

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 23 January 2014

Report of: David Malcolm – Interim Planning & Place Shaping Manager

Title: Application 13/4382N: Affordable Housing Development at Sir William Stanier Community School, Ludford Street, Crewe CW1 2NU for Renew Land Developments Ltd

1.0 Purpose of Report

- 1.1 To consider a report for the proposed housing development at Sir William Stanier Community School, Ludford Street, Crewe (Application 13/4382N).
- 1.2 To explain the updated position in respect of viability on the site following the resolution made by Southern Planning Committee on 11 December 2013.

2.0 Decision Required

- 2.1 To support the recommendation and agree to the proposed legal obligation.

3.0 Background

- 3.1 Full planning permission is sought for the redevelopment of the former Sir William Stanier School in Crewe. The application seeks full planning consent to develop 107 dwellings comprising a mix of apartments, mews and semi-detached housing. The scheme is a 100% affordable housing development, all for rent, to be developed for Wulvern Housing. The scheme is reliant on HCA funding which requires a timely decision to be made to enable the developers to commence works as soon as possible.
- 3.2 Consideration of the application took account of the normal site planning requirements: - including amenity, design, highways, parking, trees, landscaping, ecology and potential contributions for education and open space. The original report and update are attached as Appendix 1 and 2.
- 3.3 A viability appraisal was submitted with the application which indicated that it was not possible to develop the site for 100% affordable housing and deliver any contribution to education and public open space. Officers had referred the assessment to external independent valuers who had broadly agreed with the assessment but required further information due to concern over the value of the land.

- 3.4 After consideration of the relevant matters including the update report on 11 December 2013 Southern Committee members resolved that authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to there being no objection being raised by the independent consultant following consideration of the viability appraisal
- 3.5 Following the resolution further discussions took place regarding the site value which was considered to be high and additional information was submitted by the applicants in respect of the viability. This was assessed by the Council's valuers accordingly. The additional Financial Viability Assessment (FVA) submitted by the applicants now suggested that a contribution of £30,000 towards public open space and £65,000 towards education would be available.
- 3.6 The Council's valuers confirm they have checked the assumed build costs, roads and sewer costs and professional fees costs which are considered reasonable and within acceptable margins. The conclusion is such that they are now satisfied that the package of £95,000 represents the maximum the scheme can viably provide when considered alongside the particular circumstances of the application.

4.0 Assessment

- 4.1 It has already been stated that under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

- 4.2 It also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

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

One of the 12 Core Planning Principles at paragraph 17 states 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 objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

- 4.3 As noted on the original report the scheme for 107 dwellings generated the need for a contribution of £36,896 towards public open space and £108,463 towards primary.
- 4.4 The initial view was that the site would not be able to generate sufficient value for any contributions. However following the further viability assessments it has now been accepted by both parties that there is scope within the valuations for a total contribution of £95,000 to be obtained for contributions. While this is still short of the original requests it is accepted that this is the maximum figure that the site can generate. Given the thrust of the NPPF and the provision of 100% affordable housing it is now felt that this is an acceptable compromise that should be supported.
- 4.5 The offer is to split the contribution to £30,000 towards public open space and £65,000 towards education. This figure is considered to be reasonable and necessary and compliant with the CIL Regulations. The applicants are drawing up a Unilateral Undertaking accordingly.

5.0 Conclusions

- 5.1 Taking account of the updated viability assessments and the provision of a total contributions of £95,000 it is now considered that the scheme can be fully supported and accords with the NPPF.

7.0 Recommendation

APPROVE subject to a Unilateral Undertaking for contributions of

- £30,000 towards public open space
- £65,000 towards education

And the following conditions

1. Standard time limit
2. Approved plans
3. Construction of Access
4. Provision of parking
5. Implementation of Materials – No approval for buff bricks
6. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
7. Submission, approval and implementation of piling method statement

8. Construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
9. Submission, approval and implementation of details of any lighting prior to installation
10. The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.
11. Implementation of submitted Travel Plan
12. Implementation of submitted dust control measures
13. The development shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.
14. Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.
15. Detailed breeding bird survey for works in nesting season
16. Arboricultural Method Statement to include removal of areas of hard standing around trees, the reinstatement of the ground around retained trees, tree protection measures and an auditable system of arboricultural supervision.
17. Features for use by breeding birds and bats
18. Implementation of boundary treatment
19. Implementation of drainage scheme
20. Implementation of cycle parking within scheme
21. Implementation of landscaping
22. A revised landscape plan to include further tree planting.
23. Retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings

8.0 Financial Implications

- 8.1 No specific financial implications.

9.0 Legal Implications

- 9.1 An agreement will be needed (indicated to be in the form of a Unilateral Undertaking) to secure the contributions.

10.0 Risk Assessment

- 10.1 There are no identified risks associated with this decision.

11.0 Reasons for Recommendation

- 11.1 To ensure the application is dealt with effectively and to enable the appropriate contributions to be provided.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: David Malcolm – Interim Planning & Place Shaping Manager
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Background Documents:

Application documents
Appendix 1 and 2 (Attached)

APPENDIX 1 – Southern Committee Report (11 December 2013)

Application No: 13/4382N

Location: SIR WILLIAM STANIER COMMUNITY SCHOOL,
LUDFORD STREET, CREWE, CW1 2NU

Proposal: 100% Affordable Housing Development comprising
60no. one and two bed flats, 47no. two and three bed
semi detached and mews houses and ancilliary
works.

Applicant: Renew Land Developments Ltd

Expiry Date: 17-Jan-2014

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Principle of Development
Affordable Housing
Education
Design and the Built Environment
Amenity
Contaminated Land
Noise
Air Quality
Drainage/Flood Risk
Highways
Pedestrian and Cycle Provision
Open Space
Trees and Landscaping
Ecology

REFERRAL

The application is referred to planning committee because it is over 10 units and is therefore a major development.

1. SITE DESCRIPTION

The site itself is located approximately 0.6 kilometres north of the Crewe town centre within a predominantly residential area on the fringes of the town centre. It measures approximately 1.52 hectares being roughly

rectangular in shape, measuring 120m in length and 170 m across the width at its widest point.

The site is a former school premises but is currently vacant and has recently been demolished. It is overlooked from the north by Crewe cemetery on the opposite side of Badger Avenue. Residential properties border the site to the south and east. Beechwood Primary School is also located to the south and Cypress Care Centre abuts the western site boundary.

2. DETAILS OF PROPOSAL

Members may recall at their meeting on 21st August 2013, the Southern Planning Committee resolved to grant outline planning permission for residential development on this site subject to completion of a Section 106 Agreement. At present that Agreement remains unsigned and therefore planning consent has yet to be issued.

The application seeks full planning consent to develop 107 dwellings comprising a mix of apartments, mews and semi-detached housing. This is a 100% affordable housing development, all for rent, to be developed for Wulvern Housing.

3. RELEVANT PLANNING HISTORY

13/2322N	(2013)	Outline planning consent for residential development – resolution to approve subject to Section 106 Agreement
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4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

Built Environment Policies

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)

Housing Policies

RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)

RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

Transport Policies

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

4. OBSERVATIONS OF CONSULTEES

Environmental Health

No objection subject to the following conditions:

- All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- Submission, approval and implementation of piling method statement
- construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
- Submission, approval and implementation of details of any lighting prior to installation
- The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.
- Implementation of submitted Travel Plan
- Implementation of submitted dust control measures
- The development shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.
- Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.

United Utilities

- No comments received at the time of report preparation

Greenspaces

- No comments received at the time of report preparation

Highways

- This a new submission on the site for 107 residential units, outline permission has previously been granted on the same site for 90 units. There is a single priority junction access to the site, this is the same provided in the previous application for 90 units, although there are now some units accessed independently from Ludford Street.
- Key Issues
 - The increase in traffic resulting from the additional units.
 - Car parking provision.
 - Access using Ludford Street.
- The increase in the number of units by 17 units represents only a minor impact in traffic generation and as there are no identified capacity problems locally to the site, there are no issues raised on the further units on the site.
- The split of residential units proposed on the site is 50 one bed units, 10 two bed apartments, 36 two bed houses and 11 three bed houses. When car parking standards that are now minimum standards are applied to the number of units proposed, there is a shortfall of 30 spaces over the site. Clearly, the reason for moving to minimum standards was to try and address the problem of on-street parking on residential streets that not only affect traffic flow but block private driveways. This shortfall of parking is a substantial issue with this application.
- Although, I would have preferred not to have any access taken from Ludford Street, the six units that are proposed do have 2 car parking spaces per unit and this minimises the likelihood of on-street parking occurring.
- In summary, the main concern regarding this application is the distinct lack of car parking spaces within the development that will lead to on-street parking on limited width internal access roads. Therefore, I am raising objections to the application on grounds of insufficient parking.

Environment Agency

- No comments received at the time of report preparation

Education

- A contribution of £108,463 will be required.

Rights of Way

- Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the

policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026:-

- The proposed pedestrian and cyclist access from the proposed 'Access Road 1' within the development to Newdigate Street will help to improve access for these user groups between the town centre and the Leighton Greenway.

5. VIEWS OF THE PARISH / TOWN COUNCIL

- The Town Council objects to the application on the grounds of over-development. There is an increase in the number of homes agreed previously and there are too many apartment blocks in relation to the provision of family housing.

6. OTHER REPRESENTATIONS

Cllr Flude

- The railings that surround the site are in good condition. They are art deco in style they enhance the area and are in keeping with, the railings across road ,Badger Avenue, surrounding the cemetery.
- I am requesting that the committee consider that the railing that have been part of the old school site since 1932 should be retained as the a boundary to the proposed new housing development.

7. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Transport Statement
- Travel Plan
- Arboriculture Report
- Bat Survey
- Flood Risk Assessment
- Foul Drainage Strategy
- Geo-Environmental Assessment
- Noise Impact Assessment
- Dust Management Scheme

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide 107 units

towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

Furthermore, the acceptability in principle of residential development on this site has already been established through the previous resolution to grant outline planning permission for this site. Therefore, this application does not present an opportunity to revisit that issue.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment and a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *"the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."*

According to paragraphs 19 to 21, *"the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations."*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *"the Government's top*

priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy and therefore should be supported in principle.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size.

It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The Affordable Housing IPS states that the tenure mix the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The Strategic Housing Market Assessment Update 2013 shows that for the sub-area of Crewe there is a need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2 bed older persons units. (There is an oversupply of 2 bed units).

There are currently 1725 applicants on the housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 600 x 1 beds, 684 x 2 beds, 351 x 3 beds, 61 x 4 beds, 3 x 5 beds and 1x 5+ bed (25 applicants haven't specified how many bedrooms they need). Therefore there is clearly a high level of affordable housing need in Crewe.

This application is for 107 affordable rented dwellings made up of:

- 50 x 1 bed flats
- 10 x 2 bed flats
- 36 x 2 bed houses
- 11 x 3 bed flats

The Interim Planning Statement: Affordable Housing states that the affordable dwellings should be pepper-potted and fully integrated with the market dwellings on the site. This is obviously not possible as the site is for 100% affordable rented units. However, in order to create the 'mixed and balanced' communities that the IPS requires housing officers recommend that Wulvern Housing develop a local lettings policy to address this issue.

The IPS also requires that affordable dwellings are built in accordance with the Design and Quality Standards adopted by the Homes and Communities Agency and meet Code for Sustainable Homes Level 3. It is understood that Wulvern Housing will be utilising grant funding from the Homes & Communities Agency for the affordable rented dwellings and it will be a condition of the funding that these criteria are met.

The developer should be required to transfer all the affordable rented dwellings to a Registered Provider of Affordable Housing before they can be occupied.

Housing Officers would also want to ensure that the occupation criteria in line with the local connection requirements of the Homechoice Common Allocations policy.

This can all be achieved through a suitably worded affordable housing condition.

Education

The Education Officer has examined the application and confirmed that the local primary schools are forecast to be cumulatively oversubscribed and on

this basis then a contribution of £108,463 will be required towards primary school education.

Landscaping

The site has been cleared of buildings however trees and some areas of soft landscaping have been retained around the boundaries and there are trees off site which overhang the boundaries. Lengths of boundary dwarf wall and railings have also been retained on the Badger Avenue and Ludford Street frontages.

The submission is supported by a Planting plan and Schedule ref LUD 1310 dated October 2013 and plans illustrating external works.

It appears that the development would result in virtually all of the existing vegetation on the boundaries of Badger Avenue and Ludford Street. The above planting plan provides only 2 new trees and a small area of shrub planting in these areas. The Landscape Officer has examined the proposals and considers that this is inadequate and that the scheme could be enhanced by additional planting. She also considers that the soft landscape proposals for the remainder of the site could be improved.

Whilst the layout retains most of the existing boundary wall and railings, sections would be lost on Ludford Street to accommodate access to 6 units. (The elevation plans for Ludford Street appear to be mis-representative in this respect). The layout in this part of the site might be improved to reflect the character the adjoining terraced properties with terraced dwellings on plots 1 – 6, set back and retaining the boundary wall and railings. The road frontage parking should be removed from this area. Walls could be substituted for fences as follows :

- Side of plots 71 and 107
- East of garden to plot 72
- Northern boundaries of garden to 66 & 100
- Northern garden boundaries to 6, 7 & 8

These issues have been brought to the attention of the developer and a response was awaited at the time of report preparation. A further update will be provided to members in due course.

Tree Issues

As stated above, although the site itself has been cleared, there are trees off site which overhang the boundaries. A tree survey has been submitted with the application, which was under consideration by the Landscape Officer at the time of report preparation and a further update will be provided to Members prior to their meeting.

Design and the Built Environment

The submitted layout involves the siting of a large apartment block at the junction of Badger Avenue and Ludford Street, with further apartment blocks facing on to Badger Avenue and 3 pairs of semi detached houses to the Ludford Street side, which will create an active frontage to both streets, particularly given that both these frontages include windows and doors opening onto the street. Inside the site, a mixture of mews and semi-detached are shown fronting onto the proposed access road running, in a north to south direction through the middle of the site, from the proposed access from Badger Avenue as well as a secondary vehicular route looping round the western side of the site.

Parking for the proposed apartments, would be in parking courts to the rear thus avoiding a car dominated frontage to Badger Avenue. Parking for the houses would be to the front and sides and whilst this is acceptable within the site, as detailed above, there is some concern about the impact of this on the character of the Street scene in Ludford, which is characterised by traditional terraced properties.

The site layout would largely respect the existing building lines on both Badger Avenue and Ludford Street, although, the frontage parking results in some of the plots on Ludford Street, being uncharacteristically set back. It is also considered that semi-detached properties are out of keeping with the traditional terraced character of Ludford Street, and it is considered that the scheme could be improved by swapping these semi-detached dwellings, with some of the mews properties within the site. This has been brought to the attention of the developer and a response was awaited at the time of report publication.

Elsewhere on the Ludford Street and Badger Avenue frontages small front gardens and areas of landscaping areas are proposed between the building and the highway boundary which will create elements of “defensible space” in front of the dwellings. Within the site, sufficient landscaping has been provided to the fronts of properties to break up parking and avoid car-dominated frontages, within the exception of the parking courts to the rear of the apartment buildings. However, this is considered to be an acceptable in order to allow the main road frontages to be kept clear of parked vehicles. This is all considered to be positive in urban design terms.

The surrounding development comprises predominantly traditional, two storey terraced properties, of brick and tile construction. The proposed dwellings are also a traditional pitched roof design finished in brick with contrasting window cills and lintels, which along with half-timbered gable features add interest to the elevations. The pattern of fenestration creates a strong vertical emphasis which is reminiscent of the bay windows which are characteristic of many of the terraced streets in the vicinity.

The large apartment building is three stories, but its location at the junction of the two roads, creates a focal point in this prominent location which is considered to be a positive feature. Furthermore, there is an existing modern

three storey apartment block on the opposite corner, and therefore, it will not appear out of place within its context.

The two proposed apartment buildings immediately alongside to the west on the Badger Avenue frontage are three stories in height, but given that Badger Avenue is a wide principal route through this part of the town and in view of the open space in the form of the cemetery on the opposite side of the road, it is considered that buildings of this scale can be accommodated on the site without creating an appearance of overdevelopment. The two apartment buildings at the western end of the Badger Avenue frontage, step down to 2 storeys in height, where they adjoin existing 2 storey development. Similarly, the semi-detached dwellings on the Ludford Street frontage, adjoining the existing terraced dwellings are also two storeys in height.

The apartment building immediately to the west of the access road features a “catslide” roof to the eastern side, resulting in the overall height sloping down to 2 stories on the corner of the access road and Badger Avenue. It is considered that the scheme would be improved if this building were handed and swapped with the apartment block alongside so that roof-scape sloped down to the adjoining two storey block and stepped up to the corner to Create a “gate-post” feature at the entrance to the development. The developer has also been asked to consider this suggestion.

Details of bin and cycle stores have been provided. These are detached brick built buildings, with hipped roofs which will be located in the car park areas to the proposed apartment blocks. A condition can be imposed to ensure that these are implemented.

The proposed materials are slate grey concrete roof tiles, which are considered to be appropriate, and combination of red and buff facing bricks. Buff bricks are not considered to be in keeping with the traditional character of this part of Crewe and therefore the developer has been asked to put forward an alternative red brick. Smooth red bricks are proposed as a feature brick, which is acceptable. However, it is considered that these could be complemented with a blue feature brick, which is typical of the traditional Victorian terraces in the vicinity. This can also be secured by condition.

Overall, subject to the amendments, referred to above, it is considered that the indicative plans show that a good design which respects the character and appearance of the area in which it is located can be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Amenity

The submitted layout also demonstrates that an adequate standard of amenity can be maintained for the occupants of adjoining properties.

The gable elevation of the proposed dwelling at the southern end of the Ludford Street frontage will adjoin the gables of the neighbouring dwelling (110 Ludford Street) which contains only secondary windows, and will not project beyond its existing front and rear elevations. Therefore no amenity issues are raised in respect of this property.

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and therefore, no overshadowing issues are raised. A distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows. The gable elevation of the proposed flats at the western end of the Badger Avenue would face towards the principal windows in the side elevation of the adjacent accommodation known as Cyprus Court. However, the two elevations would not be directly opposing and distances in excess of the recommended minimum distance of 13m will be maintained between them.

The front elevation of the proposed building will be sited between 19m and 22m from the front elevations of the existing apartments on the opposite corner of Ludford Street. Similarly, the separation distance between the semi-detached houses fronting Ludford Street and the existing apartments would vary between 15m and 21m. Whilst, the proposal will not comply with the recommended standard, it is accepted that separation distances between the front elevations of properties in traditional, tightly knit, terraced streets such as Ludford Street, are lower than those which would be expected in modern suburban housing estates and the separation distances in this case would be equivalent to that between the existing properties on opposite sides of those streets. If the frontage parking is eliminated as advocated above, this would reduce the separation distance to a consistent 15m. However, tightly defined streets and spaces are a distinctive local characteristic of this area of Crewe and the proposed amendments would help the scheme to respect that character.

There are no existing dwellings on Badger Avenue, opposite the site, due to the presence of the cemetery.

The majority of the proposed dwellings shown on the southern boundary of the site will overlook the existing school playing fields and therefore do not raise any amenity concerns. The only adjoining dwelling on the southern boundary is no 109 Newdigate Street, the gable end of which adjoins the site. However, the submitted layout shows a blank gable adjacent to the boundary with this dwelling and therefore, the required minimum separation distances can be achieved.

Turning to the standard of amenity within the site, the indicative layout demonstrates that the required minimum separation distances can be achieved between the majority of the plots within the site with the exception of between plots:

- 67 / 68 and 007 / 008
- 071 and 072 / 073

- 107 and 077/078
- 079 and 080 / 082
- 012 and 072

However, Government advice indicates that local planning authorities should have regard to the need to make effective and efficient use of land in the consideration of planning applications, and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. This would in turn increase pressure to develop further Greenfield sites in order to meet the Borough's housing land supply requirements. Furthermore, modern urban design principles based on Manual for Streets, encourage the tightly defined streets and spaces. It must also be considered that the fronts of properties are susceptible to overlooking from the public realm in any event and therefore separation is not as critical as it would be to the rear.

The requirement minimum garden area of 50sqm could be achieved in all cases.

Very limited separation of between 1m and 5m is provided between the 2 no. 2 storey apartment blocks at the western end of the Badger Avenue frontage, although, both of these elevations are blank. A similarly narrow gap of between 2 and 3m is proposed between these blocks and the side elevation adjacent 3 storey block, which contains windows. As these will face a blank gable, no overlooking issues are raised. These are all either secondary living room windows or serve galley kitchen areas and therefore it is not considered that any loss of light would be sufficient to sustain a refusal. Between the 2 no. 2 storey blocks on the frontage, a gap of between 3 and 6m will be achieved. In this case both elevations contain secondary living room windows and kitchen windows. Although loss of light is not considered to be an issue, there is potential for overlooking, and it is therefore commended that a condition is imposed requiring these to be fitted with obscured glazing.

Therefore, it is considered that the submitted layout demonstrates that the proposal can provide for an adequate standard of amenity and it is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Contaminated Land

The application was formerly a school, and as such there is the potential for areas of localised contamination to be present. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted a contaminated land report in support of the planning application. Environmental Health have considered the report and are satisfied with its conclusions. Therefore they have no objection to the scheme on contaminated land grounds subject to a conditions stating that

the development shall not be occupied until the remedial/protection measures included in the approved report have been fully implemented and completed and a Site Completion Statement detailing the remedial/protective measures incorporated into the development has been submitted to and approved by the Local Planning Authority.

Noise

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from road traffic noise, adjacent school and care home. Environmental Health have examined the report and endorsed its conclusions. Therefore, there is no objection to the scheme on noise grounds subject to conditions requiring the mitigation recommended in report number 90291r0 to be implemented prior to the use of the development / first occupation.

Air Quality

An air quality assessment was submitted with the previous outline application which indicated that there would be small increases in the area surrounding the proposed development. There are 2 Air Quality Management Areas nearby in Crewe and it is possible that there could be some very small impacts in these locations although they were not considered in this assessment. Given the small increases in pollutant concentrations it is considered that some low impact mitigation should be included with planning approval to safeguard future air quality against cumulative impacts of subsequent planning proposal impacts.

Therefore Environmental Health Officers previously recommended that any approval be subject to the conditions requiring a travel plan to be submitted, approved and implemented.

This has been included with this revised application and Environmental Health Officers are satisfied with the proposed measures and they have raised no objection subject to a condition stating that the submitted Travel Plans be implemented for all occupants with the aim of promoting alternative / low carbon transport. The agreed plan shall be implemented and enforced throughout the use, reviewed every 5 years and a report provided to the LPA annually on achievements against the agreed targets.

There are also potential impacts from construction dust and a dust management plan has been submitted with the planning application. Environmental Health are satisfied that this will mitigate against any potential impact and have therefore recommended a condition requiring that the construction phase be implemented in accordance with this approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of that phase.

Drainage/Flood Risk

Whilst comments are awaited from United Utilities, and the Environment Agency both authorities raised no objection to the previous application subject to appropriate conditions and it is therefore considered that the proposal complies with the relevant local plan policies with respect to flood risk and drainage.

Highways

A single point of access to serve the majority of the site is proposed from Badger Avenue, midway along the frontage. This element of the proposal is similar to the previous application, which was considered by the Strategic Highways Manager who concluded that that adequate visibility splays can be achieved.

As detailed above a number of driveways are proposed with access directly off Ludford Street, which did not form part of the outline proposal. The outline consent was for circa 84, whereas this proposal is for 107. Therefore there are traffic generation implications.

The Strategic Highways Manager has examined the proposal and confirmed that the proposal does not raise any traffic generation implications. Whilst he would have preferred not to have any access taken from Ludford Street, the six units that are proposed do have 2 car parking spaces per unit and this minimises the likelihood of on-street parking occurring. However, he is concerned that there is inadequate parking provision within the site which could result in on-street parking to the detriment of highway safety. This has been brought to the attention of the developer and a further update on these matters will be provided to Members prior to their meeting.

Pedestrian and Cycle Provision

The Council's Rights of Way Officer and Sustrans have indicated that they would like to see a pedestrian and cycle link created through the site to Newdigate Street. Previously there was considerable local objection to this proposal.

It is normally considered to be desirable and good practice to provide and improve pedestrian and cycle connectivity through development sites to encourage the use of sustainable modes of travel by providing more direct routes to destinations such as the town centre. However, in this case, there are good quality alternative cycle and pedestrian links to the town centre. Given the small size of the site, it is not considered that the failure to provide a through-route would result in residents of the site being discouraged from walking or cycling to the town centre as a result of the need to travel out via the Badger Avenue access and around the site via Ludford Street and Meredith Street.

However, Members previously shared the view of Sustrans and the Rights of Way Officer, and imposed a condition requiring the provision of the link. This

has been included within this application in accordance with Members previously expressed wishes.

Open Space

According to Policy RT3, new housing development with more than 20 dwellings will be expected provide 15 sqm of shared open space is provided per dwelling, along with 20 sqm of shared children's play space per dwelling.

According to the design and access statement the proposal is for 107 dwellings, which would equate to an open space requirement of 1604 sqm of shared open space and 2140 sqm making a total of 3745sqm. No public open space is shown on the indicative site layout and it would not be possible to provide this level of POS whilst accommodating the number of dwellings proposed.

Although no comments have been received from the Council's Greenspaces Officer, he did comment in respect of the previous proposal that in this case he would be willing to accept a financial contribution for off-site provision; specifically, a sum of £30,000 for improving the existing children's play area and footpath off Cranborne road, off Middlewich Street, Crewe. Taking into account the increase in the number of units to 107, the P.O.S. contribution would thus increase to £36,896.

On this basis, it is considered that the scheme would comply with the requirements of Policy RT3.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Ecologist was consulted on the previous application and commented that at the time the building subject to this application is now in the process of being demolished.

Whilst evidence of bat activity had been recorded previously further bat surveys were undertaken which indicated that bats were simply flying around the building and that there was no evidence that the building currently supported a roost. Therefore roosting bats did not present a constraint on the proposed development. As the demolition work has now been completed and the site has been cleared, no further issues are raised

If planning consent is granted, however, he recommended that conditions be attached to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development. It is considered that these conditions should also be applied to the current proposal.

Viability and Section 106 Matters

The developer has submitted a viability appraisal, undertaken by consultants Grasscroft, of the scheme, which indicates that it is not possible develop a

100% affordable housing scheme and to provide the greenspace and education contributions outlined above.

Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

It also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

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

One of the 12 Core Planning Principles at paragraph 17 states 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 objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

The Council has appointed independent consultants to independently scrutinise the viability appraisal that has been submitted. The consultant's report was awaited at the time of going to print, and a further update will be provided to Members prior to their meeting.

8. CONCLUSIONS

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide c.107 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic

benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal is also 100% affordable housing, which is also much needed within Crewe and the Borough as a whole.

Environmental Health matters of noise, air quality and contaminated land can be addressed through appropriate conditions. Subject to the receipt of amendments as detailed in this report, it is considered that a good design which respects the character and appearance of the area in which it is located will be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design. The proposal includes the provision of a pedestrian and cycle link from the site to Newdigate Street, as conditioned by Members on the previous outline consent.

Subject to appropriate Section 106 contributions, open space and education requirements can be addressed in respect of this development. However, the NPPF makes it clear that viability is an important material consideration. A viability appraisal has been submitted which, subject to the outcome of the independent scrutiny, demonstrates that this 100% affordable scheme could not provide a policy compliant Section 106 package.

Concerns have been raised in respect of parking, design and landscaping and amended plans have been requested. Also a number of consultation responses are also outstanding in respect of Education, Trees, and drainage. However, subject to these amendments being received and consultees raising no objections, and the requested amendments being submitted, the proposal is considered to be acceptable and in compliance with the relevant local plan policies.

9. RECOMMENDATION

APPROVE subject to:

- **Receipt of amended plans**
- **No objection from Highways, Education, Trees, Greenspaces, United Utilities and Environment Agency**
- **Confirmation by independent consultants that the viability appraisal is acceptable**

And the following conditions:

Standard time limit

Standard Outline

Approved plans

Construction of Access

Provision of parking

Implementation of Materials – No approval for buff bricks

All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil

Submission, approval and implementation of piling method statement

construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil

Submission, approval and implementation of details of any lighting prior to installation

The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.

Implementation of submitted Travel Plan

Implementation of submitted dust control measures

The development shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.

Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.

Detailed breeding bird survey for works in nesting season

17. Features for use by breeding birds and bats

18. Implementation of boundary treatment

19. Implementation of drainage scheme

20. Implementation of cycle parking within scheme

21. Implementation of landscaping



APPENDIX 2 - UPDATE REPORT 9th December 2013

Application No: 13/4382N

Location: SIR WILLIAM STANIER COMMUNITY SCHOOL,
LUDFORD STREET, CREWE, CW1 2NU

Proposal: 100% Affordable Housing Development comprising
60no. one and two bed flats, 47no. two and three bed
semi detached and mews houses and ancilliary
works.

Applicant: Renew Land Developments Ltd

Expiry Date: 17-Jan-2014

Parking

As stated in the main report, the Strategic Highways Manager initially expressed concerns that there is inadequate parking provision within the site which could result in on-street parking to the detriment of highway safety. This has been brought to the attention of the developer who has commented that the development is 100% Affordable Rent. They have 200% parking on the 3bed houses, 200% on some 2bed houses and 100% on the rest and all apartments have 100% parking plus a few spaces for visitors.

Given their typical customer base, they would not expect all residents to have a car let alone 2 cars and therefore from a management perspective, they are more than comfortable with the overall parking provision on the site.

They go on to say that it is clear that the RSL (Wulvern Housing), who will control the scheme, do not require any additional parking spaces within the site. Indeed they question whether their tenants will have any cars on site. The application site located within an accessible area with ready access to local facilities. Additionally, the number and style of units proposed is based upon the RSL generated identified need in this area for affordable units

The Strategic Highways Manager therefore asked if the developer could provide information to support the lack of car ownership. Wulvern have responded to say that they have numerous examples of parking provision well below 100% that are successfully managed and do not cause us any issues. Two such examples are;

- Cronkinson Oak – c.80 flats with c.35 parking spaces. These are never full.
- Barony Court – c.60 flats with c.30 parking spaces. Again staff say they are never full.

Their profiling data shows that over 30% of their customers have higher outgoings than income. Another 30% are left with no more than £5 per week to live on after bills have been paid. They most certainly do not have 2 cars. They will let the majority of these properties through the Choice Based Lettings scheme and hence they will go to those in highest housing need who typically are the poorest in our society.

The Strategic Highways Manager has stated that in response to my previous comments the applicant has provided some details of the likely occupants of the rented accommodation and levels of car ownership.

It is the applicant's view that not all tenants will own vehicles and that the number of spaces provided is acceptable to meet the needs of the development. Having considered this information, he is minded to accept the level of car parking being provided subject to the dwellings not being transferred in the future into private ownership. Therefore, no objections are raised on the application.

In the light of the information provided by the applicant and the comments of the Strategic Highways Manager, it is not considered that a refusal on parking grounds could be sustained.

Design

The main report expresses concern that on Ludford Street, the frontage parking results in some of the plots being uncharacteristically set back. It was also considered that semi-detached properties were out of keeping with the traditional terraced character of Ludford Street, and it was considered that the scheme could be improved by swapping these semi-detached dwellings, with some of the mews properties within the site. This has been undertaken by the developer and the parking has been relocated to the sides of the dwellings, allowing a more tightly knit urban form to be created which reflects the existing character of Ludford Street. This is considered to be a significant improvement. It also allows more of the historic railings surrounding the site to be retained. It is considered to be appropriate to add a condition requiring the retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings.

The apartment building immediately to the west of the access road which features a "catslide" roof has been handed so that roofscape sloped steps up to the corner to create a "gate-post" feature at the entrance to the development. For drainage reasons the developers have had to introduce an easement between 2 apartment blocks. No units have moved closer to surrounding properties (so no need to re consult) and this has improved the separation between the two apartment blocks which will enhance the level of residential amenity to the side windows of those units.

With regard to materials, in place of the buff brick the developers are now proposing the "Ravenhead Red" brick. They are not prepared to agree to the blue feature brick. Whilst the latter is regrettable, it is considered to be a reasonable compromise.

It is therefore considered that the developer has adequately addressed the design issues raised in the main report and that the proposal now complies with Policy BE2 (Design) of the Local Plan

Trees / Landscape

The site has been cleared of buildings however trees have been retained around the boundaries and there are trees off site which overhang the boundaries.

A tree survey was submitted with the application, which was under consideration by the Landscape Officer at the time of main report preparation. The report incorporates a tree survey, an existing site plan identifying tree constraints, a plan identifying tree conflicts in relation to the proposed layout (showing crown spreads only) and a schedule of draft tree protection measures. The survey covers a total of 51 individual trees and three groups of trees. In the survey, the majority of the trees are afforded moderate quality with a small number of high quality specimens.

The Landscape Officer considers a number of the trees do not merit the categories afforded.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. The British Standard identifies at para 5.2 Constraints posed by Trees that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design. The British Standard also recommends an Arboricultural Impact Assessment is provided.

The submitted plans and particulars illustrate which trees are suggested for retention but are not cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. Further, there is no Arboricultural Impact Assessment. As a consequence it is not possible to determine with accuracy the direct or indirect impact of the proposed layout on retained trees. The Landscape Officer is therefore of the view that the submission does not provide the level of detail required to allow an informed assessment of the impact of development on existing trees.

From the Landscape Officer's own assessment it is apparent that the development would result in virtually all of the existing vegetation within the site on the boundaries of Badger Avenue and Ludford Street. In addition the access plans identify the removal of two pollarded Poplar trees on the highway verge to Badger Avenue. However, given the trees in question, do not merit the moderate and high quality categories afforded to them, it is not considered that a refusal on tree grounds could be sustained.

The proposed landscape plan provides only 2 new trees on Badger Avenue/ Ludford Street boundary. The Landscape Officer considers that this inadequate mitigation for tree losses and that further tree planting needs to be provided. She also considers that the soft landscape proposals for the remainder of the site could be improved. The landscaping plan also needs to be updated to reflect the amendments to the layout referred to above. However, this can be secured by condition.

The Landscape Officer had also previously raised concerns in respect of boundary treatment and commented that walls could be substituted for fences as follows :

- Side of plots 71 and 107
- East of garden to plot 72
- Northern boundaries of garden to 66 & 100
- Northern garden boundaries to 6,7 & 8

The developer has agreed that walls can be substituted for fences as suggested where they abut the public domain, in respect of the side of plots 71 and 107 and the east of the garden to plot 72. Those boundaries abutting parking areas (plots 6,7,8, 66 & 100) are not within the public domain and are screened by landscaping. It is proposed that they remain as timber construction. These amendments are shown on the amended plans and are considered to be an acceptable compromise.

In the event of approval conditions will also be required to secure:

- Arboricultural Method Statement to include removal of areas of hard standing around trees, the reinstatement of the ground around retained trees, tree protection measures and an auditable system of arboricultural supervision.
- A revised landscape plan to include further tree planting.

Viability

The Council has appointed independent consultants to independently scrutinise the viability appraisal that has been submitted. The consultant's report has now been received. It states that they have assessed the FVA for the Ludford Centre and have the following comments.

They are happy with the inputs below;

- Construction Costs are at £72/Sq. ft. (Inc. prelims) which is just slightly lower than the BCIS mean cost (rebased for Cheshire);
- Professional fees are marginally higher than they would expect at 7.85% (rather than 7.5%) of construction;
- No finance costs – They would expect to see this but it is an affordable housing development and therefore a straightforward purchase upon PC.
- Profit at low at 4% (would expect 6% for a AH development)
- GDV – values appears to be high for Affordable Rent but within an acceptable tolerance.

However – they are concerned about the site value which appears high – and potentially higher than market housing. They have therefore asked for further information to justify this site value in accordance with the RICS definition contained within the Financial Viability in Planning Guidance Note. This has been requested from the developer and a further verbal update will be provided at the Committee meeting.

AMENDED RECOMMENDATION

APPROVE as per main report with the follow:

- Arboricultural Method Statement to include removal of areas of hard standing around trees, the reinstatement of the ground around retained trees, tree protection measures and an auditable system of arboricultural supervision.
- A revised landscape plan to include further tree planting.
- Retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings