

Application No: 13/2159N

Location: LAND TO EAST OF UNIVERSITY WAY, CREWE

Proposal: Extension of time limit for the outline application for the erection of five office buildings with associated car parking and landscaping

Applicant: HAWKSTONE PROPERTIES (CREWE GREEN) LLP

Expiry Date: 23-Aug-2013

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- **Principle of Development**
- **Material Changes since the grant of Planning Permission**
- **Protected Species**

REASON FOR REFERRAL

This application is to be determined by the Strategic Board because the site area is approximately 3 hectares and the previous application was determined by the Strategic Planning Board in July 2010.

1. DESCRIPTION OF SITE AND CONTEXT

The site is bounded by University Way on the west and employment land to the south with further land for development to the north. The Valley Brook and Englesea Brook form the eastern site boundary. The site slopes from University Way to Englesea Brook and Valley Brook. Vehicular access from University Way has been constructed under a previous permission (P04/0478). The land was formerly owned by Crewe and Nantwich Borough Council and Cheshire County Council. There are no buildings on the site at present.

2. DETAILS OF PROPOSAL

This is an application for an extension in time to outline planning permission granted under reference P07/0017 (this was granted a further extension as part of application 10/1146N).

The outline permission granted consent was for five office buildings associated car parking and landscaping. The submission indicated that access and layout were to be determined as part of the outline application.

Four of the buildings will be provided end on to University Way, with the remaining building being to the rear of the site. The proposed new office buildings will be designed with two wings linked by a central atrium. Buildings vary in size from 2,880sqm floor area to 4,275sqm with a total floor area of 18, 580sqm. A total of 470 car parking spaces are proposed with 15 motor cycle parking spaces and 49 cycle parking spaces.

3. RELEVANT HISTORY

10/1146N - Extension of Time Limit for the Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 16th July 2010

P07/0017 - Outline application for five B1 office buildings with related works - Approved 4th April 2007

P06/0990 - Outline application for five B1 office buildings and related works – Withdrawn 1st December 2006

P04/0478 - Access - Approved 25th May 2004

4. POLICIES

National policy

National Planning Policy Framework

Local Plan policy

E.1.1 (Existing Employment Allocations)

BE.1 (Amenity)

BE.2 (Design)

BE.3 (Access and parking)

BE.4 (Drainage Utilities and Resources)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

TRAN.9 and Appendix 8.1 (Car Parking)

Other Material Planning Considerations

The EC Habitats Directive 1992

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

5. CONSULTATIONS (External to Planning)

Environmental Agency: Withdraw an earlier objection and request conditions that the buildings be set at a minimum level of 49.79m AOD with pedestrian access at a minimum level of 49.49m AOD, the submission, approval and implementation of a scheme for a surface water regulation

system, ecological surveys, a scheme for the disposal of foul and surface water, water from car parking areas to be passed through oil interceptors, areas used for washing vehicles to be contained and connected only to foul sewers, and a scheme for the protection of the Valley Brook from building materials.

Highways: No objection

6. OTHER REPRESENTATIONS

No representations received at the time of writing this report

7. APPLICANT'S SUPPORTING INFORMATION

N/A

9. OFFICER APPRAISAL

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009 (and subsequently extended for a further year). The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

Since the original planning application was approved the National Planning Policy Framework (NPPF) has been published. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. This site is an employment allocation within the Crewe Settlement Boundary and is supported by the NPPF which states that for decision taking this means '*approving development proposals that accord with the development plan without delay*'.

In terms of the contents of the NPPF in relation to sustainable development, design, amenity, drainage/flood risk, highways, the environment (trees & ecology), it is considered that the NPPF is still consistent with the Local Plan and it is not necessary to reconsider these elements against the NPPF.

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

Since the last application was approved the RSS has been abolished. However, it is not considered that this would affect the determination of this application as there is still support within the Local Plan and as part of the NPPF.

There are no changes on this site or adjoining the site and the findings of the original report in relation to the design of the proposal, the impact upon residential amenity, the flood risk/drainage impact, the impact upon trees and the highway implication still apply. The proposed development is therefore recommended for approval.

Protected Species

One area where a change may have occurred on site is in terms of protected species. A number of ecological surveys have been undertaken at this site to inform the determination of the previous planning applications at this location. These surveys recorded evidence of protected species on the site (Bat roost potential, Badger sett on site and nesting birds).

The previous surveys (dated June 2010) are now regarded as being out of date and the Councils Ecologist has advised that revised protected species surveys are undertaken and submitted to the Council to inform the determination of this application. If evidence of protected species is recorded on site detailed mitigation/compensation proposals will be required to address any likely adverse impacts associated with the proposed development.

In accordance with the duty to cooperate, the additional protected species surveys have been requested on a number of occasions via telephone conversations with the applicants agent (including one prior to the submission of the application) and in writing on 11th June 2013 and 25th July 2013. As the updated protected species surveys have not been received, despite numerous requests, this issue will form a reason for refusal.

11. CONCLUSIONS

There may have been a material change since the determination of the last application in terms of protected species. Updated Protected Species reports have been requested on a number occasions but have not been forthcoming. This issue will therefore form a reason for refusal.

12. RECOMMENDATIONS

REFUSE:

- 1. The proposed development could detrimentally affect protected species (including Bats and Badgers). No protected species information has been submitted as part of this application to identify whether or not protected species are present in this area or any mitigation measures will be provided to protect the protected species during the construction works. In the absence of this information, to allow this development would be contrary to Policy NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National**

Planning Policy Framework which create a duty of care for Local Authorities in relation to protected species.

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