the elevation facing Edleston Road, the height of the proposed building will not exceed the neighbouring building to the south. The corner of Brook Street and Edleston Road is characterised by a corner tower which adds an interesting feature to this prominent site/building. The elevation facing Brook Street has been design so the highest part of the building is the corner tower, and the building then staggers utilising the existing topography of Brook Street and to add an interesting and more dynamic elevation that shall integrate into the existing street scene. This elevation features large areas of glass and a green wall and a feature glazed entrance.

Adjacent to the site, is a short terrace of attractive 2 and a half storey town houses. Notwithstanding, the site reads as a distinct plot (partly due to topography) and consequently it is appropriate for the scheme to introduce an 'of today' design, despite the more traditional townscape in the area, provided the quality is deemed sufficiently high. The scheme seeks to reference elements of more traditional form on the Edleston Road elevation with the corner emphasised and return elevation of a more contemporary design, including full height glazed openings and balconies. The predominance of brick in its construction will also further anchor the design. This approach is considered valid, helping to reflect but also differentiate this as new development from the more traditional townscape opposite and adjacent. Consequently, subject to the appropriate materials and detailing palette being employed (including clarification/refinement of key elements of detailing) it is considered that this proposal is appropriate in its general design approach.

The rear elevations are more functional in design terms, and this is considered to be acceptable given the appropriate design or the more important, corner elevations. In layout terms, the elevations fronting Edleston Road and Brook Street follow the existing

building line and this is acceptable. The building will occupy a 'L' shape fronting the two roads with a courtyard area to the rear.

The design officer has advised that the bin storage could have been designed in more effectively and that it is unfortunate that no private space has been designed into the scheme, despite this being advocated by earlier design advice in terms of inclusion of a roof terrace and shared use/greening of the courtyard. No landscape information has been submitted. This would be conditioned should the application be approved. It is also considered that the lack of a roof terrace/amenity space is acceptable in this instance given the proximity to the town centre and that it is recognised that occupiers may not require external amenity space in this area.

The scale and massing of the proposed development is considered acceptable and the impact on the streetscene would not be significant. It is considered that, subject to conditions, the proposed development is acceptable in design terms. The proposed openings are considered to be in keeping with the character of the area and are acceptable in design terms, subject to conditions. Limited information has been provided with regard to the materials and fenestration detail and it is considered necessary to impose a condition requiring the prior approval of the external materials prior the development starting.

Impact on Locally Listed Building

The site forms a prominent corner plot opposite a locally listed building. The locally listed building (Temple Chambers) is a distinctive brick late Victorian building with terracotta detailing to the windows, doors finials and copings with kneelers. It has a canted entrance with a first-floor bay window above, both with terracotta detailing. Above this the building has distinctive dormers topped with terracotta copings and 3 finials each. It is currently divided into flats.

There is no objection to the principle of a building of that size on this site. However, the design and materials need to be such that the building will not jar or be at odds with the heritage asset opposite it. For the most part the row of terraces adjacent to the site will restrict views of the site from the south. From the north the site is in a quite dominant location and will be viewed in conjunction with the locally listed building, bearing this in mind, the north and west elevations are particularly important. The proposed building will not sit above the building height of the neighbouring properties, although an extra floor has been inserted and has been designed with some consideration to the local character with dormers and a projecting corner detail. The ability of the elevations mentioned above to compliment, the existing street-scene will, in part, come down to the quality of the detailing, fenestration and materials. No objections are raised by the conservation officer subject to conditions to ensure north and west facades are appropriately detailed.

Amenity

Policy BE.1 (Amenity) of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space and the separation distances are a material consideration as

detailed within the Supplementary Planning Document on Development on Backland and Gardens (The SPD). The SPD sets out that as a general indication, there should ideally be a distance of 21m between principal elevations, 13.5 m between a principal elevation with windows to habitable rooms and blank elevation and that each application will be judged on its own merits dependent upon the character of the site involved.

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule.

Figure 11:13 of the Design Guide identifies the following separation distances;

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

It is considered that the proposed development would not have any significant adverse impact on the residential amenity of any neighbouring property in these terms. The relationship between the existing buildings on the east side of Edleston Road and the buildings opposite is established and the proposed building will follow this pattern of existing development. With regards to the building to the south (No. 205) there are no side facing windows within this elevation and no windows are proposed in the side elevation immediately to the north of No. 205. It is noted that there are windows in the rear elevation of No. 205 however at the time of the planning officer's site visit (and confirmed by looking at the planning history of the building) the use is a dentist use and the rear windows serve surgery/dentist rooms. As such it is considered that this proposed relationship is acceptable.

With regards to the existing dwellings to the east, there are no side facing windows in the side elevation of the nearest dwelling. The proposed building elevation featuring windows would be approximately 27m from the dwellings to the east and this is in accordance with the standards as above. The elevations nearest the existing dwellings do not include any openings. To the north lies a car wash/valeting use and it is not considered that the impact on the amenity afforded to the occupiers of the site will be significant.

It is noted that the letters of objection raise the issue of minimum room size requirements. The applicant has advised that the apartments are all 1 bed 1 person units. The architect has indicated on the submitted floor plans that each of the apartments is of sufficient size to accommodate a double bed should the occupant prefer to sleep in a double than a single bed. The Nationally Described Space Standards require a minimum gross internal floor area of 39 square metres for a 1 bedroom 1 person apartment, but this is reduced to 37 square metres where the apartment has a shower rather than a bath installed (as is the case with each of the 11 apartments comprising the submitted scheme). The Gross Internal Floor Area (GIFA) of each of the 11 apartments is set out on page 16 of the Supporting Statement submitted with the application (repeated below), and in every case the GIFA exceeds both the 37 square metre and the 39 square metre standard.

Ground Floor	Flat 1	41.1m ²
	Flat 2	40.8m ²
First Floor	Flat 3	43.7m ²
	Flat 4	41.8m ²
	Flat 5	42.3m ²
Second Floor	Flat 6	43.7m ²
	Flat 7	41.8m ²
Third Floor	Flat 8	42.3m ²
	Flat 9	42.36m ²
	Flat 10	39.32m ²
	Flat 11	42.3m ²

Environmental Protection raise no objection to the scheme subject to conditions.

Parking and Access

The proposal is for 11 one bed apartments with off-road parking with a new access off Brook Street. In terms of the sustainability of the site location, the site is a short walk from the centre of Crewe, Crewe train station, the Lockitt Street retail development and frequent public transport services and is considered to be in a sustainable location with suitable connections to the surrounding areas.

A new access into the site is proposed off Brook Street. The access will only be single car width but given the limited scale of development and that the access is off a minor residential street that will have low traffic speeds, this is considered acceptable. The access will have sufficient visibility.

Three car parking spaces are proposed which is below CEC typical requirement of 1 space per apartment. CEC parking standards and national guidance also allow for flexibility within sustainable locations, and given this site is in a highly sustainable location the parking provision is considered to be acceptable.

12 cycle parking spaces will also be provided with a covered and secure location.

No objections are raised by the council's highway officer. The sustainability credentials of an in-town living scheme with access to local services without the reliance of provide car use is a significant material consideration in favour of the development.

Ecology

The council's ecologist has advised that there are no objections to the proposed scheme subject to conditions.

Flood Risk and Drainage

United Utilities have advised that there are no objections to the development subject to a condition relating to the drainage of the site. The suggested condition will be imposed should the application be approved.

Local economy and housing

The site lies approximately 500 metres south of Crewe Town Square. The development will provide housing on a brownfield site and will support objectives of providing in-town living which in turn has the benefit of supporting the local economy as future residents use and support local services and businesses. The proposal is therefore in general alignment with regeneration strategies for Crewe Town Centre. This is considered to be a material consideration in favour of the development.

Other Matters

The contents of the objections raised are noted and these matters have been considered within the relevant sections of this report.

There are no trees which are the subject of a Tree Preservation Order or any other notable trees that would be impacted by the development.

In terms of refuse storage and collection, the proposed site plan has been revised. This shows a bin storage area measuring 12.5sqm. Guidance from ANSA on the Councils website shows that the development will require one 1,100 litre Eurobin for general waste for recycling for every 5 residences and one 1,100 litre Eurobin for recycling for every 5 residences. In this case all units would have one bedroom and be occupied by single person households. Although 11 residences would be provided the refuse generated is likely to be significantly less as part of this development and as a result bin storage of 4 Eurobins is considered to be acceptable to serve the development.

ANSA guidance requires the bin store to be at least 250% of the total container footprint. Four Eurobins would have a footprint of 5sqm and the size of the bin store is 250% of the total container footprint. The development is considered to be acceptable in terms of the bin storage provision.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site lies entirely within the Crewe Settlement Boundary as determined by the Crewe and Nantwich Local Plan.

The development is for the erection of a residential apartment building in an area characterised by a mixture of uses (including residential).

The proposed development is appropriate to the character of its locality in terms of the principle and the overall design. The development would not have a detrimental impact upon neighbouring amenity, local heritage, ecology, highway safety or trees.

The proposed development involves a contemporary design solution that will not detract from the nearby locally listed building.

This is a brownfield site and the proposal will provide housing in a sustainable location, easily accessed by public transport and not reliant on the private car. It will provide in-town living that will help support the local economy. These factors are considered to outweigh the objections that have been raised against the development.

Overall, the proposal development meets the criteria of the relevant policies of the Development Plan and is considered acceptable. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004, it is recommended that planning permission should be granted.

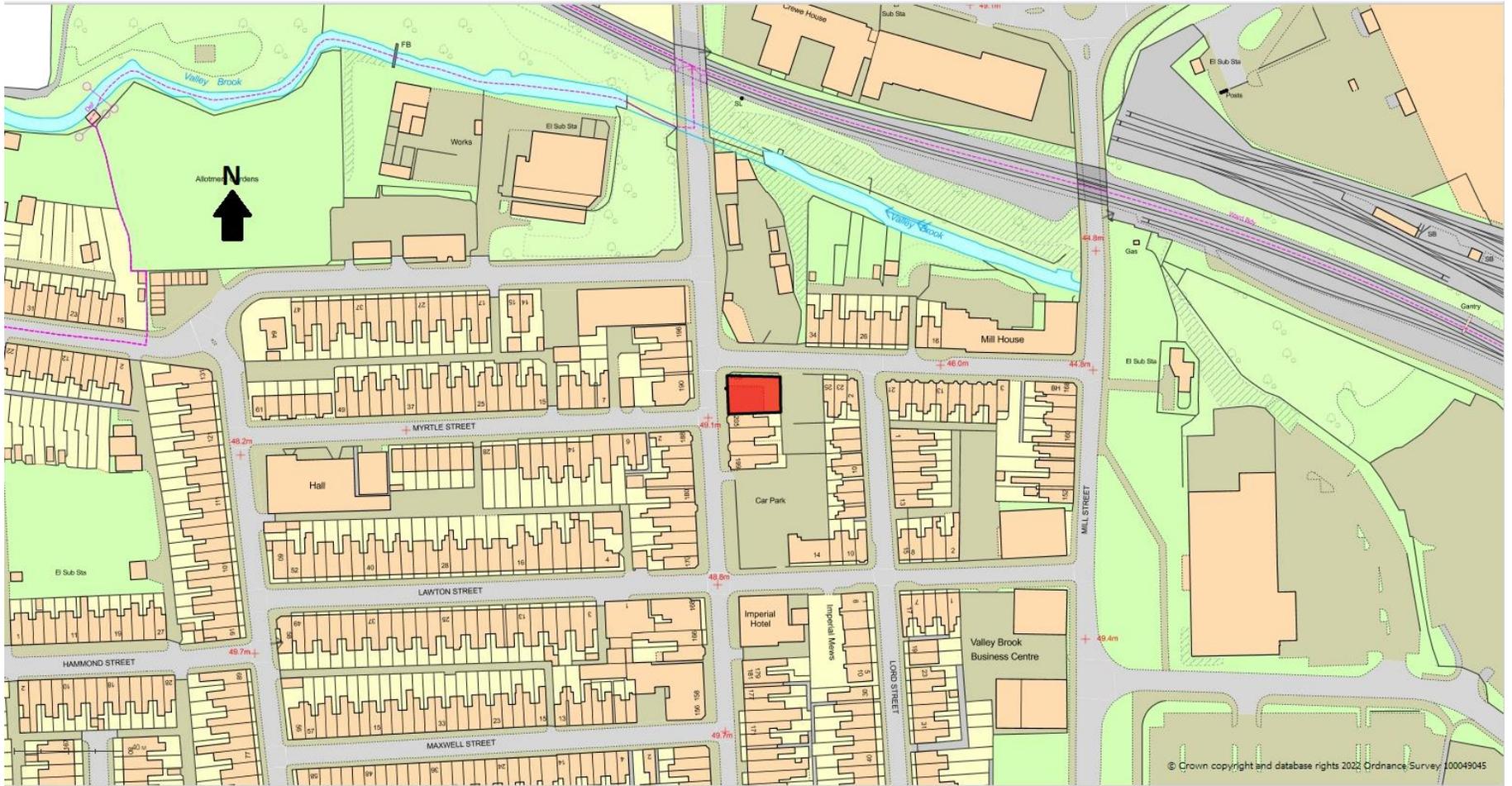
RECOMMENDATIONS

APPROVE subject to conditions

- 1. Time (Standard)**
- 2. Approved Plans**
- 3. Boundary treatment to be submitted and approved**
- 4. Dust management plan to be submitted and approved**
- 5. Drainage to be submitted and approved**
- 6. EVC provision**
- 7. Piling to be submitted and approved**
- 8. Sustainable travel pack to be submitted and approved**
- 9. Land contamination to be submitted and approved**
- 10. Nesting birds – timing of works**
- 11. Ecological enhancement to be submitted and approved**
- 12. Landscape including living wall and planter (details) to be submitted and approved**
- 13. Landscape (implementation)**
- 14. Final design and detail of all fenestration to be submitted and approved**
- 15. Samples of facing and roofing materials to be submitted and approved**
- 16. Details of all feature brickwork detailing to be submitted and approved**
- 17. Details of parapet/coping, balconies and design of Edleston Road entrance to be submitted and approved**
- 18. Detail of feature glazed entrance/walling onto Brook Street to be submitted and approved**
- 19. Details of entrances and gate design to be submitted and approved**
- 20. Levels to be submitted and approved**
- 21. Details of bin storage**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the

Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



Application No: 21/4446N

Location: 91, HUNGERFORD ROAD, CREWE, CW1 5EY

Proposal: Change of use from existing C4, 6 bed, 6 person HMO to Sui Generis 6 bed, 9 person HMO

Applicant: Prabh Kalsi

Expiry Date: 14-Oct-2021

SUMMARY:

The site is within the Settlement Zone Line of Crewe, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be neutral in terms of its impact upon design.

The proposal would provide positive benefits such as the economic sustainability roles by providing employment in the locality during conversion works and social role by providing housing in a sustainable location.

The dis-benefit would be the intensification of the existing use with a lack of suitable private amenity area which would harm not only future occupants but also amenity of neighbouring properties by forcing future occupiers away from the property for their outdoor space with potential noise and disturbance to neighbouring properties. The proposal would also not provide any parking provision.

As a result on balance it is not considered that the proposal would provide a satisfactory level of amenity/living conditions for future occupants and the intensification of the use would also cause harm to amenity of neighbouring properties. It is therefore not considered that the proposal constates sustainable development and should therefore be refused.

RECOMMENDATION:

REFUSE

REASON FOR REFFERAL

The application has been called into planning committee given a call in request from Ward Councillor Faddes for the following reasons:

"I have been asked to look at this planning application by a resident and to consider calling it in. I do think there are relevant material reasons for doing this and these are.

The siting of a 9 person HMO (House in Multiple Occupation) is not ideal, Hungerford Road is a very busy main road and the property is a few yards away from the access road to a local primary school. Children walk along this footpath to school and recently their walk has been hampered by cars parked over the narrow pavement and into the front garden of the property. this has been made possible by the removal of the front garden wall a few weeks ago. When cars are parked in this garden there was no room for mobility scooters and pushchairs to pass, this was extremely dangerous. cars had to reverse from or onto this busy road and this presents a road safety concern.

there are a large percentage of HMOs along Hungerford Road and the vicinity. The property next to the one in the planning application, this being 93 Hungerford Road is now sandwiched between two HMOS, one of which could house 9 people.

The rear garden houses a cycle shed for up to 6 cycles, this building is cramped for so many cycles but also leaves little room in the rear garden. two benches opposite this are the only outside seating with a small corridor between these and the cycle shed. The side of the property shows four waste bins which may not be sufficient for 9 people and a row of plant pots. Should a quick evacuation be needed from the house this would be hampered by the cramped exterior corridor.

The access to this property at the rear is limited by these issues.

The interior bedrooms do not give enough room for socialising or relaxing and residents would need to use the small kitchen. Although a good size for 4 people, showing a table with 4 chairs it would be very difficult to cook and perform other household duties in such a small space for 9 people.

the layout of the property is not conducive to any form of comfort and apart from their bedrooms residents would have little privacy.

For these reasons I should like to call in this application".

PROPOSAL

The proposal seeks the change of use from existing C4, 6 bed, 6 person HMO to Sui Generis 6 bed, 9 person HMO

The external changes include upgrading exists windows and adding a new first floor and ground floor window to the southern elevation

SITE DESCRIPTION

The application site is located off Hungerford Road.

The existing property is described in the application form as being in use as a 6 bed, 6 person HMO.

The area has a mix of residential and commercial uses with residential to both sides.

An area if hardstanding exists to the front of the property, used for parking.

The rear yard area is accessed by an alleyway off School Crescent.

Located in the Settlement Boundary as defined by the Local Plan and is within the Hungerford Road Article 4 Direction area which withdraws permitted development rights for the conversion of individual dwellings (Use Class C3) to small Houses in Multiple Occupation (HMOs) (Use Class C4) for parts of Crewe.

RELEVANT HISTORY

20/4453N – Single storey rear extension with flat roof over extending 5.27 metres beyond the rear wall, maximum height of 2.71 metres and eaves height of 2.52 metres (approved 20-Nov-2020)

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy – Adopted Version (CELP)

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

MP1 Presumption in Favour of Sustainable Development
PG2 Settlement Hierarchy
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 12 Pollution, Land Contamination and Land Instability
SC3 Health and Wellbeing
SC4 Residential Mix
EG1 Economic Prosperity
EG3 Existing and Allocated Employment Sites
C01 Sustainable Travel and Transport
C02 Enabling Business Growth through Transport Infrastructure

Appendix C Parking Standards

Development Plan:

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

Saved policies of the Crewe and Nantwich Local Plan:

BE1 Amenity
BE3 Access and Parking
BE4 Drainage, Utilities and Resources
E4 Development on Existing Employment Areas
RES2 Unallocated Housing Sites
RES9 House in Multiple Occupation

SPD:

Design Guide

Provision of Private Open Space in New Residential Developments

Hungerford Road Article 4 Direction

National Policy:

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

11. Presumption in favour of sustainable development.

59. Delivering a Sufficient Supply of Homes

Other material considerations:

HOU4 Houses in Multiple Occupation of the Emerging SADPD (Moderate weight given the Policy has been through Main Modifications with no changes noted for this Policy)

Houses in Multiple Occupation Supplementary Planning Document

CONSULTATIONS:

Town Council: Objection on the following grounds:

- Inadequate kitchen provision for the density of occupancy proposed
- The proposal is not supported by the Planning Authority's emerging Article 4 Directive
- Room sizes do not demonstrate adequate living and amenity space for the density of occupancy proposed
- Additional density of occupancy will have detrimental effect on neighbouring residential amenity due to increase in noise, on street waste and parking
- Inadequate and impractical bike storage
- Overdevelopment of the site
- The provision of an HMO in this location will result in the "sandwiching" of a residential family home between 2 HMOs, which is identified as a negative issue within the emerging CEC Article 4 Directive
- Parking of vehicles on the property frontage has been introduced with the removal of a boundary wall without planning or highways consent and represents a potential risk to pedestrians as well as potential obstruction of the pavement due to vehicles protruding from the demised premises

CEC Highways: No comments received at the time of writing the report

CEC Environmental Protection: No objection subject to conditions/informatives regarding working hours for construction

CEC Housing: No objection

CEC Housing Adaptions: No objection however offer advice noted to the applicant regarding licencing

ANSA (Bins): No comments received at the time of writing the report

REPRESENTATIONS: x1 letter of objection on the following grounds:

- Not enough room, facilities in the property for 9 people
- Impact on surrounding properties given limited garden area
- Parking space added is dangerously located near to a bus stop

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies in the Settlement Zone Line as designated in the adopted Cheshire East Local Plan, where there is the presumption in favour of sustainable development.

As a result the proposal is acceptable from a pure land use perspective.

The main issue therefore is whether there are any other material considerations such as design, amenity, living conditions etc that outweigh the in principle support for the proposal.

Houses in Multiple Occupation

Policy RES.9 advises that proposals for the sub-division of buildings to provide self-contained residential units will be permitted provided that:

- The building to be converted is large enough to provide satisfactory living accommodation for future residents without the need to construct extensions which would conflict with policies BE.1 and BE. 2;

In this case the property was recently extended thus no further extensions to the property are proposed. However the size of garden area is already limited for the existing 6 bed, 6 person HMO and is not considered of a suitable size for this number of users. The proposal would add 3 additional people to the property and thus would not provide a satisfactory level of private amenity space for use by all residents equally and this space would be further reduced by the need for additional bin and cycle storage areas.

- The proposal would not result in an adverse change to the external appearance of the building which would be unacceptable in terms of design or materials used;

There are no external changes proposed.

- The development does not detract significantly from the amenities of neighbouring residents, through noise transmission or overlooking, (in accordance with policy BE.1); and

No additional windows are proposed and an element of overlooking is to be expected from the existing use. Therefore would not significantly affect amenity of neighbouring properties. However clearly an increase in the number of occupants has the potential to cause harm through noise disturbance. The limited size of garden area is also likely force occupants to spill out in the street for some outdoor space and would cause some increased disturbance to neighbouring properties.

- Provision is made within the site for adequate and properly located car parking and safe access (in accordance with policies tran.9 and be.3). where sufficient off-street parking provision is not possible due to the constraints of the site, kerbside facilities may be acceptable provided that their use does not create or worsen dangerous highway conditions, or significantly detract from the amenity of local residents.

The application forms do not advise how many parking spaces will be provided. However, from a site visit it was noted that the front garden area has been opened up and has space for the parking of 2 vehicles. The parking is located very close to an existing bus stop and there is a concern it may interfere with ability of the bus to park. The Highways Engineer will be able to comment on the suitability of the parking area in the update report.

Emerging Policy Houses in Multiple Occupation and Houses in Multiple Occupation Supplementary Planning Document

The Houses in Multiple Occupation Supplementary Planning Document (“HMO SPD”) was adopted by the Council on the 9 September 2021 and is a material consideration to be taken into account in the determination of planning applications for HMOs.

While HMOs and the wider private rented sector play an important role in meeting housing needs, a saturation of HMOs in a particular location can have negative impacts upon that area, for example the number of homes available for families or those wanting to purchase their first home may reduce due to a high demand for investment properties. In addition, the occupation of dwellings as HMOs by a higher number of adults compared to a typical family home, can place additional demands on services and infrastructure, for example increased waste generation.

The SPD includes guidance on avoiding or exacerbating concentrations of HMOs in order to support the well-being and amenity of neighbourhoods. This includes a threshold of no more than 10% of dwellings in HMO use within 50m of an application site and the sandwiching test. These tests are also replicated in SADPD Policy HOU 4 ‘Houses in Multiple Occupation’ referred to above.

Step 1: Drawing a 50 metre radius

The following plan shows the 50m radius drawn from the boundaries of the application site.



Step 2: Counting the number of addresses within the radius

There are currently 52 residential addresses within 50m of the application site including 8 flats at Hardwicke Court.

Step 3: Identifying the number of HMOs

Information is gathered from planning permission data, building regulations information, licencing information and data provided by the Council's housing team. This data was gathered December 2021. An update of this will be provided in the update report, however it is not expected to change significantly or see a reduction in the number of HMO's.

Based on information from December 2021, drawn across these sources, there is:

- No evidence available of HMO use for 47 of the 52 addresses.
- There are 4 dwellings with evidence of HMO use, including a licenced HMO at 234 Hungerford Road and 95 Hungerford Road which has planning permission for Sui Generis HMO use.
- The fifth dwelling is the application site but its use as a C4 HMO has no planning consent.

Excluding the application site, 4 out of 52 dwellings amounts to 7.69%, , so is under the 10% threshold as recommended in the SPD.

Step 4: Sandwiching

There is no evidence currently available of HMO use at No.93 Hungerford Road. 95 Hungerford Road has planning permission for Sui Generis HMO use (approval ref 21/1718N). The application proposal will therefore result in the sandwiching of 93 Hungerford Road between two HMOs. There is uncertainty over the lawfulness of the existing HMO use at the application property as there is no planning consent to confirm this and as part of the permission for the extension to the property approved under ref 20/4453N, the property was described by the applicant as being in a C3 residential use hence why the extension was deemed to be lawful. Depending on the existing use of the application site, this will either be a new sandwiching issue or the exacerbation of a sandwiching issue that already exists given the proposed increase in occupants, either way the proposal would be in conflict with part 1 ii of Emerging Policy HOU4 and part 5 of the SPD. The proposal also does not meet the exceptions noted as there is not a high concentration of non C3 uses to justify the proposed HMO in this location.

Achieving good standards of accommodation

The HMO SPD includes guidance on achieving good standards of accommodation and the dwelling and internal layout must be sufficient to accommodate the proposed number of residents in order to protect the residential amenity of future occupiers of the HMO and any adjacent residents. The external area serving the dwelling should also be of sufficient size to accommodate waste storage requirements, make adequate provision for cycle parking, provide space for outdoor clothes drying and amenity space for residents.

Given that a HMO licence has been granted for the property, it is assumed that the prescribed national minimum room sizes are met. However, it is noted that there is very limited space at ground floor for any shared social spaces except from the kitchen area, which appears a limited size for up to 9 people. The external useable rear amenity space to accommodate 9 persons also appears very limited, especially when taking away the land used for the extension and the required cycle and bin storage areas. The lack of amenity space would likely put future occupants off from using this space thus potentially forcing occupants into the street for outdoor space which has potential to harm amenity of surrounding properties. As result it is not considered that the proposal would provide a sufficient level of amenity space for future occupants and would harm amenity of neighbouring properties. In addition the need to provide waste and parking areas would further limit the available garden space.

Waste storage and disposal

The plans indicate storage of x4 bins in the garden area. However larger HMOs may have additional waste storage requirements due to the intensified use of the property. Most properties in Cheshire East have x3 bins (recycling bin; a garden/food waste bin and a non-recyclable bin). It is unclear if the proposed site plan shows 4 standard waste bins or accounts for all bin types, it also does not clarify the type of size of bins. Clearly any further requirement for additional bins, would further reduce the already limited rear amenity area to the detriment of future occupants. The plans also do not indicate any internal storage areas prior to removal to an external storage area. Confirmation of the number and size of bins has been sought from the waste management team and will be reported in the update report

In accordance with the SPD, it is recommended that consideration be given to the following:

- Existing and proposed floor plans that indicate the maximum number of bedspaces per room and shows that in total there would be 9 occupants. A note on the proposed plans indicates that only bedrooms 4 & 6 are to be used as double rooms. If the remaining 4 bedrooms are single occupancy then the number of occupants would be 8 not 9. This is in conflict with the number of occupants as noted in the applications forms which advises that this is 9. Therefore clarification has been sought from the applicant, however it is considered that the issues raised above re amenity would be similar to that of either 8 or 9 occupants.

Car and cycle parking

For car parking the SPD applies the parking standards as per the local plan which requires 1 space per bedroom. For cycle parking the SPD recommends 1 space per bedspace. 6 spaces are currently shown on the submitted plans. The front boundary wall has been removed creating parking for two vehicles. This may have required planning permission given the location off a classified road. Confirmation will be sought from the highway officer and provided in the update report. The SPD advises that any parking provided should not result in the loss of front gardens and boundary walls, which would be the case here.

Outdoor amenity space

Separate to external waste storage and cycle parking requirements, the submitted site plan must also identify the location of an external area for clothes drying and useable amenity space for residents. Whilst the plans show some amenity area, part of this is occupied by the extension, bin and cycle storage areas. The shape also limits the actual usable area for drying of clothes and sitting outside etc, which would limit the ability for all residents to use the space equally.

Amenity

As noted above, the lack of amenity space is likely to put off future occupants from using this space this forcing them to spill out of the property for their outdoor amenity area and this may result in noise/disturbance to neighbouring properties.

Highways

The proposal is for an 9 bed HMO. Off-road parking in the front garden is provided for 2 cars.

Whilst the site is within a sustainable location and within a short walking distance to a large number of shops, services and amenities, and bus service, the proposal would result in an increase in the number of users of the property by 3 (from 6 to 9) and thus would have a further need for parking spaces.

At the time of writing the report no comments have been received from the Councils Highways Engineer so these will be provided in the update report. However as noted above there is concern about the actual usability of the parking area to the front given the need to still access the property, the location to a bus stop which may hinder the ability of a bus to park outside the site and whether or not the dropped kerb obtained planning permission given its location off a classified road.

Design

No external changes are proposed. The character of the area is mixed commercial/residential so it is not expected that the residential use would harm the character of the area.

Therefore it is not considered that the proposal would cause any visual harm to the overall character/appearance of the area, excepted as noted by removal of the front boundary wall.

Amenity

- Surrounding neighbouring properties

The properties most affected by this proposal are Nos.93 and 89 Hungerford Road.

As the building is already in situ it is not considered that the physical mass of the building would pose any further harm to living conditions through overbearing/oppressive impact etc.

No new windows are proposed so the level of overlooking etc would remain the same.

However clearly the intensification of the property to add an extra 3 people, would put further pressure on the already limited garden area forcing people outside the property given the narrow streets where potential impact is likely to be more concentrated and directly affecting neighbouring residents.

- Future occupants

The proposal would provide an area of private open space to the rear of the property measuring approx. 45 square metres. However part of this space would be occupied by the bin and cycle storage areas, so taking this away would reduce to approx.40 sqm.

Council SPD advises that for a dwelling should have adequate open space no less than 50m² per dwelling, does not stipulate a specific size of amenity area for flats/apartments however it advises that where it is not appropriate to provide private open space for each dwelling, it will be necessary to provide communal areas of open space; these should be located so they can be used by all the residents equally.

In this case a small kitchen area is provided and the limited 40sqm amenity space. Whilst this would provide some area for outdoor sitting/clothes drying this is clearly a very limited space, which would be unlikely be used equally by all residents at the same time and would likely put off occupants from using this area.

There are areas of open space 300m away to the south of the site and Crewe Town Centre is within walking distance from the site. Both of these options would provide access to outdoor amenity space. However as noted above the lack of private amenity space is considered harmful to amenity of future occupants and would rely predominantly on areas away from the property for open space and would be contrary to the SPD and Emerging Policy HOU4.

Housing standards

The Housing Standards and Adaptions Team have been consulted and have not raised any objections

They advise that this property is capable of supporting up to a maximum of 10 persons at anyone time, as calculated against national minimum bedroom size requirements for HMO property and against Cheshire East local Housing Standards adopted standards for appropriate amenities and facilities present within the property.

A licence has also been granted by the Housing Standards Team for this property to operate as a licensable HMO from 27/07/2021 to 26/07/2026, up to a maximum of 10 persons, in accordance with the Housing Act 2004.

Therefore it is considered that the room sizes would not be of concern but this does not account for size of garden areas etc.

Economic benefit

The proposal would create economic benefits from employment during the conversion works and spending power of the future occupants.

Social benefit

The proposal would create/expand additional residential accommodation in an accessible location close to the town centre. However there would also be some social harm to amenity of neighbouring properties.

Other

No Neighbourhood Plan is in force for this area.

An informative will be added to any decision notice regarding CIL.

Conclusion

The site is within the Settlement Zone Line of Crewe, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be neutral in terms of its impact upon design.

The proposal would provide positive benefits such as the economic sustainability roles by providing employment in the locality during conversion works and social role by providing housing in a sustainable location.

The dis-benefit would be the intensification of the existing use with a lack of suitable private amenity area which would harm not only future occupants but also amenity of neighboring properties by forcing future occupiers away from the property for their outdoor space with potential noise and disturbance to neighbouring properties. The proposal would also not provide any parking provision.

As a result on balance it is not considered that the proposal would provide a satisfactory level of amenity/living conditions for future occupants and the intensification of the use would also cause harm to amenity of neighbouring properties. It is therefore not considered that the proposal constitutes sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE for the following reason:

The proposed development would result in the creation of a sub-standard level of living accommodation for the future occupiers of the HMO and would also harm amenity of neighbouring properties. In particular the very limited level of private amenity space would cause harm to amenity of future occupiers. This in turn would likely force future occupiers to spill out into the street for their outdoor space causing harm to amenity of neighbouring properties by increased noise and disturbance. The proposal would also result in the sandwiching of No.93 Hungerford Road between two HMOs which would cause harm to amenity of this property. The proposal would also not provide a sufficient level of off-street car parking forcing further vehicles to be parked on surrounding streets causing a highway safety concern. Therefore the proposal would cumulatively have an unacceptable impact on the future occupiers amenity and that of neighbouring properties contrary to Policy BE.1 (Amenity) of the Crewe and Nantwich Local Plan, Policy SE1, SD1 (Sustainable Development in Cheshire East), SC3 (Health and Well-Being), SE12 (Pollution), C02 (Enabling Business Growth through Transport Infrastructure), Appendix C (parking standards) of the Cheshire East Local Plan Strategy, Emerging Policy HOU4 (Houses in Multiple Occupation) of the Emerging SADPD, Houses in Multiple Occupation Supplementary Planning Document, The Cheshire East Design Guide (part 2 Page 95 para vi 22), The Development on Backland and Gardens SPD and the NPPF.

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



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