

Application No: 14/5801N

Location: WORKING MENS CLUB BUNGALOW, HALL O SHAW STREET,  
CREWE, CW1 4AD

Proposal: Outline Application for Demolition of dwelling and erection of 9no.  
dwellings

Applicant: K Kelly

Expiry Date: 13-Feb-2017

### **SUMMARY**

The application site lies within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted.

The site also falls on a parcel of Protected Open Space. A needs assessment has clarified that there is no longer the need for this bowling green and a financial contribution has been offered to offset the loss.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area. Furthermore, a now untidy site would be cleared up. No highway safety, amenity, design, drainage or flooding concerns would be created.

The dis-benefits of the scheme would be the loss of the bowling green.

In this instance, given the outcome of the needs assessment demonstrating that there is no longer the need and the financial contribution to offset the loss, it is considered that the benefits of the scheme outweigh the dis-benefits.

As such, the proposed application is recommended for approval.

### **RECOMMENDATION**

**APPROVE** subject to S106 Agreement

### **BACKGROUND**

Southern Planning Committee resolved to approve this application, subject to a S106 Agreement to secure off-site public open space contribution (£8,000) and conditions on the 6th January 2016.

Since this determination, there have been on-going issues with the S106 Agreement, largely due to ownership matters. As a result, a narrow strip of land (approximately 1 metre in depth), on the far western end of the site, has now been removed from the scheme. As a result, the whole development has been moved 1 metre further back into the site (to the east).

A re-consultation of this change was undertaken for 21 days between 23rd January 2017 and the 13th February 2017.

The main considerations as a result of this change are the impacts upon neighbouring amenity and to ensure suitable off-site parking is still secured.

## **PROPOSAL**

Outline Planning Permission is sought for the erection of 9 dwellings.

The application seeks outline planning permission and permission for; Access, Layout, Appearance and Scale.

The only other matter not sought for consideration as part of this application is; Landscaping.

## **SITE DESCRIPTION**

This application site relates to a former bowling green, located to the rear of Hall O Shaw Street, Crewe, within the Crewe Settlement Boundary.

The site is enclosed by residential development on all 4 sides. It is currently overgrown and has been subject to extensive fly tipping. The application site is an area of Protected Open Space as designated by the Borough of Crewe and Nantwich Adopted Local Plan 2011.

## **RELEVANT HISTORY**

16/1021N - Prior approval of proposed demolition - Approval not required 18th March 2016

14/0540N - Demolition of existing dwelling and erection of 3 detached dwellings – Refused 29<sup>th</sup> April 2014

10/4489N - Development of Land at Hall O'Shaw Street to Provide 14 Dwellings of Mixed Type – Refused 3<sup>rd</sup> February 2011

P08/1290 - Demolition of Existing Club Premises and Redevelopment of Site to Provide Five Two Storey Dwellings – Approved 13<sup>th</sup> January 2009

P08/0179 - Twelve Dwellings with Associated Parking and Improvements to Railway View Properties Phase 1 – Refused 2<sup>nd</sup> May 2008

P07/0752 - Two Smoking Shelters – Approved 19<sup>th</sup> July 2007

7/05977 - Additional toilet facilities – Approved 11<sup>th</sup> October 1979

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

14 - Presumption in favour of sustainable development; 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The relevant Saved Policies are;

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

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

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

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

## **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objection

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, prior submission/approval of lighting details, prior submission/approval of a noise mitigation scheme, the prior submission/approval of electric vehicle charging infrastructure, prior submission/approval of an environmental management plan, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of a Phase 1 contaminated land report and a contaminated land and hours of construction informative

**United Utilities** – No objections, subject to a number of conditions including; the prior submission/approval of a foul drainage scheme and that foul shall be drained on a separate system and the prior submission/approval of a surface water drainage scheme;

**Network Rail** – *'No comments'*

**Sport England** – Original comments - No objections

**Crewe Town Council** – No comments provided on the revised plans.

Original comments;

No objections

## **REPRESENTATIONS**

Letters were sent to the occupiers of the properties adjacent to the application site. In addition, a site notice was erected.

In response to the original proposals, 2 neighbouring letters of objection / concern have been received. The main areas of concern raised include;

- Design – General layout, over-development of site
- Amenity – Noise, light and air pollution
- Highway safety – Access arrangements

No further comments were received as part of the re-consultation.

## **APPRAISAL**

The key issues are:

- The principle of the development
- Sustainability of proposal
- CIL regulations
- Planning balance

### **Principle of Development**

#### New Housing

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

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

#### Local Plan Update / Housing Land Supply

On 13 December 2016 the emerging Cheshire East Local Plan Planning Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### Protection of Open Space

The application site where the 9 dwellings are proposed is protected under Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) of the Borough of Crewe and Nantwich Replacement Local Plan. The lawful use of the site is as a Bowling Green although it is no longer used for such purposes and has fallen into disrepair.

The main issue in this case is whether the development is compliant with Policy RT.1. Policy RT.1 states ‘Development will not be permitted which would result in the loss of open space (which includes school playing fields) shown on the proposals map, which has recreational or amenity value.’ It is stated that *‘An exception may be made where:*

- *A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance; or:*

- *The proposed development is ancillary to the principal use of the site as a playing field or open space and does not affect the quantity or quality of pitches or adversely affect their use.*
- *The proposed development affects only land incapable of forming part of a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area or any playing pitch, or the loss of any other sporting / ancillary facility on the site.*
- *The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.*
- *The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or open space.'*

In response, the applicant has commissioned a 'Needs Assessment'. This assessment comprised of a questionnaire that was sent to all the bowling clubs in the area (Crewe, Haslington, Winsford, Congleton and Macclesfield). 20 responses were received and the summary of the findings included;

- Most Bowling Clubs reported static or decreasing membership
- Players spread themselves amongst available clubs
- The number of members in each club significantly over represents the total number of players in the district as members often play for more than 1 club
- Clubs appear to rely on attracting players who already play for another club rather than seeking new players – Some expressed concerns about losing members to a new club
- No clubs have a membership waiting list. Anyone interested in joining a club as a player can do so immediately
- There are not sufficient players for clubs to fulfil playing commitments
- Concerns were raised that a new club would mean the loss of further players from their club

It can be concluded from this assessment that there does not appear to be a future need for this bowling green in this district.

Sport England raised no objections to the loss of this bowling green.

The second relevant aspect of Policy RT.1 is that development which would result in the loss of a playing field would be replaced by a playing field or open space of equivalent or greater quality in a sustainable location.

In response, the 'needs assessment' concluded that there was not the need to replace the existing bowling green due to the capacity of existing bowling greens and the general static / decline in membership of bowling clubs in the area. As such, the applicant proposes to provide a financial contribution to off-set the loss. More specifically, after conducting a viability appraisal the applicant proposes a contribution of £8,000.

It is proposed this contribution be used to upgrade the closest available public space / facilities to the existing bowling green in need of development or upgrade.

This money would be secured via a S106 Agreement and would satisfy this aspect of Policy RT.1.

As a result of the above reasons, it is considered that the proposed development would adhere with Policy RT.1 of the Local Plan and would be acceptable in principle.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

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

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

## **Economic Role**

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

## **Social Role**

## Residential Amenity

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

With reference to the indicative layout plan, the closest residential properties to the proposed dwellings would be; No's 91a to 95a Hall O Shaw Street to the west, No's 1 to 19 Chestnut Grove to the north, No's 10 to 14 Railway View to the east and No's 1 to 27 Surrey Street to the south.

For the erection of new houses, the proposal would be expected to adhere to specified separation distances between the proposed new dwellings themselves and the surrounding properties.

The Council's '*Development on Back lands and Gardens Supplementary Planning Document*.' details these minimum standards. Paragraph 3.9 of the SPD advises that '*As a general indication, there should ideally be a distance of 21 metres between principal elevations* (e.g. between properties fronting and backing onto each other), *13.5 metres between a principal elevation with windows to habitable rooms and blank elevations* (e.g. the front and rear of dwellings and the side of other properties)...'

The revised layout plan shows that the erection of 9 dwellings within this plot would adhere with the majority of these standards in respect to all of the abovementioned properties with the exception to those within Railway View to the rear (east), where the distance would be 20 metres between the built form.

Although this recommended standard is not met, it is only a recommendation and given that the prevailing character within this part of Crewe is of terraced properties with close relationships to each other, it is not considered that this relationship would be uncharacteristic. For example, on Chestnut Grove just to the north, the distance between facing properties is 13.2 metres. On Hall O Shaw Street, the separation is 17 metres. As such, even at 20 metres, the distance between properties is greater than those in the surrounding area. As such, it is not considered that the development would create any significant amenity concerns for these neighbours with regards to loss of privacy, light or visual intrusion.

The private garden space of the properties proposed would adhere with the 50 metres squared minimum standard detailed within the Development on Backlands and Gardens Supplementary Planning Document.

In terms of the impact of environmental disturbance, this is assessed by the Council's Environmental Protection Team who have raised no objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, prior submission/approval of lighting details, prior submission/approval of a noise mitigation scheme, the prior submission/approval of electric vehicle charging infrastructure, prior submission/approval of an environmental management plan, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of a Phase 1 contaminated land report and a contaminated land and hours of construction informative. As a result, subject to the inclusion of the above conditions, it is considered that the proposal would adhere to Policy BE.1 of the Local Plan.



## **Environmental Role**

### **Design**

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy, largely support this local plan policy.

The application proposes to erect 9 terraced properties, in banks of 3 to the rear (west) of the properties on Hall O Shaw Street, Crewe. A bungalow on Hall O Shaw Street has been demolished (ref: 16/1021N) to allow access to the site.

The proposed dwellings would all lie parallel with each other front in a westerly direction, and align with the orientation of existing properties on Hall O Shaw Street.

The dwellings would have a simple rectangular shape with dual-pitched roofs and a mono-pitched roofed porch on the frontage. They would have a maximum ridge height of 8 metres. This scale and simple design would respect the local character.

As a result, the design of the proposal is considered to be acceptable and would adhere with Policy BE.2 of the Local Plan and Policies SD2 and SE1 of the emerging Local Plan.

### **Highway Safety**

The layout plan shows that the proposed development site would be accessed via an existing access point off Hall O Shaw Street.

A transport report commissioned by Highway Planning Services has been submitted in support of the application.

In response to this report and the proposed original layout, the Council's Head of Strategic Infrastructure (HSI) reviewed the proposed submission and advised that; sufficient parking is proposed (14 spaces), bin storage is provided in a suitable location for collection from the highway and the layout will allow emergency vehicles to adequately reach all properties.

The HSI however also advised that *'The proposed level of development exceeds that normally permitted off a private drive, which the access to the proposal will be as it does not meet adoptable standards.'*

As such, the HSI recommends a condition that the applicant appoint a management company to maintain it. With regards to future adoption, there are mechanisms in place for the Council to challenge this if the road isn't up to standard.

In response to the revised layout, due to a change in dimensions, the proposed original position of the parking provision would not have been acceptable as manoeuvrability would be too tight. As such, the applicant agreed to re-site 2 of the parking spaces at the entrance to the end of the proposed private highway.

This was to the satisfaction of the Council's HSI.

As such, considered that the proposed development would adhere with Policy BE.3 of the Local Plan, subject to a management company condition.

#### Nature Conservation / Ecology

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development.

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

#### Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a primary consideration in this instance.

United Utilities (UU) were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a number of conditions including; the prior submission/approval of a foul drainage scheme and that foul shall be drained on a separate system and the prior submission/approval of a surface water drainage scheme.

#### Landscape and Trees

There are no trees on site or within close proximity. Furthermore, Landscape is not sought for approval as part of this submission.

#### Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to highway safety, ecology, drainage / flooding or landscape and trees subject to conditions.

As such, it is considered that the proposed development would be environmentally neutral.

#### **Other matters**

The scale of the proposed development does not trigger the requirements for affordable housing, further open space provision or education provision.

#### **Planning Balance**

The application site lies within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted.

The site also falls on a parcel of Protected Open Space. A needs assessment has clarified that there is no longer the need for this bowling green and a financial contribution has been offered to offset the loss.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area. Furthermore, a now untidy site would be cleared up. No highway safety, amenity, design, drainage or flooding concerns would be created.

The dis-benefits of the scheme would be the loss of the bowling green.

In this instance, given the outcome of the needs assessment demonstrating that there is no longer the need and the financial contribution to offset the loss, it is considered that the benefits of the scheme outweigh the dis-benefits.

As such, the proposed application is recommended for approval.

## **RECOMMENDATION**

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

**1. £8,000 towards the upgrading of nearby Public Open Space / facilities**

**And conditions;**

- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Landscaping Matters to be submitted and approved**
- 4. Plans**
- 5. Materials – Prior submission/approval**
- 6. Hours of piling**
- 7. Prior submission/approval of a piling method statement**
- 8. Prior submission/approval of lighting details**
- 9. Prior submission/approval of a noise mitigation scheme**
- 10. Prior submission/approval of electric vehicle charging infrastructure**
- 11. Prior submission/approval of an Environmental Management Plan**
- 12. Prior submission/approval of a dust mitigation scheme**
- 13. Prior submission/approval of a Phase 1 contaminated land report**
- 14. Prior submission/approval of a foul drainage scheme and that foul shall be drained on a separate system**
- 15. Prior submission/approval of a surface water drainage scheme**
- 16. Prior submission/approval of a Highways Management Plan**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement with the following Heads of Terms;

- £8,000 towards the upgrading of nearby Public Open Space / facilities

## Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development
2. Time limit for submission of reserved matters
3. Submission of reserved matters
4. Development in accord with approved plans
5. Details of materials to be submitted
6. Hours of piling
7. Piling
8. Lighting
9. Noise mitigation
10. Electric vehicle charging points
11. Dust mitigation
12. Dust suppression
13. Contaminated Land
14. Construction Method Statement
15. Rev Plan
16. NPPF

