

Application No: 12/1862N

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

Proposal: Removal of Existing Second Hand Car Sales Site, Building and the Erection of 7no. One Bedroomed and 7no. Two Bedroomed Flats in a Three-Storey Block

Applicant: Stewart Street Motors

Expiry Date: 13-Aug-2012

#### **SUMMARY RECOMMENDATION - Refuse**

##### **MAIN ISSUES**

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

#### **1. REASON FOR REFERRAL**

This proposal has been referred to the Southern Planning Committee as it is a major application of 14no. residential units.

#### **2. DESCRIPTION OF SITE AND CONTEXT**

The application site is situated within the Crewe town settlement boundary on the corner of Stewart Street and Collins Street, Crewe. The existing use of the site is a used car dealership with a small Portakabin style office to the rear of the site. The site backs onto the Valley Brook on Stewart Street.

#### **3. DETAILS OF PROPOSAL**

This is a full planning application for the provision of 14no. residential units in a three-storey apartment block. The proposal seeks permission for 7no. one-bedroom apartments and 7no. two-bedroom apartments. The proposed block will form an 'L' shape turning the corner of Stewart Street and Collins Street. Vehicle access will be achieved off Collins Street, with the parking positioned to the rear of the site.

The amended plans received on the 27<sup>th</sup> July 2012, show the building positioned closer to the highway, with some amenity space to the rear contained within an overhang veranda style design. The proposal includes 22 parking spaces.

#### **4. RELEVANT HISTORY**

P08/0417 – Residential Development comprising 14 units (resubmission) – Refused 23<sup>rd</sup> June 2008. *Refused for insufficient information on flood risk.*

P07/1663 – Residential Development comprising 14 units – Withdrawn 4<sup>th</sup> March 2008

P97/1016 – Erection of boundary railings – Approved with conditions 4<sup>th</sup> February 1998

7/03542 – 2 non illuminated fascia signs and 1no illuminated s/s box signs – Approved with conditions 26<sup>th</sup> January 1978

#### **5. POLICIES**

##### **National Planning Policy**

National Planning Policy Framework

##### **Regional Spatial Strategy (NW)**

Policy DP7 Promote Environmental Quality  
L4 Regional Housing Provision

##### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

RES.2 (Unallocated Housing Sites)  
RES. 3 (Housing Densities)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
TRAN.9 (Car Parking Standards)  
E.7 (Existing Employment Site)

##### **Other Material Considerations**

Cheshire East – Interim Planning Statement on Affordable Housing (2011)

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

##### **Highways [19/07/2012];**

The main highway issue is the amount of parking being provided for the development, our emerging minimum parking standards would require 200% parking for all houses. However, a

relaxation would be made to provide only one space for the 1 bed units but even with this reduced standard they are 6 spaces short and no spaces are provided for visitors. There is very little on-street parking available in the vicinity of the site given the existing waiting restrictions and what parking is available on Collins Street is needed for the terrace properties.

Therefore, I would have to **object on the grounds** that adequate parking is not provided within the site for the number of dwellings.

### **Highways [30/07/2012];**

Amended plans show better parking provision. No objections to the proposal.

### **Environmental Health (Contaminated Land) [31/05/2012]:**

This section objects to the above application with regard to contaminated land:

- The application area has a history of garage use and in addition there may be underground fuel storage tanks on site. Therefore, the land may be contaminated.
- There are potentially contaminating land uses in the close vicinity of the application site which may deleteriously impact the proposed development.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- No information has been submitted with respect to contaminated land by the applicant.

As such, and in accordance with the NPPF, this section recommends that either the applicant submits a minimum of a desk study and site reconnaissance to demonstrate that the site is suitable for being developed for its new use or the application be **refused** on the basis of insufficient information.

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

### **Environmental Health**

Environmental Health have raised no objection to the application but request the following conditions:

(i) Restriction of hours of construction –

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

(ii) if pile driving is required, restriction of hours to –

Monday – Friday 08:30 – 17:30 hrs

Saturday 08:30 – 13:00 hrs

Sunday and Public Holidays Nil

(iii) Prior to its installation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- (iv) Noise assessment to be carried out prior to commencement of development, and details implemented prior to the first occupation of the dwelling
- (v) A scheme of acoustic enclosures of any fans, compressors or other equipment with the potential to be noisy,
- (vi) Bin storage facilities
- (vii) Building regulations approved document E in relation to the transmission of sound

**Environmental Agency:** No Objections

**United Utilities:** No Objections

## **7. VIEWS OF PARISH/TOWN COUNCIL – N/A**

## **8. OTHER REPRESENTATIONS – None received at time of writing this report**

## **9. APPLICANT'S SUPPORTING INFORMATION**

- **Flood Risk and Surface Water Assessment** (carried out by Michael Lambert Associates 2008)
- **Design and Access Statement** (carried out by DC Architects)
- **PPS3 Housing Self-Assessment Checklist**

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The recently published National Planning Policy Framework replaces PPS3 and one of its core principles is that planning should:

*“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.” (Paragraph 17)*

In addition it states that local authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.” (Paragraph 47)*

The site lies wholly within the settlement boundary of Crewe where, in principle, residential development is considered to be acceptable. National Planning Policy Framework advocates that most additional housing development should be concentrated in urban areas and that the Planning Authority should facilitate for the efficient use of brownfield land to minimise the

amount of greenfield land being taken for new development. The site is not regarded as greenfield and the principle of residential development is accepted.

Furthermore, the Council is unable to demonstrate a five year supply of housing as required by the NPPF and therefore the proposal will help to achieve a five year supply.

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

### **Loss of Employment Site**

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

### **Design**

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

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

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

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

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

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

### **Amenity**

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

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

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

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

### **Flood Risk**

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

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

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

## **Highways**

The Strategic Highways Manager has assessed this application considers that the proposed amount of parking is insufficient for the site. The Strategic Highways Manager states that the emerging minimum parking standards would require 200% parking for all houses. However, a relaxation would be made to provide only one space for the 1 bed units. The original plans showed 15 spaces which was 6 spaces short of the reduced standard. There is very little on-street parking available in the vicinity of the site, and double yellow lines around the corner, what parking is available on Collins Street is needed for the terrace properties.

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

The Strategic Highways Officer has seen the amended plans as has noted that the proposed provision is acceptable and he raises no objections to the proposal. It is therefore considered that the proposal will not have a detrimental impact on highway safety.

## **Ecology**

The Councils Ecologist notes concerns that it is difficult to determine the potential impacts the proposed development could have on the adjacent Valley Brook. He requires the trees and associated vegetation adjacent to the brook banks to be retained. The applicant has been requested to submit a plan to show the valley brook to be un-damaged by the proposal. However as it will be outside the red edge of the site this may not be necessary. However the applicant has, submitted further details that state the proposal will not include an area of the 'The Valley Brook' and no works will be carried out to the area.

The Committee will be updated on the comments of the Council Ecologist in an update report.

## **Contaminated Land**

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

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

As it stands no information in relation to contaminated land has been submitted with the application and therefore it is not possible for the LPA to determine if the application site is suitable for its proposed use. Therefore, in accordance with the NPPF, Environmental Health have recommended that either the applicant submits a minimum of a desk study and site reconnaissance to demonstrate that the site is suitable for being developed for its new use or the application be refused on the basis of insufficient information.

As no further information has been submitted with regards to contaminated land it is considered acceptable to recommend the application for refusal on lack of information in relation to contaminated land.

## **11. CONCLUSIONS**

It is considered that the general principal, design, and layout of the proposal are acceptable. The proposed building will sit comfortably within the streetscene and will not have a detrimental impact on neighbouring amenity or highway safety. However, further consideration must be given to the parking provision on the site, impact on ecology and without any information on Contaminated Land the proposed application is considered unacceptable and contrary to the National Planning Policy Framework.

## **12. RECOMMENDATIONS**

### **Refuse**

- 1. The proposal site is known to have been a used as a petrol station in the past; therefore the land is most likely contaminated. Without sufficient evidence from the applicant to prove the site is capable of use as residential it is not possible for the Local Planning Authority suitably consider this issue. The applicant has therefore submitted insufficient information with regards to contaminated land which is contrary to Policy BE.6 (Development on Potentially Contaminated Land) and the National Planning Policy Framework.**



(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.

