

Application No: 24/1409N

Location: Land to the west of DAVID WHITBY WAY, adjacent to Croatia Mill Farm

Proposal: Full planning application for residential development comprising 20 dwellings, with associated landscaping and infrastructure

Applicant: Taylor Wimpey UK Limited

## **SUMMARY**

This is a full application for a scheme of 20 dwellings which forms part of a larger development within allocated site LPS 2 Basford East, Crewe. The application site wraps around the southern and eastern edges of Croatia Mill Farm, which comprises of a traditional group of former farm buildings including a former water mill, which constitutes a non-designated heritage asset.

The principle of residential development on the site has therefore been established through its allocation within the Cheshire East Local Plan Strategy (CELPS) under Policy LPS2. Furthermore, the application site is a part of a larger development granted outline approval (15/1537N) for up to 325 dwellings and associated infrastructure.

Reserved matters approval 21/4434N has also been granted for development of this allocated site, but specifically omitted the application site from the wider development through Condition 3. The condition was imposed with the intention of enabling the character and design of this small part of the Taylor Wimpey scheme to be revisited in conjunction with the assessment of future proposals at the adjoining Croatia Mill site, further to collaboration between the applicant and the mill owners. However, the ideal scenario of a jointly designed scheme, within and adjacent to the mill site is not achievable given the different stages and timeframes of the two parties.

As appropriate proposals for the Croatia Mill scheme have yet to be forthcoming and given that Reserved Matters Approval 21/4434N was granted in October 2022 with construction work having since commenced on the wider TW development site, it is not therefore reasonable to further delay development within this part of the site. Consequently, the point has been reached where this application needs to be judged on its merits.

The submitted scheme is considered acceptable in design terms. And on balance, will not significantly harm the non-designated heritage asset at Croatia Mill farm given its required incorporation into the development of this strategic site set out by Policy LPS 2. The proposals are of a layout and design which accord with the principles set out in the CEC Design Guide, meet the requirements of policies SD2, SE1 and SE7 of the CELPS, GEN1 and HER 7 of the SADPD and the NPPF.

15 No. affordable housing units are proposed which equates to 75% provision and well in excess of normal requirements. This is required to ensure that overall affordable provision (30%) is secured across the wider TW development.

The impact on the wider highway network arising from the development of this site was addressed with during the consideration of the outline application 15/1537N. Other than a small section of widening, the internal road network of the site meets relevant highways design standards and adequate car parking is provided in accordance with CEC parking standards.

Issues relating to ecology, land contamination, amenity, and drainage have been addressed and are subject to conditions where necessary. Open space/recreational facilities already approved to be provided within the wider TW site was on the basis of a 325 dwelling scheme and therefore meets the needs of this development (20 units).

To satisfactorily address the impact of this small scheme on local services/facilities, contributions to education and affordable housing will be secured through a S106 agreement.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Local Plan, and advice contained within the NPPF.

## **RECOMMENDATION**

**APPROVE, Subject to conditions and the prior completion of a S106 Agreement**

## **DESCRIPTION OF SITE AND CONTEXT**

This greenfield site (0.51 ha) is located within the western section of the Basford East strategic allocation under CELPS Policy LPS 2. It essentially forms part of a larger residential development of 325 units currently being developed by the applicant (Taylor Wimpey) under outline approval 15/1537N and reserved matters approval 21/4434N.

The application site wraps around the southern and eastern edges of Croatia Mill Farm, comprising of a farmhouse and traditional group of former farm buildings including a former water mill dating from the late 18th/19th Century, which are clustered around a central yard and constitute a non-designated heritage asset. A hybrid planning application (19/3649N) remains under consideration for the conversion, alteration and extension of the existing buildings at Croatia Mill to accommodate a range of mixed commercial and leisure uses in full. Residential development on the eastern and northern side of mill yard buildings is proposed in outline.

Importantly this small site (24/1409N) was omitted from the approval for the wider Taylor Wimpey (TW) development by virtue of Condition 3 of Reserved Matters Approval 21/4434N. This was to allow the layout and design of this sensitive part of the TW site to be revisited in conjunction with the assessment of future proposals at Crotia Mill.

## **DETAILS OF PROPOSAL**

As stated above this full application (24/1409N) essentially relates to a small part of a larger development approved under 15/1537N (outline) and 21/4434N (reserved matters). However, the development of this area (20 dwellings) was omitted from the approved site by Condition 3 of Reserved matters Approval 21/4434N, which states;

*3. Notwithstanding any plans or particulars approved under condition 2, no consent is given for that part of the development located adjacent to Crotia Mill Farm which is hatched in orange on the extract of planning layout drawing ref: 1373 CMPL02 . This area shall be the subject of a separate application.*

*Reason: In the interests of achieving an acceptable relationship of the layout and design of this part of the site with that of the adjoining development proposals at Crotia Mill Farm.*

The proposal is for 20 two-storey dwellings centred around a central mews square with associated landscaping and infrastructure. The development comprises a mix of house types of 2, 3 and 4 bedrooms which includes semi-detached and terraced properties. 15 No. dwellings will be affordable units equating to 75% provision to ensure 30% overall affordable provision across the wider TW development as secured in the Deed of Variation to the original S106 agreement of outline approval 15/1537N.

Vehicular access to this site will from David Whitby Way via access roads (Millbrook Farm Way and Basford Brook Way) and associated infrastructure that have already been approved to serve the wider TW residential development.

A full application is necessary for this scheme as the time limits for the submission of any further reserved matters application for this site under outline approval 15/1537N have expired.

## **RELEVANT HISTORY**

23/4045N - Non-material amendment to approved application 15/1537N - Outline planning application (with all matters reserved) for a mixed-use development comprising residential use (Use Class C3) (up to 325 residential dwellings); employment use (Use Class B1), local centre comprising health centre and community facility (Use Class D1), food/non food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South, creation of footpaths and provision of public open space and landscaping. Approved 7<sup>th</sup> December 2023

21/4434N - Reserved matters application proposing details of layout, appearance, scale and landscaping for the residential element (C3 use) of the outline development

15/1537N - Outline planning application (with all matters reserved) for a mixed-use development comprising residential use (Use Class C3) (up to 325 residential dwellings); employment use (Use Class B1), local centre comprising health centre and community facility (Use Class D1), food/non food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South, creation of footpaths and provision of public open space and landscaping. Land to the West of , DAVID WHITBY WAY, WESTON. Approved 07/10/2022

20/0615N - Deed of variation in connection with outline planning permission 15/1537N Approved to Modify S106 27-Mar-2020

19/2545N - Approval of all reserved matters following outline approval 15/1537N for the infrastructure works at Basford East. Approved 05-Nov-2019

19/3649N - Hybrid planning application for mixed use and residential development comprising; a) in full: the conversion, alteration and extension of the former mill and two farm buildings to business / professional services (Classes A2 and B1) and/or food and drink (Class A3) and/or non-residential community uses (Class D1) and/or leisure uses (Class D2), under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) with initial vehicular and pedestrian access from Mill Lane and permanent vehicular and pedestrian access from the future highway network serving the Basford East Strategic Site, and associated car parking and landscaping, and; b) in outline: residential development with vehicular access from the future highway network serving the Basford East Strategic Site and associated car parking and landscaping, and with all other matters reserved. (Crotia Mill) - NOT DETERMINED

19/2545N - Approval of all reserved matters following outline approval 15/1537N for the infrastructure works at Basford East. Approved 05-Nov-2019

19/0704N - Non-material amendment to approved application 15/1537N - Outline planning application (with all matters reserved) for a mixed-use development comprising residential use (Use Class C3) (up to 325 residential dwellings); employment use (Use Class B1), local centre comprising health centre and community facility (Use Class D1), food/non-food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South, creation of footpaths and provision of public open space and landscaping. Approved 10-March-2019

15/1537N - Outline planning application (with all matters reserved) for a mixed-use development comprising residential use (Use Class C3) (up to 325 residential dwellings); employment use (Use Class B1), local centre comprising health centre and community facility (Use Class D1), food/non food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South. Approved 23-Dec-2016

P96/0815- O/A for employment development classes B1, B2 and B8. Legal Agreement. S106 – Approved 31-Mar-1999

P03/1119 - Variation of Conditions 1, 6, 7, 11 and 16 and Deletion of Condition 10 of Outline Consent P96/0815 – Withdrawn 04-Apr-2005

## **POLICIES**

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

LPS 2 - Basford East, Crewe  
PG 1 - Overall Development Strategy  
PG 2 - Settlement Hierarchy  
PG 7 - Spatial Distribution of Development  
SD 1 - Sustainable Development in Cheshire East  
SD 2 - Sustainable Development Principles  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 7 - The Historic Environment  
SE 6 - Green Infrastructure  
SE 8 - Renewable and Low Carbon Energy  
SE 9 - Energy Efficient Development  
SE 12 - Pollution, Land contamination and Land instability  
SE 13 - Flood Risk and Water Management  
CO 1 - Sustainable Travel and Transport  
CO 2 - Enabling Business Growth Through Transport Infrastructure  
CO 4 - Travel Plans and Transport Assessments  
EG 1 - Economic Prosperity  
EG 3 - Existing and Allocated Employment Sites  
IN 1- Infrastructure  
IN 2 - Developer Contributions  
SC 1 - Leisure and Recreation  
SC 2 - Outdoor Sports Facilities  
SC 5 -Affordable Homes

### **Site Allocations and Development Policies Document (SADPD)**

PG9 Settlement Boundaries  
GEN 1 Design principles  
ENV 1 Ecological network  
ENV 2 Ecological implementation  
ENV 3 Landscape character  
ENV 4 River Corridors  
ENV 5 Landscaping  
ENV 6 Trees, hedgerows, and woodland implementation  
ENV 7 Climate Change  
ENV 12 Air quality  
ENV 15 New development and existing uses  
ENV 16 Surface water management and flood risk

HER 7 Non-designated heritage assets  
HER 8 Archaeology  
HOU 1 Housing mix  
HOU 8 Space, accessibility and wheelchair housing standards  
HOU12 Amenity  
HOU 13 Residential standards  
HOU 12 Housing Density  
HOU 14 Housing Delivery  
HOU 15 Housing delivery  
RET 1 Retail hierarchy  
RET 2 Planning for retail needs  
RET 3 Sequential and Impact tests  
INF 1 Cycleways, bridleways and footpaths  
INF 3 Highways safety and access  
INF 9 Utilities  
REC 3 Green space implementation  
REC 5 Community facilities

### **Weston and Basford Neighbourhood Plan 2015 - 2030**

- Modified plan made on 20th February 2024

However, the Modified Neighbourhood Plan states that "For the avoidance of doubt, the policies in the Plan do not cover the land at the major allocations at Basford West, Basford East and South Cheshire Growth Village."

### **Other Material Considerations**

National Planning Policy Framework  
National Planning Practice Guidance  
Cheshire East Design Guide  
Adopted SPDs

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

**CEC Highways:** No objection subject to a condition.

**Housing:** No objection subject to affordable units and their tenure being secured through a S106 agreement.

**Environmental Protection:** No objection. Conditions are recommended for the remediation of contamination, implementation of noise mitigation measures in accordance with the acoustic report, the provision of electric vehicle infrastructure and use of Ultra Low Emission Boilers. Standard informatives relating to hours of construction, piling and dust management.

**United Utilities :** No objection subject to a condition requiring details of drainage system .

**Flood Risk:** No objection

**Education:** No objection subject to a financial contribution towards Primary, Secondary & SEN Education being secured by a S106 Agreement.

**NHS:** No objection

**Cheshire Wildlife Trust (CWT):** Objects;

- Species surveys are out of date and more current surveys are required to be submitted.
- BNG surveys also date from June 2021, and the metric used is not the most current. BNG is mandatory, and statutory metric needs to be used to clearly demonstrate 10% net gain
- any impacts to sensitive species and habitats should be adequately mitigated and compensated for based on the results of the updated surveys.
- BNG River units are also required to be assessed by an RCA accredited surveyor according to the metric user guide; the qualifications of the surveyor have not been specified.

Upto date ecological information and additional supporting BNG details have been provided and assessed by the Council's Ecologist as set out in the Ecology section of the report below. In addition, the Council's Ecologist advises that the application site is not located sufficiently close to a watercourse to trigger the need for the water course part of the BNG metric to be completed.

**CEC Leisure Officer:** No objection

**Weston and Crewe Green Parish Council:** Comments and raised the following concerns;

- " the proposal doesn't satisfy the requirement of condition 3 attached to application 21/4434N in that a definitive layout for the Crotia Mill site is still awaited and we were no further forward in knowing the intentions of the owner of the Crotia Mill site. Until there could be further verification in writing on this, the Parish Council was unable to endorse the current Wimpey proposal. The access shown linking the current Wimpey layout with Crotia Mill even conflicted with the sketch layout accompanying 19/3549N".
- "The proposed Wimpey layout particularly in the SW corner of the site was unacceptable in that it was extremely tight with totally inadequate off street parking provision (one to one). This didn't comply with the standards set out in the modified Weston & Basford Neighbourhood Plan along with our Design Guide, or even the approved SADPD". The Parish Council wishes to strongly reiterate the comments contained in these bullet points and objects to the application as currently submitted."
- "The Parish Council urges the Cheshire East Officers to further negotiate with the adjoining landowner and Wimpey to achieve an acceptable comprehensive scheme for the Crotia Mill site which will sit comfortably alongside the Wimpey development."

**Crewe Town Council:** Comments. The following issues are raised;

- the submitted reports associated with habitat and biodiversity are out of date.
- considerations associated with this site should be in line with considerations for the larger and adjoining development in terms of S106 contributions, impact on net biodiversity gain and community impact.

- the development should include for sustainable energy production (roof-mounted solar panels).
- compliance required with local planning authority adopted SUDS policy
- household EV charging points should be provided
- "the proposals for the entirety of this site do not provide for any additional social or health infrastructure and large developments such as this in and around Crewe should be obligated to deliver additional social assets and capacity such as health facilities, schools and public transport infrastructure".

## **OTHER REPRESENTATIONS:**

A representation has been received raising the following issues;

- Most documents date from 2021-2022, when the first application was submitted and should be updated, with discrepancies in reports addressed
- 20 units are in addition to the 325 under construction. As such, all S106 contributions for the 325 units should apply to this development with "6.2% additional of each costing, to be pro rata and to ensure the development provides sufficient education places, healthcare places, public transport links etc".
- The distance from bus stops on Weston Road to the proposed development is in excess of 800m, failing to promote sustainable travel. Contributions required towards bus stops with real time information boards along David Whitby Way (or neighbouring residential development) to promote sustainable travel for 20 new homes.
- Provision of EV points at each dwellinghouse should be conditioned
- 2 long stay cycle lockers should be provided for each dwelling. Short stay visitor cycle parking should be provided within the site.

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site lies within the Basford East Strategic Site which is allocated under policy LPS 2 of the CELPS for the delivery of employment use together with the up to 850 new homes. It is considered that the proposals meet the requirements of policy LPS 2 as they relate to this site.

In addition, the application site is a small part of a larger development granted outline approval 15/1537N for up to 325 dwellings including site access from David Whitby Way and associated provision of crossings over Basford Brook. Reserved matters approval 21/4434N has also been granted for development of this allocated site.

Whilst this full application is independent of the approved wider TW scheme which subject to outline approval 15/1537N, it nevertheless remains aligned with its approved parameters. Importantly, outline approval 15/1537N is bound by the terms of the Section 106 agreement which has been subsequently varied under 20/0615N, to secure the following:

- Affordable housing provision (30%)
- Education contribution and securing of primary school site



- Highway contributions (including a contribution towards a bus service)
- Contribution towards scheme of traffic management/calming measures in the Village of Weston.
- Open Space provision and management
- Ecology (barn owl habitat)

However, notwithstanding the terms of the existing S106 legal agreement, a separate S106 agreement is required for this full application to secure necessary and reasonable obligations for this 20 unit scheme as set out in the sections of the report below. This includes securing ;

- The proposed affordable housing provision (15 units – 75%) as this significantly contributes to the overall affordable provision (30%) for the wider TW development
- An Education financial contribution
- Arrangements for the management of POS and landscaped areas

It is important to note that Primary Infrastructure works serving the entire TW development, of which this application site forms part, including road access serving the site from David Whitby Way were secured under Reserved Matters Approval (19/2454N) and comprised the first phase of development within the wider site. These works have been completed.

The proposed residential development of this allocated site, which is also subject to previous planning approval, is therefore considered acceptable in principle. The main considerations in relation to this application therefore relate to the detailed design of the scheme and all relevant technical matters which are addressed within the report below.

### **Crotia Mill**

Policy LPS 2 (point 4) states that the development of Basford East will be achieved through, *“the retention and incorporation of the existing farm buildings (Crotia Mill) on the site, potentially as part of the local centre”*.

In addition, this traditional group of former farm buildings that incorporates an original Water Mill at Crotia Mill Farm constitutes a non-designated heritage asset.

A hybrid application (19/3649N) is still under consideration for the conversion, alteration and extension of the existing building as Crotia Mill to accommodate a range of commercial and leisure uses in full. Residential development on the eastern and northern side of Mill yards buildings is proposed in outline and adjoins the proposed Taylor Wimpey (TW) scheme. Access is proposed to the Crotia Mill development via the southern loop road from the TW scheme.

Prior to the submission of the TW Reserved Matters application 21/4434N the proposals were subject to an independent review by Places Matter. The review commented that:

*“There was a lot of discussion regarding Crotia Mill and the Panel noted the difficulties of this being in another ownership. You are all making steps to unlock the advantage*

*of this asset, but it still needs a more integrated and joined up design approach. You were asked to hold back the design of this part of the site, if necessary, until the plans for the Mill are further advanced*

*Your submissions have noted the value of Crotia Mill and you were asked to go back to the previous photographs included in the tender and use these to further inform your work on context. In particular start to reference the key design features of the existing farm buildings and their related spaces / groupings as a potential driver for what will become a wider Crotia Mill character area in the south east part of your proposed new housing scheme."*

Despite revisions being made to address issues raised by the Design Review and subsequent changes during the course of the reserved matters application, further refinement of the scheme was considered necessary to ensure greater integration with Crotia Mill.

In addition, the east/west pedestrian greenway route connecting development through Basford East to the South Cheshire Growth Village is a key feature of both Local Plan allocations. This needed to be more positively designed into the TW scheme to enable Crotia Mill and the central POS to integrate within the wider allocated development.

To address this, Condition 3 of Reserved Matters Approval 21/4434N specifically omitted this small site (20 dwellings) from the approved Taylor Wimpey scheme. The condition was imposed with the intention of enabling the character and design of this part of the Taylor Wimpey scheme to be revisited in conjunction with the assessment of future proposals at the adjoining Crotia Mill site.

At this time, fundamental aspects of the Crotia Mill proposals and their impacts on the historic significance, character and setting of Crotia Mill remained to be resolved. Further details were also required to ensure a satisfactory interface of its residential proposals with the adjoining TW scheme as well as the need to satisfactorily safeguard the setting and character of the existing Mill yard buildings. A more direct route for the east/west Basford East pedestrian route through the mill yard via a shared access point was also necessary.

It was anticipated that such proposals would be prepared collaboratively further to full engagement between Taylor Wimpey and the owners of Crotia Mill site, but it was also importantly recognised that development within this part of site should not be subject to unreasonable delay in the event that detailed and appropriate proposals of the Crotia Mill scheme were not forthcoming. Whilst Reserved Matters Approval 21/4434N was granted in October 2022 and development has since commenced on the wider TW development site, discussions are still however ongoing with the owners of Crotia Mill and matters have not progressed as anticipated.

Consequently, the point has now been reached where this application needs to be judged on its merits.

## **Layout and Design**

As set out above, this small area of the approved TW scheme was held back to facilitate discussion and collaboration between the applicant and the owners of the Crotia Mill site, to the immediate west. The intention was to try and secure the positive and co-ordinated planning of this portion of the site with that for Crotia Mill to allow a “joined up” approach.

The importance of securing high quality design is specified within the NPPF and Policies SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD and the Cheshire East Design Guide. In particular, development proposals should consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located.

Further to assessment, the Council's Design Officer advises that the submitted proposals adopt a character area approach which achieves a specific design response characterising the edges of the larger site at the interface with Crotia Mill. In other words, this is distinctly related to this part of the site, rather than the more subtle character variation employed for the remainder of the TW development.

In particular, it is recognised that elements of the scheme respond positively to the Crotia Mill site including that;

- the character reflects the form and grain of the proposed Crotia Mill development. Dwellings within the northern part of the scheme are oriented to face Crotia Mill across a courtyard, enhancing the relationship of the sites and creating a sense of place.
- the density of scheme creates a distinctive townscape that reflects the Crotia Mill site.
- the inclusion of design features such as blue brick toothing detailing and steeper roof pitches reflects the character of the original Crotia Mill buildings.

In addition, some improvement in plot orientation has been gained in relation to plot 275 to create a better relationship with the entrance/footpath into the Crotia Mill site which ultimately should act as the main pedestrian route into the site from the wider TW development.

The Design Officer considers that ideally a more innovative architectural approach for this part of the TW scheme would have been preferred, particularly for plot 275, to help create a stronger built gateway into the Crotia Mill site and reference the architecture and materiality of housing on the neighbouring site. However it is the case, that the proposals for the Crotia Mill site are not sufficiently well advanced to provide any real certainty over the architecture and materiality, other than some general indication that a more contemporary design would be forthcoming. On this basis, it is not therefore possible to successfully negotiate a more innovative design than the approach currently proposed.

Amended plans have been submitted which address refinements to the layout requested by the Design Officer, including that;

- boundary walls have replaced timber fencing in prominent locations
- hard surfacing for the frontage parking court for plots 231-6 is provided in block
- hedge planting is provided to help screen parking from Mill Lane

- the planning layout plan shows the potential flexibility for the provision of the footpath/cycle link to the Croatia Mill site from the footpath leading into the courtyard of the TW scheme.

### Design conclusion

This small part of the larger TW site was held back to enable the opportunity for collaboration between the applicant and the mill owners, to help create synergy and joint design consideration by the two parties. Unfortunately that design co-ordination has not transpired to the degree anticipated. Consequently the point has been reached where this application needs to be judged on its merits, having regard to its relationship with the mill site and the attempts employed to create some synergy with it. The ideal scenario of a jointly designed scheme, within and adjacent to the mill site is not be achievable, given the different stages and timeframes of the two parties.

Further to the circumstances set out above, and assessment of the submitted proposals, the Design Officer considers that the scheme is acceptable in design terms. and on balance, will not harm to the significance of the non-designated heritage assets at Croatia Mill farm further to its required incorporation into the development of this strategic site set out by Policy LPS 2 .

The proposals are of a siting and design which accord with the principles set out in the CEC Design Guide, meeting the requirements of policies SD2, SE1 and SE7 of the CELPS, GEN1 and HER 7 of the SADPD, and the NPPF.

### **Landscape**

The Council's Landscape Officer has assessed the landscape proposals and considers these are broadly acceptable for this compact site.

Whilst the overall planting specification is suitable for this compact scheme, it is however considered that adjustments are required to the native hedgrow mix including the inclusion of Damson and there are also opportunities within the layout for additional medium-sized tree planting. A condition is therefore recommended that notwithstanding the submitted plans, details of additional planting/ specifications are submitted and approved.

Areas of landscaping, planting and open space will also be subject to management arrangements which will be secured under the S106 agreement, and need to accord with maintenance details as set out within the submitted Landscape Management Plan.

### **Highways**

The access arrangement to the existing public highway (David Whitby Way) will remain as previously agreed, and the Council's Highway Officer advises that this proposal (20 units) will have a negligible highway impact.

However, it is advised that a section of the internal access road which serves the application site from the wider development will need to be slightly increased in width

from 4.5m to 4.8m to ensure the carriageway is of sufficient width and meet adoptable requirements. There is adequate space available for this to be easily achieved and a planning condition is recommended.

The Highway Officer further confirms that amendment made to the site layout ensures parking provision, including cycle storage, accords with CEC parking requirements. In addition, adequate turning facilities for larger vehicles are provided such as for waste bin collection.

The development is considered acceptable in highway terms, and subject to the recommended planning condition being attached, no objection is raised by the Highway Officer.

## **Housing**

The Cheshire East Local Plan Strategy (CELPS) and the Council's Housing Supplementary Planning Document states that, the desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing in accordance with Policy SC5 of the CELPS.

Furthermore, 30% affordable provision of the required tenure split needs to be provided across the full Taylor Wimpey development (total 325 units) at Basford East in accordance with the Deed of Variation to the S106 Agreement of outline planning approval 15/1537N. As a result it is proposed that 15 affordable units (75%) of this 20 unit scheme will be secured to ensure that this overall distribution is achieved. A Section 106 agreement will be therefore be required to secure this affordable housing provision through this full application.

in addition, the clustering of affordable units throughout the Taylor Wimpey development, including the 15 units on this site, was considered acceptable in the consideration of Reserved Matters Approval 21/4434N. it was also considered that a mix of 98 affordable dwellings should be provided as follows;

- 18 - one bed units
- 42 - two bed units
- 34 - three bed units
- 4 - four bed unit

The proposed housing mix of this application ensures that the required affordable provision across the full Taylor Wimpey Development (325 Units) is met;

- 11 x two bed mews units
- 4 x three bed mews units

The proposed affordable house types have been approved for use throughout the wider TW development. In particular, the provision of 2 and 3 bed mews type houses within the application site is the same as that originally proposed under 21/4434N.

## Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide, or contribute to a mix of housing tenures, types, and sizes to help support the creation of mixed, balanced, and inclusive communities.

The proposed development comprises:

- 4 x 3 bed semi detached
- 1 x 4 bed detached
- 4 x 3 bed mews
- 11 x 2 bed mews

The proposed residential mix comprises of terraced mews units, semi-detached units and a detached house. The development therefore provides a wide range of house types, ranging from 2-4 bedroom units and is considered to meet the requirements of Policy SC4 of the CELPS.

## **Education**

The Council's Education team advises that the proposed development of 20 dwellings is expected to generate:

- 5 - Primary children (20 x 0.29) – excludes the 1 expected SEN child, to avoid double counting
- 3 - Secondary children (20 x 0.14)
- 1 - SEN children (20 x 0.60 x 0.047%)

Primary contributions have been negotiated on other developments within this allocated site (CELPS LPS 2- Basford East) to contribute to the new Basford East primary school. As such an apportioned amount is being requested from the developer of this application, based on up-to-date costings and number of children expected to come from the development.

The analysis undertaken has identified that a shortfall of secondary school places still remains. The 3 secondary age children expected from this development of this site will exacerbate the shortfall.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from this development will exacerbate the shortfall.

The purpose of requesting SEN contributions is therefore to reduce the number of children with Special Educational Needs that are transported either around the borough or out of area. Therefore, the formula used reflects the number of children who are being educated outside of the borough. As more SEN school places become available this number will come down, which in turn will affect the number of SEN school places Cheshire East require funding for.

To alleviate forecast pressures, it is advised that the following contributions would be required:

5 x £40,813.81 = £ 204,069 (Primary)  
3 x £26,717.00 = £80,151 (Secondary)  
1 x £74,920.00 = £74,920 (SEN)

Total education contribution: £359,140

The existing S106 Agreement of outline approval 15/1537N relates to a development of 325 units, which included the small parcel of this application. A contribution of £960,000 has already been made for the whole TW site based on calculations made in 2016. This equates to about £60,000 having already been made for the 20 units of this application. The education contribution now requested has significantly increased in relation to the current application site as it is based on the latest (2024) costings and analysis.

Significantly, the development proposes to deliver 75% affordable housing (15 units) which is well in excess of normal policy requirements for a standalone scheme. This is required to ensure that the overall TW development delivers 30% affordable provision.

Furthermore, a full planning application was required to address this parcel of 20 units omitted under 21/4434N, as procedurally it was not possible to submit any further reserved matters application to address the detailed design of this small part of the larger TW scheme given the time limits of the outline approval (15/1537N) had expired.

In view of the unusual context of this application as set out above, it is not considered reasonable for the requested level of contribution to be secured. Further to discussions with the applicant, an offer is expected to be formally made in response to the education contribution requested. However, this response has yet to be received and will therefore be covered in an update report.

## **Public Open Space**

The Landscape Masterplan approved under Reserved Matters consent 21/4434N was based on a development of 325 units. It provided open space broadly in accordance with the Parameters Plan of the outline approval (15/1537N) equating to 4,875sqm of shared recreational open space and 6,500sqm of shared children's play space which is a total of around 11,375sqm of open space

A key feature of the approved POS proposals is the linear park, which runs north/south through the TW site, along the course of Basford Brook. The park provides significant recreational and amenity value and is conveniently accessible via Public Rights of Way and internal footpath network. This provision constitutes an acceptable range of play spaces and variety of recreational opportunities across the development.

The Leisure Officer recognises that the approved provision is based on the full TW scheme comprising of 325 units. Reserved Matters Approval 21/4434N related to a scheme of 305 units, once the application site was omitted as explained above.

The Leisure Officer has therefore advised that open space approved within the wider TW site also includes the POS provision for the proposed dwellings of this application (20 units), and consequently no further provision is required.

Section 106 contributions have been delivered in accordance with outline approval 15/1537N, which includes the application site, and in line with the varied S106 legal agreement, but this did not require contributions for Outdoor or Indoor Sport.

### **Amenity**

SADPD Policy HOU 12 (Amenity) requires that new development should not be permitted if it is deemed to cause unacceptable harm upon neighbouring amenity such as from overlooking, visual intrusion or noise and disturbance. In addition Policy HOU13 of the SADPD identifies the following separation distances;

- 21 metres for typical rear separation distance (24m plus 2.5m per additional storey)
- 18 metres for typical frontage separation distance (20m for three-storey buildings)
- 14 metres for a habitable room facing a non-habitable room (the addition of 2.5m per additional storey).

There are no existing residential properties close to the site. Consequently, the siting and design of the development will have no adverse on the residential amenities of existing dwellings.

In consideration of amenity for future occupiers of the proposed development, the layout adheres with the recommended separation standards within CEC Design Guide to ensure the future occupiers of the proposed development are not detrimentally impacted in terms of loss of light, or privacy, or an overbearing impact from each other.

Policy HOU13 of the SADPD states that proposals for housing development should 'include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development'. Although some of the proposed gardens are a little small in size, notwithstanding this, it is deemed that they are sufficient in order for the future occupiers to enjoy normal activities e.g. sitting out, hanging washing, BBQs etc. Furthermore, large areas of shared public green space are provided within the wider TW development.

### **Noise**

The proposal is for 20 dwellings and the site is located in close proximity to a busy road network. The site lies to the north of the A500 and west of David Whitby Way. A Noise Impact Assessment has been submitted in support of the application (ref P21-206-R02v4 dated May 2023).



The Council's Environmental officer has advised that the impact of the noise from road traffic on the proposed development has been assessed in accordance with:

- BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings
- Department of Transport document 'Calculation of Road Traffic Noise' (CRTN), 1988

An agreed methodology for the assessment of the noise source.

The report recommends noise mitigation measures in the form of standard double glazing and in-frame non-acoustic trickle ventilation will provide adequate sound reduction to ensure that future occupants of the properties are not adversely affected by noise from road traffic.

The Council's Environmental Protection Officer has advised that the mitigation measures recommended by the noise report are acceptable in safeguarding the amenities of future residents of the development. The reports methodology, conclusion and recommendations are accepted.

## **Ecology**

There are various ecology matters to consider. These are broken down into the following subsections and assessed accordingly. Additional survey information and clarification in respect of ecological issues and Biodiversity Net Gain (BNG) has been provided during the course of the application.

### Ecological Network

The application site falls within the CEC ecological network which forms part of the SADPD. Policy ENV1 therefore applies to the determination of this application. Policy SE3 of the core strategy and ENV2 also require development proposals to deliver a gain for biodiversity.

### Biodiversity Net Gain

This application is subject to Mandatory Biodiversity Net Gain (BNG) .

A BNG assessment has been undertaken which is based upon the following plans:

- Landscape Proposals – Croatia Mill Area (Taylor Wimpey Drawing No: 843B-07H);
- Additional Planting Plan to Wider Site (Taylor Wimpey Drawing No: 843B-11C).

In addition to on-site landscaping, off-site tree planting is also proposed on land covered by reserved matters approval 21/4434N and within the control of the applicant, as a means of contributing to net gain. A planning condition is recommended to secure on-site habitat delivery and the offsite tree planting.

The BNG report as submitted, shows that the proposed development, with additional off-site tree planting, would result in a net loss for biodiversity of -20.59% for area based habitats and net gain for hedgerows. The Biodiversity metric 'trading rules' are also not satisfied in this instance in respect of area based habitats. This occurs when

there is a failure to replace habitats lost with new habitats of the required type or quality.

An additional 0.6 units of scrub habitat would be required to achieve the required 10% net gain. The applicant has indicated an intention to purchase the required additional Biodiversity Units from a third part habitat provider.

The Council's Ecologist advises that there are no further realistic opportunities to deliver additional habitat creation on site, therefore the purchase of off-site units to achieve BNG is in accordance with the Biodiversity Gain Hierarchy in this instance. Therefore, the following informative must be added to the decision notice:

#### Biodiversity Net Gain

*The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:*

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and*
- (b) the planning authority has approved the plan.*

*This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.*

*For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](http://www.gov.uk)*

#### Mere Gutter and Basford Brook Local Wildlife Site (LWS)

This Local Wildlife Site (LWS) is present to the west of the application site. This watercourse supports one of only a few remaining populations of White Clawed Crayfish in Cheshire. It is advised that contamination both during the construction phase and surface water discharges during the operational phase of the development pose a significant risk to the LWS.

The application is supported by a drainage layout plan, this shows that the proposed units would discharge to the approved drainage infrastructure for the wider development site, as such no impacts during the operation phase are anticipated.

The Council's Ecologist considers that construction related impacts can be mitigated through the submission and implementation of a Construction Environmental Management Plan (CEMP) secured through a planning condition.

#### Great Crested Newts

There are ponds located within 250m of the proposed development and this protected species is known to be present on the Basford East site. The applicant's ecological consultant has confirmed that a license issued under Natural England's District Level licencing scheme for Great Crested Newts is currently in place. The proposed development will consequently not affect the favourable conservation status of this species and as a license is already in place the Council does not need to consider

whether a license would be likely to be granted by Natural England in the event that consent was granted.

### Reptiles

The Council's Ecologist advises that this species group is not reasonable likely to be affected by the proposed development.

### Hedgehog, Brown Hare and Common Toad

These priority species which are material consideration for planning are known to be present in the broad locality and so may occur on the application site. The proposed development would result in a low impact on these species as a result of the loss of habitat and the risk of animals present on site being harmed during site clearance. The Council's Ecologist advises that the risk of animals being harmed could be reduced through the implementation of avoidance measures during the site clearance and construction phase. It is recommended that this can be dealt with by a planning condition.

### Lighting

A revised lighting plan has been submitted (ref. SHD269-SHD-HLG-DAVI-DR-EO-Lighting Layout-R5). A condition is recommended to be attached to ensure the implementation of the proposed lighting in accordance with this plan.

### Nesting Birds

A condition is required to safeguard nesting birds.

### Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy SE 3. The application is supported by proposals for the provision of bird boxes and hedgehog highways.

The Council's Ecologist recommends that a condition is imposed requiring that these features are installed in accordance with the details shown on the submitted plans (REF EM-AD21-18-21 and REF 1373 CMBB01) and where these are located within a domestic curtilage they are installed prior to first occupation of that dwelling.

### Conditions

In summary the Council's Ecologist raises no objection to the application subject to the conditions being attached in respect of the following;

- Submission and implementation of a CEMP to avoid construction phase pollution of Basford Brook.
- Submission and implementation of avoidance measures to minimise the risk of harm to hedgehogs, common toad, brown hare.
- Safeguarding of nesting birds
- Lighting.
- Ecological enhancement
- Condition to secure on-site habitat delivery and offsite tree planting (located on land covered by planning consent 21/4434N).

### **Flood Risk/Drainage**

Drainage and flood risk issues were addressed in the consideration of outline approval 15/1537N which also includes this application site. It was considered that the submitted Flood Risk Assessment was acceptable and surface water would be dealt with by appropriate SUDs techniques.

This drainage strategy includes SUDs features including attenuation storage in swales/raingardens and basin/ponds, with discharge to Basford Brook. In addition, Conditions 11 and 12 of outline approval 15/1537N requiring approval of the detailed design of elements of the drainage system have been discharged.

The submitted surface water strategy supporting this application (24/1409N) confirms that the drainage scheme for this small site will connect to the infrastructure approved for the wider development and it is also proposed that the site itself will incorporate SUDs features including rain gardens.

The Council's Flood Risk Manager has raised no objections to the application as the drainage strategy and SuDS provision is consistent with that approved for the development as a whole which is considered acceptable.

It is however recommended that a condition be imposed requiring approval of full details of the drainage scheme in order to address technical clarifications required by United Utilities and further details are provided of the design of proposed SUDs features /rain gardens.

## **CONCLUSIONS**

The principle of residential development on the site has been established through its allocation within the Cheshire East Local Plan Strategy (CELPS) under Policy LP2 6 (Basford East, Crewe). Furthermore, the application site is a small part of a larger development granted outline approval (15/1537N) for up to 325 dwellings and associated infrastructure.

Reserved matters approval 21/4434N has also been granted for development of this allocated site, but omitted the application site from the wider development through Condition 3. The condition was imposed with the intention of enabling the character and design of this small part of the Taylor Wimpey scheme to be revisited in conjunction with the assessment of future proposals at the adjoining Crotia Mill site, further to collaboration between the applicant and the mill owners. However, the ideal scenario of a jointly designed scheme, within and adjacent to the mill site is not achievable given the different stages and timeframes of the two parties.

As appropriate proposals for the Crotia Mill scheme have yet to be forthcoming, and given that Reserved Matters Approval 21/4434N was granted in October 2022 with construction work having since commenced on the wider TW development site, it is not therefore reasonable to further delay development within this part of the site.

Consequently, the point has been reached where this application needs to be judged on its merits.

The submitted scheme is considered acceptable in design terms, and on balance, will not harm the significance of the non-designated heritage asset at Croatia Mill farm given its required incorporation into the development of this strategic site set out by Policy LPS 2. The proposals are of a layout and design which accord with the principles set out in the CEC Design Guide, meet the requirements of policies SD2, SE1 and SE7 of the CELPS, GEN1 and HER 7 of the SADPD and the NPPF.

15 No. affordable housing units are proposed which equates to 75% provision and well in excess of normal requirements. This is required to ensure that overall affordable provision (30%) is secured across the wider TW development.

The impact on the wider highway network arising from the development of this site was addressed with during the consideration of the outline application 15/1537N . Other than a small section of widening, the internal road network of the site meets relevant highways design standards and adequate car parking is provided in accordance with CEC parking standards.

Issues relating to ecology, land contamination, amenity, and drainage have been addressed and are subject to conditions where necessary. Open space/recreational facilities already approved to be provided within the wider TW site was on the basis of a 325 dwelling scheme and therefore meets the needs of this development (20 units).

To satisfactorily address the impact of this small scheme on local services/facilities, contributions to education and affordable housing will be secured through a S106 agreement.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Local Plan, and advice contained within the NPPF.

## **SECTION 106 AGREEMENT**

Education (primary/secondary/SEN) provision - As set out above, a financial contribution is required to mitigate forecast pressures relating to this site. The amount is to be agreed and a response is awaited from applicant. The triggers for payment are; 50% payable prior to commencement of a dwelling on site and the final 50% prior to the occupation of the 10th dwelling

Affordable Housing - 15 No. dwellings to be affordable units equating to 75% provision in order to contribute to the overall 30% affordable provision across the full TW development. Not more than 50% of open market dwellings shall be occupied until all affordable units have been completed and made ready for immediate occupation and use.

Management Scheme for POS and landscaped areas.

Arrangements for the transfer of these areas to a management company for their future maintenance in accordance with an approved management plan.

## CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- a) Necessary to make the development acceptable in planning terms;
- a) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

It is considered that the contributions required as part of the application are justified and meet the Council's requirement for policy compliance. As set out above, all elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

On this basis the scheme is compliant with the CIL Regulations 2010

## RECOMMENDATION

**APPROVE Subject to the completion of Section 106 Agreement to secure**

<b>S106</b>	<b>AMOUNT</b>	<b>TRIGGER</b>
<b>Education financial contribution</b>	Amount to be agreed. Response awaited from applicant.	50% Prior to first occupation  50% at occupation of 10 <sup>th</sup> dwelling
<b>Affordable Housing</b>	15 units (75%) with Tenure Split;  11 units - affordable rent (55%)  4 units - shared ownership (20%)	Not more than 50% of open market dwellings shall be occupied until all affordable units have been completed and made ready for immediate occupation and use.
<b>POS and landscaped areas</b>	Management Scheme for POS, all planting, landscaped areas	Prior to occupation

**And the following conditions;**

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Submission/approval of facing and roofing materials
4. Details of hard surfacing treatments
5. Details of ground level and finished floor levels
6. Submission/approval of planting specification
7. Implementation of landscaping

8. Provision of cycle storage details
9. Widening of access road
10. Details of drainage system including SuDS/rain gardens
11. Noise mitigation – Implementation
12. Provision of Electric Vehicle infrastructure
13. Provision of Ultra Low Emission Boilers
14. Prior to commencement of development submission of Phase II ground investigation and risk assessment, and remediation strategy if necessary.
15. Contaminated land - Verification report
16. Contaminated land – soil testing
17. Measures to deal with unexpected contamination
18. Submission and implementation of a Construction Environmental Management Plan (CEMP) to avoid construction phase pollution of Basford Brook.
19. Submission and implementation of avoidance measures to minimise the risk of harm to hedgehogs, common toad, brown hare.
20. Safeguarding of nesting birds
21. Implementation of external Lighting in accordance with approved schemes
22. Provision of ecological enhancement features in accordance with approved details
23. Secure on-site habitat delivery and offsite tree planting (located on land covered by planning consent 21/4434N).
24. Removal of permitted development rights (Part 1 Classes A-E)

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

