

Application No: 15/1537N

Location: Land at Basford East, Crewe

Proposal: 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.

Applicant: David Burkinshaw, Muse Developments Ltd and The Witter Tru

Expiry Date: 19-Aug-2015

#### **SUMMARY:**

The proposed development would be contrary to Policy E3 of the Crewe and Nantwich Adopted Local Plan 2011. However, as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework, states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In addition, the development would deliver a number of the objectives of the emerging Local Plan Policy CS1, by way of 325 houses, B1 employment, a local centre which would comprise a health centre and community facility as well as food/non food retail, a public house/restaurant and significant infrastructure improvements/contributions. This scheme is considered to represent the second phase of the Basford East allocation, and the other elements contained within the emerging policy should be delivered in the application for the third phase. This is subject to a suitable mechanism being applied to ensure that the third phase is deliverable as the applicant owns a ransom strip, which could compromise the deliverability of the third phase.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining at existing settlement where there is existing infrastructure and amenities. A viability assessment has been carried out to ensure that the proposal can deliver 10% affordable housing, contributions to education and highways contributions/improvements. In addition, the scheme would also provide appropriate levels of public open space both for existing and future residents.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity, noise, air quality and contaminated land. Landscaping would be secured at the reserved matters stage.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to a legal agreement and conditions.

**RECOMMENDATION:**

**Approve subject to the completion of a Section 106 Agreement**

**PROPOSAL**

This is an outline application for the erection of up to 325 dwellings; employment use (Use Class B1), a 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.

All matters are reserved for consideration at a later date. The application is supported by a voluntary Environmental Impact Assessment (EIA). The application proposals have been submitted as the second phase of development on the middle portion of the site known as Basford East.

Members may recall that an outline application (14/4025N) for the erection of up to 490 residential dwellings and a primary school - 2000m<sup>2</sup> (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modelling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe was considered at the Strategic Planning Board on 15<sup>th</sup> April 2015. Members resolved to approve the application subject to revised Ecological update, the completion of a Section 106 Agreement securing the following:-

- £2,000,000 towards the delivery of the Crewe Green. Link Road and the A5020 Weston Gate Roundabout improvement;
- £2,450,000 towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements);
- £345,000 to support a new bus service to the development;
- £325,000 to deliver pedestrian and cycleway improvements along the A523 Weston Road links to the railway station or towards a new cycleway / pedestrian crossing of the Crewe Green Link Road;
- £80,000 to contribute towards a scheme of traffic management / calming measures in the Village of Weston;

- The provision of land at no cost to the council within the applicants control for the future widening (Dualling) of the A500 along with any necessary temporary land (working space) required for the delivery of these improvements;
- The provision of an alternative agricultural access off the new spur road;
- £1 568 000 to primary education. Contributions towards education with a level, fully serviced and uncontaminated site provided;
- Provision of a minimum of 15% affordable housing – subject to review of sales values during the life of the development;
- Provision of public open space to be transferred to a Management Company in perpetuity.

Subsequent planning application(s) for the Phase 3 part of the site will be made in due course, which is likely to make up the remainder of the employment (B1 and B2 uses) requirement necessitated by the emerging policy, along with further environmental and landscaping features. This is the second application for a phased implementation of a comprehensive scheme to deliver Basford East.

This is an outline application with **all** matters reserved for future consideration. All other matters regarding detailed design, such as appearance, layout, scale and landscaping are reserved for consideration at a later date. However, an indicative plan has been submitted with the application which illustrates how a residential led scheme with local centre and 3.8Ha of employment could be brought forward. The plan includes ecological mitigation areas and access links to a bridge over the Crewe Green Link Road.

Access is proposed from a central roundabout off the Crewe Green Link Road in a central location to the east of the site.

## **SITE DESCRIPTION**

The site is located approximately 2 miles to the south east of Crewe Town Centre where a range of high street shops, services and facilities are located. The site falls within the Parish of Weston and Basford and covers an area of approximately 26.5 hectares and is located to the western section of the Basford East allocation. The site is currently comprises a mix of arable, improved grassland and semi-improved grassland. Basford Brook flows through the application site and there are a number of ponds present within the site which support different habitats and flora and fauna.

The urban edge of the village of Weston is some 300 metres to the southeast of the site (via Mill Lane) providing local services including a village store, post office and public house.

The site has excellent access to the strategic highway network. The A500 provides links between Nantwich in the west and the M6 Motorway Junction 16 and Stoke to the east. To the north of the site, the A532 Weston Road provides direct access into Crewe Town Centre whilst the A5020 University Way provides access to Sandbach and Junction 17 of the M6 Motorway.

The southern boundary of the site comprises of the A500 Hough-Shavington by-pass with open countryside and smaller settlements beyond. To the north of the Trent/Nottingham railway line lies Weston Road, which is lined by retail and commercial units and warehousing

to the north and greenfield land to the north east. To the west of the Crewe/Stafford/Chester railway line is the Basford West site.

To the east of the application site, within the wider Basford East allocation lies the Crewe Green Link Road (granted planning permission January 2013) and beyond the road lies Phase 1 of the Basford East site, which was granted planning permission subject to a S106 on 15<sup>th</sup> April 2015. To the west of the application site lies Phase 3 (owned by the Co-op, who own Phase 1 also) and beyond that the Crewe/Stafford/Chester railway, which links to the West Coast main railway line.

To the south of the A500 lies the Weston Conservation Area, which is characterised by low-density residential development, rural and farm buildings in addition to a number of listed buildings. To the east of the previously approved Phase 1 site, is land owned by the Duchy of Lancaster, which is greenfield land identified within the emerging Local Plan as the South Cheshire Growth Village – SL3 for 800 new homes, a community centre, village square and sports and leisure facilities.

Whilst the Phase 2 Basford East site is currently largely open agricultural land, it does have the benefit of being allocated within the adopted Local Plan under Policy E.3 as a regional and strategic employment allocation.

An outline planning permission for storage and distribution (B8), general industrial (B2) and business (B1) development, was granted on 31 March 1999, however, it is noted that this has not been implemented.

## **RELEVANT HISTORY**

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

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 47.

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as an Employment Allocation outside the Settlement Boundary of Crewe and Nantwich.

The relevant Saved Policies are: -

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
E3 - Employment Allocations at Basford  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing  
RES.3 – Housing Densities  
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments  
TRAN.1 (Public Transport)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)  
TRAN.11 (Non Trunk Roads)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
CO 4 Travel Plans and Transport Assessments  
CS 1 Basford East, Crewe  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

**Other Considerations:**

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

## **CONSULTATIONS:**

### **Highways:**

Policy CS1 of the submission version of the Local Plan recognises that the Basford East allocation will be implemented in a phased manner providing each phase 'complements' and 'contributes to' the delivery of the whole site. From a highways and transport point of view, this application seeks to ensure this by ensuring the high value uses on the site help enable the lower margin employment uses to be delivered through the provision of enhanced financial contributions to infrastructure. As such the Strategic Highways Manager offers no objection to this application subject to conditions.

### **Environmental Health:**

Recommend conditions/informatives relating to submission of an Environmental Management Plan, construction hours of operation, lighting, noise mitigation, air quality, travel plan, dust control and contaminated land.

### **Housing:**

Notes that the development can only sustain 10% affordable housing, however, accept the viability case put forward and therefore, no objection is put forward. The affordable housing should comprise a balanced mix and that any social rented/affordable rented units should be provided through a registered provider of affordable housing.

### **Public Rights of Way:**

The development has the potential to affect Public Footpaths Basford No. 1 and 2 as recorded on the Definitive Map of Public Rights of Way held at this office. The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with.

### **Environment Agency (EA):**

No objection is made with regards to flood risk. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SUDS). Conditions are recommended which seek to reduce the risk of flooding in the proposed development for future occupants.

A scheme for the provision and management of a large undeveloped buffer zone alongside the watercourse should be provided

The Ecological Appraisal recommends a 'minimum suitable offset of built development would be 30m but this could include multifunctional areas used for the provision of open space for informal recreation as well as providing for nature conservation'. Within this area there must be an undeveloped buffer zone along the watercourse. The buffer zone scheme shall be free from built development including lighting, domestic gardens, footpaths, formal landscaping

etc; and could form a vital part of green infrastructure provision. The undeveloped buffer zone must at least 8 metre wide, measured from bank top, bank top is defined as the point at which the bank meets normal land levels.

No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of white-clawed crayfish and associated habitat during construction works and once the development is complete. The white-clawed crayfish is a “*globally endangered*” species and is considered of high conservation concern on a European scale. The species is listed in Appendix III of the Bern Convention and Annexes II and V of the EU Habitats Directive. In the UK, the white-clawed crayfish is also protected under Schedule 5 of the Wildlife & Countryside Act (1981) and the Salmon and Freshwater Fisheries Act (1975).

Details of all bridges proposed on site shall be provided. All bridges shall be clear spanning structures with the abutments set back from the watercourse on both banks to provide a natural riparian riverbank beneath the bridge. There should be an unobstructed corridor to allow the movements of otters, water vole and other animals etc along the river corridor.

With regards to the risks to controlled waters from the current and future condition of the land, the EA consider that planning permission can be granted subject to conditions which requires a remediation strategy and verification report to deal with the risk associated with contamination of the site.

**United Utilities:**

No objection subject to the site being drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way.

**Education:**

This phase of the development will be expected to generate 62 primary aged pupils and 49 secondary aged pupils. The site has been identified in the local plan as including a new primary school which would be expected to cost £3,200,000. Therefore the sum sought towards primary education is the proportionate share of this build cost. The contribution required towards primary education is £960,000

**Historic England:**

The grade II\* listed Hollyhedge Farmhouse was built in the late 16<sup>th</sup> early 17<sup>th</sup> century. This timber-framed farmhouse has a close relationship with its agricultural setting both in terms of how it illustrates the historic function of the farmstead and for its contribution to the aesthetic value of the farmhouse. The setting of Hollyhedge Farmhouse therefore is an important part of its significance.

The current proposal seeks approval in outline for a mixed use development including 325 dwellings, employment use and a local centre approximately 0.4km west of Hollyhedge Farmhouse and within the setting of a number of Grade II listed buildings and the Grade II Registered Park and Garden at Crewe Hall. In this case, the remit of Historic England lies within the impact of the proposal on the setting of Hollyhedge Farmhouse.

Historic England are currently providing comment upon the Local Plan Strategy (Submission Version), which should be considered in conjunction with the advice within this letter. Historic England are aware of a number of similar site allocations identified in the area by the Local

Plan Strategy, and careful consideration should be given of the cumulative impacts of such proposals on the setting of both Hollyhedge Farmhouse and other designated heritage assets. The site allocations should be considered strategically so that harm caused to the setting of listed buildings can be reduced. For example, if development could be restricted around Hollyhedge Farmhouse its rural setting can be preserved. Any displaced development could be moved further to the west beyond Crewe Green Link Road and therefore be accommodated by higher housing densities in those areas.

The scheme is likely to have a minimal impact upon the setting and significance of Hollyhedge Farmhouse. Historic England recommend that the methodology within our *The Setting of Heritage Assets* Good Practice Advice Note is used in the assessment of the impact of the development on the setting of designated heritage assets.

Historic England would urge the LPA to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of CE's specialist conservation advice.

### **Archaeology:**

The Development Control Archaeologist from the Cheshire Archaeology Planning Advisory Service notes that the application is supported by an archaeological desk-based assessment.

The report draws on data held in the Cheshire Historic Environment Record and also contains the results of an examination of the historic mapping, place name evidence, and aerial photographs. It also notes the results of recent fieldwork (geo-physical survey, targeted trial trenching, and watching brief) undertaken in connection with the construction of the Crewe Green Link Road (South). It is concluded that the development has a limited archaeological potential for the discovery of significant archaeological remains and that this may be addressed by a targeted programme of archaeological work, which should focus on the in-filled pond and mill race of Crotia Mill.

It is advised that this represents an appropriate approach, which following the completion of the fieldwork, will result in the completion of a report. A condition is suggested to ensure that a programme of archaeological mitigation is submitted and approved.

### **Public Open Space:**

Comments awaited.

### **Natural England:**

No objection is made with regards to Statutory nature conservation sites. This application is in close proximity to the Sandbach Flashes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

**Network Rail:**

Comments are provided in order to ensure that the planning process reduces the risk to railway infrastructure due to adjacent developments. Conditions are requested in order to ensure that any works do not impact on the safety, operation, performance and integrity of the operational railway. The developer should be aware that they are not to discharge any water onto the railway, and not to increase any of their flow that in a surcharge situation could lead to an overtopping and flooding of railway land.

**Health and Safety Executive:**

Does not advise, on safety grounds, against the granting of planning permission.

As the development lies within the consultation distance of a major accident hazard pipeline, the LPA should contact National Grid plc before deciding the case. This is due to the proximity of the site to the pipeline and the standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline,

*It should be noted, that a consultation letter has been forwarded to National Grid Plc and no comments have been received.*

**Sport England:**

No comments received.

**Highways Agency:**

No comments received.

**Crewe Town Council:**

Supports the well-established principle of the development of the Basford East site for employment purposes, and accepts the need for enabling development to fund the infrastructure necessary for employment development to take place.

The inclusion of employment uses in the current application is welcomed. It is important that high quality employment sites are available to take advantage of the HS2 hub at Crewe, and to provide balanced and sustainable development in the area.

In the absence of an overall masterplan and agreed phasing, it is unclear whether the overall objectives for the Basford Strategic Allocation described in Policy CS1 of the draft Local Plan will be delivered. The current application will have to be judged on its own merits, and reliance cannot be placed at this stage on agreements associated with the Co-operative Group application ref 14/4025N in respect of education provision, highways improvements, the provision of pedestrian, cycling routes, or public transport enhancements until that agreement is completed, and the trigger points reached to secure the necessary contributions. Nor can reliance be placed on the development of the land to the west of the application site.

The proposed retail provision is three times the size of a typical local convenience store, and there is concern that it could prejudice the "Town Centre First" approach in the draft Local Plan

The Town Council would like to see the amount of affordable housing provided maximised, given the under provision compared to the 30% guideline on the Co-operative Group site (14/4025N).

The mixed development of Basford East is capable of contributing to the regeneration of Crewe through increasing the potential spend in the town centre, and providing employment opportunities for the town as a whole. For this potential to be realised, it is necessary to ensure that there are good pedestrian, cycle, car, and public transport links into the town centre. It is noted that there is a contribution to off-site links and public transport in the proposed s106 agreement associated with application 14/4025N. However, this cannot be relied upon in the case of this separate application until that agreement is completed, and the trigger points reached to secure the necessary contributions.

Therefore the Town Council would make the following comments on the application:

- i. Before considering this application, a masterplan for the development and phasing of the entire Basford East strategic allocation should be produced, agreed with the landowners and developers, and embedded in planning consents or s106 agreements.
- ii. Any phasing agreement should ensure early release of employment land.
- iii. Permission should not be granted unless there is certainty as to primary school provision and improvements to public transport, pedestrian and cycling links to Crewe Town Centre to meet the needs of the development proposed by this application.
- iv. The amount of retail floorspace must be justified in terms of the local need from the development in the current application and any other committed development in the area. In any event a condition should be imposed limiting the maximum size of any individual unit to 500 sq. m. of net internal floorspace to support the Town Centre First approach.
- v. Every effort should be made to maximise the amount of affordable housing provided within the development.
- vi. In the interests of good planning, it should be a requirement that adequate provision is made within the site for access to the remaining portion of development land to the west of the application site
- vii. Greater clarity and detail is required on the provision of off-site pedestrian, cycle and public transport links to the town centre in the interests of sustainable development

**Weston and Basford Parish Council:**

The Parish Council is supportive of the overall development principles relating to the Strategic Allocation at Basford East and is generally supportive of this proposal. Notwithstanding this, the Parish Council is concerned that this is a free standing application in the centre of the overall site. It must be fully integrated into the development proposals for the land abutting to the east and west. Outline permission has recently been granted on the land immediately to the east.

In the event of the application being approved the Parish Council request that a suitable condition is imposed to ensure effective, attractive and direct pedestrian and cycle connectivity within and from the site to Weston Village via Mill Lane. This is to enable the facilities proposed in the local centre to be shared by the residents of Weston. Weston is devoid of facilities of this nature. It is considered important that this local centre is promoted concurrently with the development of the remainder of the site.

The Parish Council also request that a Section 106 Agreement is incorporated into any permission to cover the following aspects:

- Enhancement of the Mill Lane access to ensure an attractive and easily accessible pedestrian and cycle link for local residents between Weston Village and the site signage, lighting, surface treatment, landscaping etc....
- Contribution towards the provision of a regular bus service linking Weston Village with the local centre on the site.
- Contribution to providing traffic mitigation measures within the Parish of Weston & Basford.
- Contribution towards financing an extension to Weston Cemetery off Cemetery Road. This development along with that recently approved immediately to the east will increase the numbers of dwellings in the immediate vicinity by over 800: there are no burial facilities proposed and the existing Weston Cemetery is fast reaching capacity.

The Parish Council considers the Crotia Mill Farm which is excluded from this application has an important function and role to play in the integration with Weston Village. It is requested that discussions take place with the applicant regarding its future use and integration in the scheme having regard to this aspect.

Finally, whilst it is appreciated that this is an outline application with all matters reserved and that the layouts submitted are purely illustrative at this stage, it is considered that further thought needs to be given in layout and land use terms as to how future industrial and commercial development immediately to the west can be satisfactorily integrated into this scheme.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice posted.

The Co-operative Group has submitted initial comments. TCG is working to secure the comprehensive development of the site and have recently obtained a resolution to grant permission for the development of land to east of the Crewe Green Link Road for up to 490 houses, a primary school and access road (Reference 14/4025N). TCG also own land to the west of this planning application allocated as part of the Basford East site. Based on the submitted applications the remaining land will need to accommodate primarily employment uses based on the balance of the residual land uses in the emerging Policy CS1 (i.e. 20.2 ha of B1 and B2 floor space of the 24 ha proposed in policy CS1).

To make a full and proper assessment of the proposal TCG requires further clarification in terms of:

1. Local centre / retail provision. The masterplan (Area 5 Food retail creates anchor within local centre) indicates a “25,000 sqft / 0.29 Ha (approx.) food retail store” and the D&A Statement refers to a 25,000 sqft (2,323 sqm) single food retail unit / supermarket. This conflicts with the application and lack of any justification for such a proposal which refers to a local centre catering for local needs and not an out of centre supermarket.
2. Flood Risk. In assessing flood risk and adopting a sequential approach to development could the proposed houses positioned in Flood Zone 2 be located in areas within the wider emerging mixed use allocation that are at lower risk and/or accommodate less vulnerable employment uses?

3. Pedestrian and cycle link over the Crewe Green Link Road. There are no details of land to be provided for the footbridge and how this is to be provided.
4. Confirmation that affordable housing will be provided at 30 per cent or the alternative level subject to agreement of a Viability Assessment.
5. Delivery of a new access road. It is proposed that the new access road will facilitate access to the main employment site on TCG land to the west of the application site equating to 20.2 ha (84% of the proposed employment land allocation in policy CS1). This is only correct if the road meets the boundary of TCG's ownership and the mechanism for how this would be delivered needs to be confirmed?
6. Phasing. Years 4-15 includes all the employment and local centre land uses.
  - This is a large range and is further information available to confirm when new residents can expect to access the local centre?
  - Are there any proposals to ensure the delivery of employment units?
  - The application excludes the access road to the commercial units in Area 10 (Muse / Witter masterplan) and how does this impact on the proposed phasing?
7. Comprehensive Development. Emerging Policy CS1 confirms that the site must be developed on a comprehensive basis and that applications must contribute to and complement the development as a whole. This issue arises following The Witter Trust's objection to the Council's Compulsory Purchase Order of the Crewe Green Link Road which amended the original Order to remove the east and west spur roads which would have provided access to the whole allocation. TCG is actively seeking to ensure the delivery of the majority of the remaining employment land and a proposal to deliver access was submitted to the Witter Trust on 24th October 2014 based on contributing towards the cost of the access road to the value of one million pounds and building the eastern spur road to directly join Witter land (Area 10 on the Muse/Witter masterplan). A decision is yet to be received but this application provides the Council with the ability to secure comprehensive development and the benefits of releasing the majority of the employment land at the earliest opportunity.

## **APPRAISAL**

Given that the application is submitted in outline, the main issues in the consideration of this application are: -

- The suitability of the site for the proposed mix of uses having regard to matters of principle of development
- Sustainability
- Impact upon nature conservation interests
- Design and impact upon the character of the area
- Landscape impact
- Loss of agricultural land
- Impact upon local infrastructure
- Highway safety
- Affordable housing

## **Principle of Development**

The site is allocated within the Local Plan under Policy E.3 as a Regional and Strategic Employment Location. Policy E.3.2 states "Basford East (gross area about 43ha) will be

developed for Major Industrial and Business Development (including B1, B2 B8) (The remainder of the Basford East site is committed for employment development.) Extensive landscaping will be carried out along the site's southern and western boundaries". The Borough Council has also published the Basford East Development Brief which was adopted in April 2004.

Under these policies and the Brief, the development of Basford East is seen as a site primarily for B1, B2 and B8 uses. The Development Brief requires the site to provide the following elements:

- a) Provision of the Crewe Green Link Road to act as an attractive boulevard running through the centre of the site providing a quality entrance to Crewe Town Centre, access to development plots on Basford East and efficient access to and from the main highway network for both Basford East and Basford West.
- b) The need for a significant depth of woodland screening along the southern and eastern boundaries to offset detrimental visual impact to the open countryside and the creation of wildlife habitats.
- c) Retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site.
- d) Protection and enhancement of Basford Brook as the main drainage conduit on site and as an important element of the linear 'country park' concept.
- e) Creation of drainage ponds that have visual and habitat potential.
- f) An informal zoning of uses to respond to the setting of the boulevard and the visual impact of buildings on the open countryside.
- g) An attractive gateway into the site, providing the opportunity to sit ancillary uses such as a hotel.

This application, which involves the land to the west of the spine road for a mixture of residential development (325 dwellings), 3.8 hectares of employment land (commercial office space), a local centre (health centre, community centre, retail and public house/restaurant, as well as open space areas would conflict with policies, which seek to ensure development of the site for a regional warehouse and distribution park. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning And Compulsory Purchase Act 2004, which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material consideration to outweigh the policy objection.

## **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the

latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

The above policy context must also be weighed in the planning balance taking account of the sustainability objectives as detailed below.

### **Emerging Policy**

The Cheshire East Local Plan Strategy Submission Version (March 2014) highlights the Basford East site as presenting the opportunity to create a high quality employment led, vibrant and sustainable, mixed use development with excellent links to Crewe and the M6 Motorway.

### **Basford East, Crewe**

The development of Basford East over the Local Plan Strategy period will be achieved through:

1. *The delivery of up to 19 hectares of B1 Office Space, up to 5 hectares of B2 floor space; to include the creation of a fourth generation business park, with generous Green Infrastructure provision. The site is not considered to be suitable for B8 uses, due to highway constraints;*
2. *The delivery of up to 1,000 new homes, ancillary to the delivery of employment uses on the site. The delivery of more than 1,000 new homes on the site will only be permitted if this can be justified by the submission of a viability study. Such a study will be independently evaluated, on behalf of Cheshire East Council, such costs to be borne by the developer(s);*
3. *The creation of a new local centre including:*
  - i. *One new Primary School located to the eastern edge of the site;*
  - ii. *Retail provision appropriate to local needs;*
  - iii. *Public house / restaurant; and*

- iv. *A community facility that will be capable of accommodating a variety of uses*
- 4. *The retention and incorporation of the existing farm buildings (Crotia Mill) on the site, potentially as part of the Local Centre;*
- 5. *The incorporation of Green Infrastructure, including:*
  - i. *A significant depth of native woodland and other semi-natural habitat screening along all boundaries to provide a buffer between the development and the railway line (at least 20metres) and the A500 (at least 40metres), to offset detrimental visual impact to the open countryside and the setting of the Grade 1 Listed Crewe Hall and its Registered Park and Garden, along with the creation of wildlife habitats, including those for protected species;*
  - ii. *The retention, where possible, of important hedgerows that have a cumulative screening impact on development and contribute to the habitat value of the site;*
  - iii. *The protection and enhancement of Basford Brook;*
  - iv. *The creation of drainage ponds that have visual and habitat potential;*
  - v. *Allotments; and*
  - vi. *Open space including sports pitches; Multi Use Games Area; outdoor gym; equipped children's play space and facilities for teenagers.*
- 6. *The provision of a pedestrian link (also allowing for cycle access) over the Crewe Green Link Road South.*
- 7. *The provision of contributions to local health infrastructure;*

### **Site Specific Principles of Development**

- a. *The site must be developed on a comprehensive basis. To ensure that the impact upon protected species is minimised, the development of the site shall take place starting in the south and finishing in the north, on a phased basis. The Council will not permit the development of small portions of the site, unless it can be demonstrated that they contribute to and complement the development as a whole.*
- b. *As part of a comprehensive masterplan for the site, provision must be made for a community facility that contains space that can be used for a number of uses, on a flexible basis.*
- c. *The development would be expected to contribute towards road infrastructure improvements in the area, including the Crewe Green Link Road, A500 link capacity improvements, A5020 Weston Road junction and Junction 16 of the M6.*
- d. *The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- e. *Environmental mitigation required as part of the Crewe Green Link Road South scheme will be safeguarded from development. The development should provide compensatory habitat for great crested newts and other protected and priority species on the site. The great crested newt mitigation areas shall be contiguous with that provided for the Crewe Green Link Road South, within a zone adjacent to the northern boundary of the site, parallel to the railway corridor.*
- f. *The development would be expected to provide contributions towards improvements to existing, and the provision of new, public transport links to Crewe railway station, Crewe town centre and local villages.*

- g. *The development would be expected to allow continued access to and servicing of the adjacent railways including improved access to the Rail Depot from Crewe Green Link Road South.*
- h. *The development would be expected to provide improvements to existing, and include the provision of new pedestrian, cycle and public transport links to existing and proposed residential and employment areas, shops, schools and health facilities.*
- i. *The development will provide connections to the South Cheshire Growth Village, South East Crewe, in the form of Green Infrastructure, pedestrian and cycle links with further consideration of comprehensively masterplanning both schemes.*
- j. *The provision of Green Infrastructure, to reflect 'The Green Infrastructure Action Plan for Crewe' (TEP, 2012) including tree planting; the creation of tree lined boulevards with the provision of greenspaces within new developments. This should include the creation of green spaces, including those linking green infrastructure, with safe and secure pedestrian and cycle routes that should be integrated into any development proposals.*
- k. *High quality employment provision on the site is key to its delivery, with housing considered ancillary and required in order to ensure the deliverability of this site.*
- l. *The development should provide a quality of place with pedestrian and cycle links through to Crewe Railway Station and beyond to Crewe Town Centre.*
- m. *A desk based archaeological assessment shall be carried out; if it requires further work and mitigation, this will be completed, as required.*
- n. *The area has a 'typical' Cheshire Landscape, characterised by a flat topography broken up with a dense network of field hedges interspersed with mature hedgerow trees. The development of Basford East must respond to this sensitive landscape setting and create a new high quality environment.*
- o. *Existing farm buildings offer the potential for conversion to alternative uses.*
- p. *Investigate potential for land contamination.*
- q. *There are several ponds located on the site and a range of mature trees and hedgerows which are of ecological value.*
- r. *The site is located in close proximity to the Grade 1 Listed Crewe Hall and its Grade II Listed Registered Park and Garden; any development on the site will need to ensure that it does not have an adverse impact upon its setting.*
- s. *Existing buildings of Crotia Mill Farm, on the site, are thought to lie on the site of a 14th century water mill. Archaeological investigations will be an important consideration across the site but particularly in relation to this farm complex.*
- t. *Records show that there is potential for some areas of infill associated with former ponds and a mill lake, and there may be areas of localised contamination associated with Crotia Mill Farm (formerly a mill) on site.*
- u. *The Crewe Green Link Road South will run through the site and is a precursor to the comprehensive delivery of the site. The site will deliver a pedestrian and cycle link over the Crewe Green Link Road South.*
- v. *Future masterplanning and development of the site should take into account potential impacts from High Speed Rail Two.*

The application clearly delivers a number of the items from the above criteria, namely, 3.8 hectares of employment land, up to 325 new homes, retail provision, a public house / restaurant, a community facility, retention of buildings around Crotia Mill, the green infrastructure provisions, a pedestrian link to the Crewe Green Link Road. The costs of

delivering the proposed development have been assessed by way of an evaluated viability study.

The applicant has suggested that the remainder of the employment provision (20.2 hectares) and up to 185 dwellings can be satisfied on the section of the Basford East site, which falls to the west of the Phase 2 site.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The wider Basford East site is located in the parishes of both Basford and Weston, however it appears that the residential area of this proposal is located in the Weston Parish.

The Interim Planning Statement: Affordable Housing states that for windfall sites in settlements with populations of 3,000 or less the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more or more than 0.2 hectare in size.

As the proposal includes up to 490 residential dwellings there is a requirement for affordable housing provision, this should be 30% of the total dwellings, the proportion of the social rented and intermediate housing should be as per the preferred tenure split identified from the SHMA which is for 65% rented and 35% intermediate tenure. Both social and affordable rented housing is acceptable in this location.

Weston and Basford are located in the Haslington and Englesea sub-area for the SHMA. The SHMA identified a need for 220 new affordable homes between 2013/14 – 2017/18 in that area, made up of an annual requirement for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4+ beds and 1 x 1 bed & 1 x 2 bed older persons dwellings.

There are currently 34 applicants on the waiting list for social rented housing with Cheshire Homechoice who have selected Weston as their first choice, these applicants require 9 x 1 bed, 14 x 2 bed, 9 x 3 bed and 1 x 5 bed (1 applicants hasn't specified how many bedrooms they need). There are 2 applicants who have selected Basford as their first choice; these applicants require a 3 bed property and a 1 bed property.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings)

It is the Housing Strategy and Needs Managers preference that the affordable housing is secured by way of a s106 agreement with a requirement that an affordable housing scheme is submitted with the reserved matters application(s) and that any rented affordable dwellings are transferred to a Registered Provider of affordable housing.

The application initially had confirmed that 30% affordable housing would be provided on this site subject to a financial viability assessment that was being carried out. A Financial Viability Appraisal has confirmed that only 10% affordable housing would be provided. In the event that a reduced amount of affordable housing be accepted then the Housing Strategy and Needs Manager would expect a requirement for 'overage' payments to be made subject to future reviews of viability of the site. This is in line with SC 5 of the Local Plan Strategy Submission Version.

As such, there should be a requirement in the s106 for a review of sales values during the life of the development.

## **Viability**

The developer has submitted a viability appraisal, which indicates that development with a 30% provision of affordable housing would not be economically viable. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

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

The applicant's Financial Viability Assessment has been scrutinised and it has been agreed that the proposed development would be deliverable with a reduction in affordable housing to 10%.

Although application 14/4025N was approved (subject to completion of a s106) by SPB in April 2015, it was considered that the development on the western side of the Crewe Green link Road would provide the balance of the employment requirements of the policy. If permission were to be granted for the Phase 2 application on the basis that it may be possible for the remainder of the employment provision to come forward as part of Phase 3, then it is important that this would be economically viable.

## **Public Open Space**

The indicative layout shows that an area of POS/landscape and ecological buffers would be provided throughout the central section of the site and to the north.

Although formal comments are awaited from the Greenspace / Open Space Officer as to whether the amount of open space to be provided is acceptable, it is understood that their should be sufficient open space provided on site to enable further details to be submitted at the Reserved matters stage.

## **Education**

A development of 325 dwellings would be expected to generate 62 primary aged pupils, however this is only 30% of the pupil numbers to support a new school. The sum in total equates to the development generating the need for either a new school build provided on the

site, or a new schools worth of expansion at existing schools in the locality (subject to the local schools having grounds which allow expansion).

Based on prices which the Local Authority is currently achieving, a new build school will cost £3.2 million and so the proportionate share (30%) will be required from this proposal equating to £960,000. It is noted that a level, fully serviced and uncontaminated site has previously been provided under the Phase 1 development (application 14/4025N). The LA will then be in a position to identify whether it is possible to expand local schools (which is the preferred option), or whether the new school is required. In the event that the new school is not required then the site will be returned and the contribution retained and spent on expansions.

Phase 2 of the development will be expected to generate 49 secondary aged pupils. Having looked at secondary places in the area the data suggest that there are sufficient places in the local secondary school to accommodate the pupils generated of this age range.

## **ENVIRONMENTAL SUSTAINABILITY**

A noise and vibration assessment has been submitted with the planning application. Following a review of this information further clarification was received confirming the industrial noise times and the inclusion of airborne train noise. There is also a consideration of the HS2 route although from the draft reserved land information available at this time the route lies significantly further to the east (and further from this development) than indicated on the plans in the noise assessment.

The noise modelling of road, rail and industrial noise sources indicates that the acceptable daytime and night time noise levels can be achieved for much of the site for internal and external habitable areas with suggested mitigation levels. It is recommended that these mitigation proposals are detailed and approved via the reserved matters planning application.

In this area, it is recommended that further mitigation is detailed to enhance the noise environment in outdoor areas of residential properties. This should be achieved in the form of acoustic fencing and designed to reduce noise levels to acceptable standards, i.e. those detailed in BS8223: 2014.

### **Noise Mitigation Scheme**

The applicant has submitted a noise assessment taking into account rail and traffic noise on the site that shows the site is suitable for development from a noise perspective providing certain mitigation methods are put into place and reduce the noise levels as predicted. In order to ensure that future occupants of the development do not suffer adverse health effects due to noise pollution, the applicant is required to submit details of all acoustic mitigation measures in the reserved matters application.

As noise levels in garden areas are a material consideration it is necessary for noise levels in garden areas to achieve the levels specified in BS8233:2014 and therefore, acoustic barriers should be considered that achieve this where necessary.

The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.

### **Residential Amenity**

There are some existing properties in the area therefore the following conditions relating to the construction phase of the proposed development are recommended to control noise and air pollution

It should be possible to achieve a development with spaces separation distances which would exceed those contained within the Local Plan. Further details would be obtained at the reserved matters stage.

### **Air Quality**

The Environmental Health Officer has also commented that in order to mitigate against any negative air quality impacts, mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. As such conditions are recommended requiring the submission of a residential travel plan for the site. Individual Travel Plans should also be developed for all commercial occupants with the aim of promoting alternative/low carbon transport options for staff and patrons. A condition requiring the provisions of Electric Car Charging Points is also recommended.

It is recommended that there is an overall Low Emission Strategy for a development of this scale to show how low emissions technologies can be incorporated into the design. These can include: -

- public transport links (including low emission public transport routes)
- walking routes
- cycle routes
- provision for infrastructure for Ultra Low Emission Vehicles (public on-street charging posts, and provision on an agreed percentage of properties)
- Delivery vehicle Euro standards agreed
- Support for low emission car clubs

Following from this, individual units of the development should then put suitable infrastructure and plans in place before occupation of the units.

There is potential for dust generated during the construction phase of development to have an impact in the area. Therefore, the Environmental Management Plan, should identify all potential dust sources and outline suitable mitigation. The plan should also include details of construction waste management and should specify that there shall be no burning of materials on site during demolition / construction. The plan should be implemented and enforced throughout the construction phase. The proposed commercial uses, include hotel, pub and restaurant uses, have the potential to create nuisance as a result of the discharge of odours and fumes arising from food handling, preparation and cooking. Therefore conditions are recommended requiring a scheme of odour / noise control to be submitted and approved.

It is considered that conditions in relation to a construction management plan, hours of operation, lighting, noise mitigation to be incorporated in to the design of the proposed pumping station, piling, travel plan, dust control, and contaminated land should be attached to any planning permission.

## **Contaminated Land**

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of mill use and therefore the land may be contaminated. There are also areas of likely infilling on the site which may pose localised contamination and ground gas issues.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- There has been a Phase I Preliminary Risk Assessment and ground conditions chapter submitted as part of an EIA in support of the planning application. These documents recommend further works in certain areas of the site.

The Council's Environmental Health Officer has recommended conditions requiring an updated Phase II contaminated land investigation to be carried. If this indicates that remediation is necessary, then a Remediation Statement detailing proposed mitigation shall be submitted and approved and implemented. Subject to compliance with these conditions, the proposal is considered to be acceptable in terms of contaminated land.

## **Public Rights of Way**

The development will affect Public Footpath No. 2 Basford and has the potential to affect Public Footpaths Basford No. 1 Basford, as recorded on the Definitive Map of Public Rights of Way. However, it should be possible to incorporate these routes into the reserved matters application.

## **Highways Implications**

This proposal forms part of the Basford East Strategic Site which is allocated for a mixed use development in the submission version of the Local Plan.

The site has a considerable 'back history' being originally allocated for employment uses only for many years. One of the predominant factors in the site not being developed was the considerable infrastructure costs that were required to open up the site fully – principally these were the improvement of the A500 and the delivery of the spine road through the site.

The site is accessed off the (under construction) Crewe Green Link Road, which provides a new dual carriageway between the A500 and the A5020. A large central roundabout is being constructed as part of this scheme – and access for the proposed development is taken off the roundabout spur road.

The Head of Strategic Infrastructure has undertaken significant pre-application discussions with the applicant to arrive at an agreed position for the appropriate assessment of this site and the scope of the strategic highway network which should be assessed.

Policy CS1 of the submission version of the Local Plan recognises that the Basford East allocation will be implemented in a phased manner providing each phase 'complements' and 'contributes to' the delivery of the whole site. From a highways and transport point of view, this application seeks to ensure this by ensuring the high value uses on the site help enable the lower margin employment uses to be delivered through the provision of enhanced financial contributions to infrastructure. As such the Strategic Highways Manager offers no objection to this application subject to conditions.

The proposed development is, in a transport sense, sustainable and makes appropriate contributions towards further sustainable transport provision.

The site is accessed off the (under construction) Crewe Green Link Road which provides a new dual carriageway between the A500 and the A5020. A large central roundabout is being constructed as part of this scheme – and access for the proposed development is taken off the roundabout spur road.

The Head of Strategic Infrastructure has undertaken significant pre-application discussions with the applicant to arrive at an agreed position for the appropriate assessment of this site and the scope of the strategic highway network which should be assessed.

The Transport Assessment (TA) which informs the planning application has been written in accordance with the DfT Guidance and includes assessment of the agreed network scope.

There are three main areas that need to be addressed as part of mitigating the impact of this development.

### ***1. Crewe Green Link Road***

This scheme, though currently being delivered, is being underwritten by the Council. As this scheme provides the means of access to the proposed development it is considered reasonable that a financial contribution towards its delivery is appropriate. In accordance with the Submission version of the Local Plan the Site Specific Principles of Development (CS1) the site should be expected to contribute towards the Crewe Green Link Road South Scheme. It should also be noted that that land take for the link road also includes additional land take necessary to deliver a future junction improvement at the A5020.

A contribution of £2.0m has been agreed with the developer.

### ***2. Crewe Green Corridor.***

The proposed development impacts on both junctions on this corridor. However, the greatest impact is felt at the A5020 Weston Gate roundabout. Therefore, a contribution has been agreed with the developer towards the future delivery of an improvement scheme at this location.

A contribution of £2.5m has been agreed with the developer on the basis of the number of new 'trips' the development generates at the roundabout.

### **3. A500 Improvements**

A £0.7m contribution towards the delivery of the dualling of this section of road has been agreed with the developer.

The delivery of improvements to the A500 has been a strategic goal of the council for many years and will assist in helping deliver the wider Basford East site. A major upgrade of the A500 would attract traffic away from the Crewe Green Corridor, relieving these junctions.

Recent national strategic infrastructure announcements may require a degree of flexibility in the order in which these improvements are brought forwarded. Therefore, it is recommended that the proceeding 3 highway contributions are secured in a manner which allows this to take place.

The **sustainability credentials** of the site have also been considered. The development has excellent sustainability credentials being located fairly close to Crewe railway station. However, Cycle links along Weston Road are relatively poor. The adjacent site provided funding to deliver improvements to the pedestrian cycle/infrastructure connecting the wider site to the town along Weston Road.

It is considered that this development needs to enable high quality sustainable links to the adjacent site (across the Crewe Green Link Road) where, for example, a new local primary school is to be provided.

In the short term this may be provided by a new Toucan Crossing of the Crewe Green Link Road. This will be secured by a S278 Agreement.

Additionally, Policy CS1 of the Submitted Local Plan confirms the need to provide a pedestrian link over the Crewe Green Link Road – hence a contribution of £225,000 is requested to facilitate this.

£40,000 is required towards **traffic calming**, which will be sufficient to manage potential off-site impacts, including potential rat running through the village of Weston.

A new **bus service** is required to serve the site via the CGLR. An hourly service could be provided between Crewe, the site and Weston at an approximate cost of £115,000 per annum (for 3 years); Giving a requested contribution of £325,000

However, the adjacent site also provided a contribution towards the delivery of this service. A mechanism is suggested that if the adjacent scheme is delivering a sustainable bus service to the site this contribution is reduced to £175,000. The view is that the detailed phasing conditions of this element could be written to reflect occupation levels for both schemes.

#### Commuted Sums

In summary, the following Commuted Sums were initially agreed with the developers highway consultants, which should be contained within a s106 Agreement: -

- **£5,200,000** towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements and or Crewe Green Link Road and the A5020 Weston Gate Roundabout improvement)
- **£345,000** to support a new bus service to the development; a condition is requested that if the adjacent site is delivered than this would be reduced to £175,000
- **£225,000** to deliver pedestrian and cycleway improvements to cross the Crewe Green Link Road, including towards the design and delivery of a new bridge.
- **£40,000** to contribute towards a scheme of traffic management / calming measures in the Village of Weston.

However, following the submission of a viability assessment, it has been necessary to revise the above figures. When compared alongside the Co-ops application (14/4025N) it is important to note that this reduction is due mainly to the reduction in dwellings and employment provision, which therefore means that less value is provided for S106 contributions.

The following revised contributions are now sought, following discussion with the Strategic Infrastructure manager.

- **£2,572,000** towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements and or Crewe Green Link Road and the A5020 Weston Gate Roundabout improvement)
- **£345,000** to support a new bus service to the development; a condition is requested that if the adjacent site is delivered than this would be reduced to £175,000
- **£225,000** to deliver pedestrian and cycleway improvements to cross the Crewe Green Link Road, including towards the design and delivery of a new bridge.
- **£40,000** to contribute towards a scheme of traffic management / calming measures in the Village of Weston.

It is suggested that a condition to seek provision of a Toucan Crossing of the Crewe Green Link Road through a S278 agreement also be attached.

## **Design**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.*

*Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The developable area of the proposed dwellings (as shown on the Illustrative Master Plan) would be of approximately 32.5 dwellings per hectare, which is considered appropriate in the context of the character of the area.

The submitted indicative Masterplan illustrates the potential form and layout of the development. It shows the point of access from the CGLR. Blocks of development are arranged with a large swathe of Open Space and Ecological Mitigation areas, in a central area, which follows the watercourse. A further substantial area of landscaping and bunding is proposed at the northern end of the site, at the southern end and a narrow buffer along the western side of the site, which will separate and screen the residential part of the site from the employment element which would need to come forward with Phase 3. The indicative layout indicates that the employment provision would be located as a buffer between then CGLR and the residential area. A further employment area is located on the eastern side of the CGLR.

Concern has been raised in relation to the provision of employment floor space adjacent to the new Crewe Green Link Road. The applicant has asserted that the commercial uses were considered appropriate in this location due to the following reasons: -

- Having taken advice from commercial agents, this type of use, and particularly the type of operators that it would attract, must have visibility from the highway and if that is not provided, it would not have market demand, would be unviable and would not be delivered. This location has been specifically chosen for this use to ensure it comes forward;
- In addition, this part of the site falls within Flood Zone 3 and thus would not be appropriate for residential accommodation. To displace employment uses to land already proposed for housing, would not be commercially viable and thus would reduce the amount of deliverable employment and residential uses.

Given the above, the applicant considers that it would seem entirely illogical to seek to move the commercial use to another, unviable/undeliverable location within the allocation and further reduce the provision of housing on the allocation.

The current indicative plan developed for this site ensures that a deliverable mixed use proposal comes forward, which meets the policy objectives of CS1 as far as practically possible.

In summary, the overall masterplan demonstrates a considered and logical approach to the site layout and subject to conditions relating to designing coding to control the detail of the scheme, it is considered that this form of development is appropriate and will reflect the character of the existing suburban development to the north of the site and the proposal will comply with local plan policy BE2 (design) and the provisions of the NPPF in this regard.

As per the norm, the issue of design would be dealt with at the Reserved Matters Stage.

## **Landscape**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The proposed Development will change the existing agricultural fields to a residential area at Basford East. In the most part, important trees and hedgerows have potential to be retained and enhanced as part of a comprehensive landscape infrastructure planting strategy which will also help to soften the built form and assimilate the development into the wider landscape context. Existing tree corridors should be enhanced with additional native planting. This is especially important in close proximity to local footpath routes and to provide noise buffers and visual screening around the sites edges. There is no reason that an acceptable design could not be secured at the Reserved Matters stage.

There will be a large change to the nature of the proposed Application Site, although this will occur over phases and over a 10 year period.

A key feature of the proposals is the linear park, which runs north/south through the site, along the course of Basford Brook. The park provides significant recreational and amenity value, and also ensures a buffer zone around Basford Brook in order to protect the habitat and biodiversity potential. The housing would front the park to provide necessary surveillance. The park also incorporates potential for play, the use of naturalistic play elements and woodland themed installations. The park also incorporates an area for attenuation, in order to offset potential impact of the development on the flood zone.

There is a significant area of landscape to the northern and southern proximities of the site which provide buffers to both the railway line and the A500.

This area creates opportunity for attractive planting and screening of the road from the development as well as providing the Sustainable Urban Drainage (SUDs) for the development with the ponds and swales associated with this.

To the north-east of the site (beyond the site boundary) is located an area to mitigate the impact on Great-Crested Newts of the development of the CGLR. This area must be addressed in an appropriate way so as to protect the newts and provide a suitable relationship between the development and the mitigation area.

Part of the role of the landscape is to integrate the development into the surrounding landscape. The POS should include planting, which should be implemented ahead of the construction phases being carried out and further aid assimilation into the surrounding

environment. These planting proposals will also help to reduce potential impacts to the visual amenity of residential and footpath users.

### **Open space**

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 4,875sqm of shared recreational open space and 6,500sqm of shared children's play space which is a total of 11,375sqm of open space.

A private resident's management company would be required to manage all of the greenspace on the site. All of the above requirements could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

### **Ecology**

Natural England advises that the proposal is unlikely to affect any statutorily protected species.

Statutory nature conservation sites – no objection. This application is in close proximity to the Sandbach Flashes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England, therefore advise that this SSSI does not represent a constraint in determining this application.

### Protected species

It is of note that the planning application boundary encompasses the approved Great Crested Newt Mitigation area for the Crewe Green Link Road, this should factor into any submitted mitigation, however it can not form part of the mitigation for this site.

The Nature Conservation Officer has commented on the application as follows: -

### Great Crested Newts

This protected species has previously been recorded at a number of ponds on site. The proposed development is highly likely to have a significant adverse impact upon this species as a result of both the loss of breeding ponds and the loss of terrestrial habitat.

To compensate for the loss of 4 ponds associated with the development 8 new ponds will be created within a total mitigation area of 1.2ha located on the western side of the link road. This location would provide links to the other green infrastructure areas located adjacent to the brook.

Only 0.2ha of habitat is proposed to the eastern side of the link road. This seems to underutilise the available space for habitat creation as there is a triangular area of land within the red line of this application located to the south of the railway line and to the north of the great crested newt mitigation land associated with application 14/2485n. This area of land is not subject to any development proposals and so could be utilised for habitat creation/woodland planting. This matter could be secured by means of a condition if outline consent is granted.

It will be necessary for the council to have regard to the habitat regulation tests during the determination of the application.

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE3 seeks to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted.

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

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

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

In relation to protected species, the Nature Conservation Officer advises that based upon the outline proposals received it is likely that the favourable conservation status of the local great crested newt population could be maintained as during the development of this site. Detailed proposals put forward at the reserved matters stage must however be supported by an updated/revised protected species assessment and mitigation strategy.

The Council's Nature Conservation Officer does not object to the scheme as the proposal will comply with Policy NE11 of the Macclesfield Borough Local Plan.

### Ponds

The ponds on site have been recorded as supporting nationally scarce invertebrate species. Four ponds are likely to be lost as a result of the proposed development. The submitted ES states that at least 8 new ponds would be created to mitigate for this loss. The Nature Conservation Officer advises that this is acceptable, however, these ponds must be solely for nature conservation purposes and not form part of any SUDS scheme associated with the proposed development. This matter should be dealt with by means of a condition if planning consent is granted.

### Otter

The updated otter survey has again recorded evidence of otter activity on Basford Brook, it is however not thought likely that the brook corridor provides opportunities for otters to seek shelter or protection.

Provided the construction process is restricted to daylight hours, the Nature Conservation Officer advises that the proposed development would not be likely to result in the disturbance of otters or pose a risk of killing or injuring them. An offence under the Habitat Regulations in respect of otters is therefore unlikely. This matter may be dealt with by means of a condition requiring any future reserved matters application to be supported by a detailed protected species mitigation strategy.

### Water Voles

Water voles were previously recorded on Basford Brook. The 2012 survey did not record any conclusive evidence of water voles but their presence could not be ruled out. Mink have however been recorded during the latest surveys and so it is not likely that water voles would have returned.

The Nature Conservation Officer advises that the installation of an outfall into Basford Brook and the construction of bridges to allow the access roads to cross the brook would be highly likely to have an adverse impact upon this species if present.

It is recommended that as a precaution if outline planning consent is granted the requirement to undertake pre-commencement water vole surveys should form part of the detailed protected species mitigation strategy submitted in support of future reserved matters applications.

### Impacts on Basford Brook

As well as supporting a number of protected and uncommon species Basford Brook where it flows through the application site is also designated as a Local Wildlife Site. The brook is designated primarily for the presence of a regionally important population of native crayfish.

Recent surveys undertaken to inform the ES have confirmed the continuing presence of native crayfish within the brook. Any disturbance or pollution of Basford brook during the construction phase would be likely to result in a high magnitude adverse impact upon this population. The submitted ES states that the risk posed to crayfish could be mitigated through the production of a Construction Environment Management Plan and Ecological Management Plan.

The ES also identifies an increased risk of crayfish plague being introduced to the population due to the close proximity of the proposed housing.

The construction of outfalls into the brook and the proposed access roads crossing the brook have the potential to have an adverse impact upon the brook and the species it supports both as a result of disturbance and pollution during the construction phase and also as a result of permanent loss of bankside habitat.

The Nature Conservation Officer recommends that indicative plans be submitted that demonstrate how the outfalls and brook crossings would be designed to minimise the impacts on the brook. In order to further mitigate the impacts of the development upon the brook. The Nature Conservation Officer also suggests that crossings over the brook be restricted to a single point.

### Bats

A number of minor bat roosts were recorded at Croatia Mill Farm. These roosts are unlikely to be directly affected by the proposed development, however in the absence of mitigation, noise and lighting associated with the construction process would potentially lead to some temporary disturbance of this roost. The submitted ES recommends a condition that construction work ceases 30 minutes before sun set during April – October to minimise the potential disturbance of the roost.

As the application is outline only it is difficult to assess the potential impacts of the proposed development upon roosting bats at Croatia Mill, however, it seems unlikely that an offence would be committed in respect of bats as long as the suggested mitigation is secured at the reserved matters stage.

The submitted ES identifies two trees (T85 and T47) with bat roost potential that would be lost as a result of the proposed development. A further protected species survey of the trees to be lost as a result of the proposed development has now been undertaken. No evidence of roosting bats was recorded associated with the trees on site.

### Barn owls

There is a history of barn owl activity at Croatia Mill Farm located adjacent to the proposed development. The latest survey has recorded evidence of barn owls within a number of buildings at the farm and the species is thought to be breeding here.

The submitted ES states that loss of foraging habitat and disturbance during the construction process is likely to result in the desertion of the site by barn owls.

It is proposed that the impacts of disturbance during the construction phase be mitigated through the implementation of a method statement. The Nature Conservation Officer recommends that if planning consent is granted a condition be attached requiring the submission of a barn owl mitigation method statement as part of the updated protected species mitigation strategy submitted with the outline application.

In order to compensate for the loss of barn owl habitat a contribution to the local barn owl group to fund off-site habitat creation is proposed by the applicant. A figure of £3,000 has been suggested by the Mid-Cheshire Barn Owl Group. This sum would be used to fund the

manufacture and erection of 12-15 barn owl boxes and cover the cost of their long term monitoring, maintenance and replacement.

### Badgers

Three badger setts have been recorded on site. Based upon the indicative layout it appears likely that the Main sett would be retained as part of the proposed development however the two outlying setts present are likely to be lost. To avoid an offence occurring in respect of badgers the submitted ES proposes to close any setts directly affected by the proposals under the terms of a Natural England license. The Nature Conservation Officer confirms that this approach is acceptable.

If outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey and mitigation strategy. The inclusion of fruit trees in the landscaping plans for the open space areas would provide an additional seasonal food source for badgers to compensate for the loss of foraging habitat associated with the proposed development.

### Reptiles

A regionally import population of slow worms was previously recorded on the Basford East site. An updated survey in 2015 confirmed the continued presence of this species on site. The habitat that has been confirmed as being used by this species would be retained as part of the proposed development and incorporated into the sites open space. It must however be ensured that the retained habitats are managed to maintain them in a form suitable for this species. This matter may be covered by the condition requiring any future reserved matters application to be supported by an updated protected species strategy.

### Nesting/Wintering Birds

The application site is likely to be of some value for breeding and nesting birds in the Local context. The provision of a significant buffer of undisturbed habitat adjacent to the brook and the incorporation of suitable habitat creation measures into the open space areas of the development is likely to provide some compensation for the loss of habitat for birds.

### Hedgerows

Hedgerows are a priority habitat and a material consideration. It appears likely that boundary hedgerows could be retained as part of the proposed development. There is however, likely to be a loss of hedgerow from the sites interior. If outline planning consent is granted it must be ensured that appropriate replacement native species planting is incorporated into the scheme at the detailed design stage.

If planning consent is granted the following matters must be dealt with by means of conditions:

- Reserved matters application to be supported by an updated protected species assessment and mitigation strategy. This strategy to include detailed pond designs, proposals for the exclusion of public access from the ponds, restriction of works in the vicinity of the stream to daylight hours, proposals for the retention and enhancement of reptile habitat, white clawed crayfish mitigation, barn owl mitigation strategy and bat mitigation proposals.

- Habitat creation proposals for the triangle shaped red line land located to the east of the link road and to the south of the railway line, including woodland planting, to be submitted with future reserved matters application.
- Ecological mitigation ponds not to be utilised as part of a drainage/SUDs scheme.
- Reserved matters application to be supported by a Construction Environment Management Plan.
- Reserved matters application to be supported by a strategy for the safeguarding of the brook.
- Reserved matters application to be supported by a habitat management plan to be implemented in perpetuity.

### **Green Infrastructure potential**

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. GI can be designed to maximise the benefits needed for this development.

### **Flood Risk and Drainage**

The site is located within Flood Zones 1, 2 and 3 of the Environmental Agency Flood Map and is therefore, considered to have areas of low, medium and high risk of fluvial flooding from Basford Brook. A site specific FRA has been undertaken and the proposed development has been carefully designed with residential and commercial development restricted to Flood Zones 1 and 2, and therefore is at medium and low risk of fluvial flooding. Only a couple of small areas, notably set aside for car park and service yard space, are shown to be located within Flood Zone 3.

The development will not cause displacement of existing flood storage volume within the site; and as such it is concluded that flood storage compensation will not be required; and there will not be increase in flood risk downstream of the site.

A preliminary SUDS Drainage has been prepared, which demonstrates that surface water run-off from the development can be sustainably managed to minimise any adverse effects relating to increased surface run-off rates and volumes generated as a result of the proposed development.

Surface water run-off from the proposed development will be attenuated on site within detention basins, bio-retention units, swale, permeable paving or other similar attenuation structures and the discharge of flows into Basford brook will be restricted to agreed Greenfield run-off rates. Flows into Basford Brook will not be increased as a result of the development.

To prevent impacting established white clawed crayfish habitat, outfalls will be set back from the bank as far as possible; with wet swales provided to convoy flows into the watercourse.

United Utilities and the Environment Agency have considered the report and raised no objections, subject to the position of appropriate planning conditions. With compliance with

the adherence to current design guidelines, there should be no detrimental impact on flood risk or surface water quality.

### **Loss of Agricultural Land**

The area of grade 3a with some 3b and Grade 2 land lost to agriculture would be minor at a local scale and would not be a significant loss, an assessment determined from the guidelines set out in the NPPF, NPPG and the European guidance for soils in Environmental Impact Assessments. Considering Tables 1, 2 and 3 the magnitude of impact would be medium magnitude. The higher grade soils would be highly sensitive to change and the significance of the impact would be **Medium** or **minor adverse** at a local site level. The lesser grade soils are less sensitive and the overall significance of impact on the greater areas of the site would be **Low** or **slight adverse** at a local level.

Policy NE.12 of the Local Plan states that:

Development on the best and most versatile agricultural land (Grades 1, 2 and 3A in the Ministry of Agriculture Fisheries and Food Classification) will not be permitted unless:

- the need for the development is supported in the local plan; •
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

In this case, the previous approval and the allocation of the site for development in the adopted Local Plan, has established the acceptability in principle of the loss of agricultural land on this site. Consequently, it is not considered to be an issue, which can be revisited at this stage.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Crewe including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The scheme will also deliver direct employment uses.

### **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However, the dis-benefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development.

Securing overall employment objectives of the CELPS CS1 allocation

The Town and Parish Councils are concerned that the approval of this application will not bring about the guarantee that employment development will take place. The application for the Phase 3 development will need to be considered on its merits, however, the strategic objectives of the CS1 allocation can be delivered and shortfall of commercial uses (20.2 hectares) can be brought forward on the Phase 3 land. This employment shortfall could be supported by 185 dwellings. The applicant has submitted a plan which demonstrates that there is circa 28.3 hectares of land within the remained of the Basford East allocation that is considered to be available to accommodate development. The plan shows generous areas given over to Green Infrastructure. In addition, a substantial buffer is shown between the Phase 2 and Phase 3 land in order to adopt a cautious approach when assessing the extent of the developable land.

The plan illustrates how 5 hectares of B2 development adjacent to the West Coast railway corridor to the north of the proposed access road could be brought forward. 12.8 hectares of B1 development could be brought forward adjacent to B2 development and the West Coast railway corridor. 10.5 hectares of mixed use development, of which the balance of 2.4 hectares of B1 development can be accommodated together with 185 residential units.

Of course, the exact mix and arrangement of uses proposed on the remaining land within the Basford East allocation would need to be put forward by the owners of the land and as part of any subsequent planning application. Nevertheless, it has been demonstrated that the remaining land within the allocation provides sufficient development capacity to meet the shortfall and enable all of the objectives of policy CS1 to be met.

#### Accessing the Phase 3 land

Concern has been raised that the ownership of the land required to access Phase 3 could create a barrier to the comprehensive development of the Basford East site.

The applicant for this application has put forward a suggested mechanism to ensure that the land ownership issue will have no impact on the viability of the development of Phase 3 as follows: -

As part of a financial viability appraisal of the Phase 3 development, a value of the Phase 3 site (i.e. Site Value) will require to be established in the context of the prevailing planning policy and in accordance with the RICS guidance on Financial Viability in Planning.

By reference to established case law, where there is an area of access land, which provides the key to unlock the development potential of adjacent land, the market value of the access land is determined as a proportion of the unlocked site value. The market value will be at a consideration, which a willing purchaser would pay to a willing seller to bring forward development

The value of the access land should not therefore be regarded as being in addition to Site Value, and in itself will not have an impact on the viability of the development of the Phase 3 site.

To ensure the delivery of the access to the proposed employment development on the Phase 3 land, the applicant is prepared to deal with this through a tried and tested mechanism in the section 106 agreement. This mechanism will effectively guarantee the delivery of the access

to the Phase 3 land on mutually acceptable commercial terms. The proposed mechanism would work as follows:

- Following the planning authority resolving to grant planning permission for Phase 3, the applicant would be bound to use reasonable endeavours to negotiate and enter into an agreement with the owners of the Phase 3 land pursuant to which the access road will be completed and connected into the Phase 3 estate road system, with the applicant being paid the market value for permitting access across the relevant land;
- In the event that an agreement has not been reached with the owners of Phase 3 within a certain period (perhaps 3 or 6 months – subject to discussion) then the applicants would be bound (if so directed by the Council) to use reasonable endeavours to negotiate and enter into an agreement for such access with the Council direct, again on the basis of the applicant being paid market value for permitting access across the relevant land;
- If agreement on the terms or the price cannot be reached within a specified period, then the applicants are happy for such matters to be referred for binding expert determination. Again, a time limit for such determination can be specified in the agreement so that there is no undue delay in bringing forward the Phase 3 development.

In this way, access to the Phase 3 land will be secured and the point is comprehensively addressed in an obligation, which meets the CIL Regulations tests.

The site is allocated for Major Industrial and Business Development within the adopted Local Plan and therefore, residential and other uses would be contrary to development plan policy. However, the site is identified in the SHLAA as being suitable, available, achievable and deliverable with a potential capacity of 1000 dwellings of which 500 will be delivered in the 1-5 period and a further 500 in the 6-10 period. Residential development is also a preferred option in the emerging CELPS and the Crewe Town Strategy. A scheme, which provides more employment uses will be less viable. In order to ensure that the site is delivered, it is necessary to introduce higher value uses in order to make it economically viable. The delivery of the employment elements of the site, as well as the contributions that it will make towards infrastructure improvements, including the Crewe Green Link Road and A500 are considered to be of vital importance to the delivery of the “All Change for Crewe” as well as the CELPS. It is therefore essential that a viable scheme is put forward. The development of the site for the proposed uses is therefore considered to be acceptable in principle.

The comments raised by Weston and Basford with regards to enhancement of the Mill Lane access to ensure an attractive and easily accessible pedestrian and cycle link for local residents between Weston Village and the site signage, lighting, surface treatment, landscaping etc and the request for contributions towards the provision of a regular bus service linking Weston Village with the local centre on the site, and requests for a contribution to providing traffic mitigation measures within the Parish of Weston and Basford, have been forwarded to the Head of Strategic Infrastructure and a comment on this matter has been requested. These details should follow in an update report.

The request by Weston and Basford Parish Council to have a contribution towards financing an extension to Weston Cemetery off Cemetery Road on the basis that there are no burial

facilities proposed in the application and the existing Weston Cemetery is fast reaching capacity is noted. However, there is no provision within the Crewe and Nantwich Local Plan or CELPS to make such a request and as a result no contribution is required, or justified.

CELPS policy CS1 includes the provision of retail provision appropriate to local needs. The D and A Statement indicates that the food retail store could be up to 2,323 sqm. Crewe Town Council and the Co-op have raised concerns that there is lack of justification for a single food retail unit / supermarket. It is noted that Paragraph 26 of the NPPF states that:

“when assessing application for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm).”

Therefore, no assessment is technically required. However, the applicant has provided details on how the floorspace has been formulated. The planning application before the Council has been made in outline, with all matters except for access reserved for future determination. The retail provision is considered to be an appropriate level to meet local needs of the development (principally all new residential properties associated with the Basford East allocation) and it is envisaged that there would be one larger unit, with a series of smaller units to provide a variety of local needs retail. It is envisaged this would prevent the local community traveling to the surrounding town centres for basic every day goods

The Agent has been asked to provide further details on the pedestrian and cycle link over the Crewe Green Link Road. It will be necessary for land to be provided for the footbridge. Members will be provided with an update on this issued prior to the SPB meeting.

The other issues raised by the Town and Parish Council will be more appropriately addressed at the reserved matters stage when further details are put forward.

### **Section 106 Package and Viability Issues**

The developer has submitted a viability appraisal, undertaken by consultants, which indicates that it is not possible to provide the highway contributions outlined above and education contributions as well as the required level of affordable housing.

As set out above, within the context of the NPPF, viability is an important material consideration in the determination of planning applications. Furthermore, this scheme is a key element in delivering the “All Change for Crewe” in terms of the contribution that it will make to employment opportunities within the town and the delivery of the Crewe Green link Road. It is also a strategic housing site allocated within the draft Development Strategy and forms part of Cheshire East’s 5-year Housing Land supply. In order to defend forthcoming Appeals on other sites within the Borough and to deliver these other important benefits it is necessary to demonstrate that sites such as this are viable and deliverable.

Subject to the above points being clarified, it is considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East and the delivery of the “All Change for Crewe”.

## **S106 Contributions:**

Following the assessment of a viability study which has been submitted, the sum of money available to cover s106 items is £4.145m. This 'pot' should be allocated as follows: -

- £960 000 towards secondary school education. The LA will then be in a position to identify whether it is possible to expand local schools (which is the preferred option), or whether the new school is required. In the event that the new school is not required then the site will be returned and the contribution retained and spent on expansions.
- As explained in the highways section above, it has been necessary to reduce the amount of Highways contributions due to the schemes viability. £3.182m is now proposed towards road infrastructure improvements. To be split between: -
  - Crewe Green Link Road, A500 link capacity improvements, A5020 Weston Road junction and Junction 16 of the M6 (in accordance with draft Policy CS1).
  - Improvements to existing, and the provision of new, public transport links to Crewe railway station, Crewe town centre and local villages (in accordance with Draft Policy CS1),
  - Public Transport Services

It is recommended that a mechanism is attached to allow for further viability testing to be carried out as the development comes forward on a phased approach to enable further contributions to come forward should the scheme allow.

In addition, 10 per cent affordable housing would be provided and £3,000 to compensate for the loss of Barn Owl habitat and creation of new off site habitat.

## **LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now 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;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for primary school places in Crewe where there is very limited spare capacity. In order to either provide a new school, or increase capacity of the school(s), which would support the proposed development, a contribution towards primary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in a number of highways impacts at the Crewe Green Roundabout, Weston Roundabout, Crewe Arms Roundabout, A500, and contributions clearly

are required towards the Crewe Green Link Road, and Crewe Green Corridor. In addition, contributions towards footway and cycle facilities, traffic calming and bus service provision are required to ensure that a sustainable form of development is delivered. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, Barn Owl mitigation and open space financial contributions (if required) would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

## **CONCLUSIONS**

The site is allocated as a Regional Warehouse and Distribution Park within the adopted Local Plan and therefore, residential and other uses would be contrary to development plan policy.

However, many of the objectives of the emerging policy CS1 would be delivered as a result of this scheme and the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Councils identified 5 year supply of housing land. Furthermore, the previous scheme, which comprised entirely B1, B2 and B8 development, in accordance with the Local Plan allocation, has been demonstrated to raise viability issue and in order to ensure that the site is delivered with the necessary infrastructure, it is necessary to introduce higher value uses in order to make it economically viable. The delivery of the employment elements of the allocated site should be capable of being delivered as part of the Phase 2 scheme. Although the development cannot provide the full Highways contributions requested by the Strategic Infrastructure Manager, it is considered in the planning balance that the revised contributions are acceptable. The contributions that this scheme will make towards infrastructure improvements, including the A500, Crewe Green Link Road and wider area are considered to be of vital importance to the delivery of “All Change for Crewe” as well as the Development Strategy. It is therefore critical that a viable scheme is put forward. The development of the site for the proposed mix of uses is therefore considered to be acceptable in principle.

### **The Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is contrary to development plan policy E3.2 (Basford East) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

The benefits in this case are: -

- A package of highways contributions (in excess of £3,182,000), which will help deliver a number of highways improvements in the vicinity of the site

- Improvements to existing, and the provision of new, public transport links to Crewe Railway station, Crewe town centre and local villages
- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply
- Contributions towards education of £960,000
- £3,000 towards Barn Owl habitat creation
- POS provision
- The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation
- There is not considered to be any drainage implications raised by this development
- The proposed highways contribution would mitigate the highways impact and the overall impact would be neutral
- The impact upon trees and hedges is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

Balanced against the above must be the loss of an area agricultural land. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It will be necessary for the Phase 3 application to bring forward further employment opportunities and the further objectives of the allocation within the emerging Development Plan.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies.

## **RECOMMENDATION**

### **Approve subject to the completion of a Section 106 Agreement**

Heads of Terms:

- £2,572,000 towards the improvement of Strategic Highways Infrastructure (Crewe Green Corridor and/ or A500 improvements and or Crewe Green Link Road and the A5020 Weston Gate Roundabout improvement)
- £345,000 to support a new bus service to the development; a condition is requested that if the adjacent site is delivered than this would be reduced to £175,000
- £225,000 to deliver pedestrian and cycleway improvements to cross the Crewe Green Link Road, including towards the design and delivery of a new bridge.
- £40,000 to contribute towards a scheme of traffic management / calming measures in the Village of Weston.
- £960,000 to primary education
- Provision of 10% affordable housing – subject to review of sales values during the life of the development.
- Provision of public open space to be transferred to a Management Company
- £3,000 for Barn Owl habitat creation.

**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 (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee’s decision.**

**Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

Application for Outline Planning

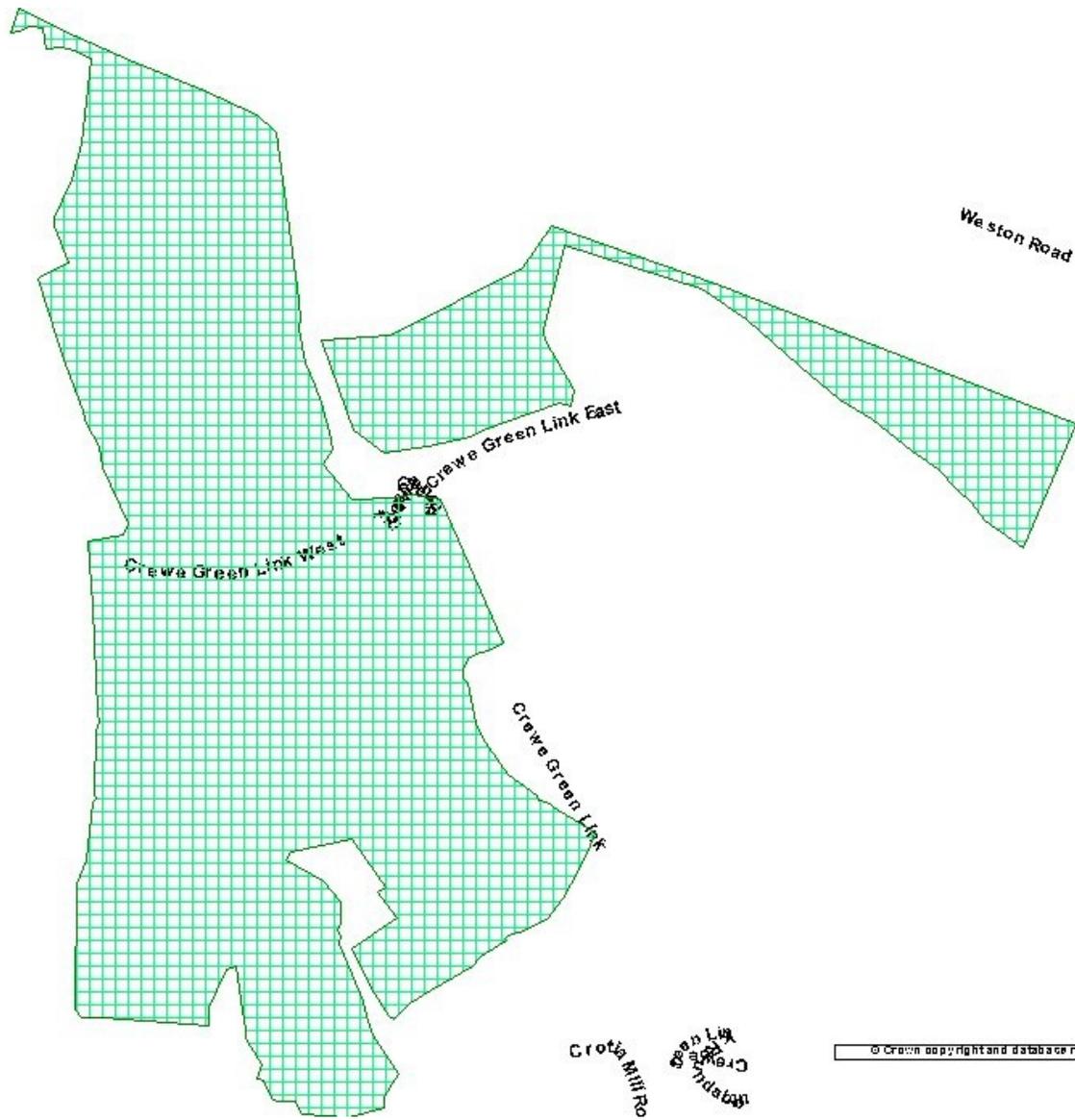
RECOMMENDATION:

1. Construction of access
2. Vehicular visibility at access to be approved
3. Submission of construction method statement
4. Standard outline (Phased)
5. Finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level.
6. Development to be carried out in accordance with the approved Flood Risk Assessment
7. A scheme to demonstrate appropriate flood resilience measures to the proposed development to be submitted and approved
8. All residential dwellings to be located in Flood Zone 1

9. No development shall commence on any phase until a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase has been submitted to and approved in writing
10. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing
11. A scheme for the disposal of foul and surface waters for the entire site to be submitted to and approved in writing
12. No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation
13. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
14. A Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority, followed by any necessary remediation.
15. Submission, approval and implementation of a scheme of odour / noise control for the restaurant/public house.
16. Submission, approval and implementation of travel plan
17. Scheme to minimise dust emissions arising from demolition / construction activities on the site to be submitted to and approved in writing by the Local Planning Authority.
18. Details of electric vehicle infrastructure to be installed within that phase shall be submitted to and approved in writing by the LPA.
19. Standard time frame - 3 years
20. A detailed landscape scheme should be submitted for approval prior to commencement on site
21. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
22. Management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works
23. A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works
24. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA
25. Submission / approval / implementation of footpath surfacing / lighting
26. Drawing numbers
27. Bin storage
28. Details of trees and hedgerows to be retained to be provided
29. Phasing plan to be submitted

30. Details of land to be provided for footbridge across spine road to be submitted as part of the Reserved Matters application
31. Details of boundary treatment to be submitted prior to commencement.
32. Individual Travel Plans shall be developed for all commercial occupants and residential properties with the aim of promoting alternative / low carbon transport options for staff, patrons and residents.
33. Low emission strategy including a timetable for implementation for that phase to be submitted to and approved in writing by the LPA.
34. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or fabric first
35. Ground levels to be submitted
36. Protection of breeding birds
37. Provision of bird boxes
38. Times of Piling
39. Hours of construction/noise generative works
40. The scheme is to include provisions for ventilation that will not compromise the acoustic performance of any proposals
41. Any mitigation shown as part of the report must achieve the internal and external noise levels defined within BS8233:2014 and / or industrial noise levels where complaints are considered unlikely as defined in BS42142:2014.
42. Further mitigation is to be provided in areas to the south of the site to enhance the noise environment in outdoor areas of residential properties. This should be achieved in the form of acoustic fencing and designed to reduce noise levels.
43. Detailed layout to show that housing units are not located in the area to north where the noise modelling has indicated that industrial noise levels are unacceptable.
44. Noise mitigation proposals to be submitted for approval with the reserved matters planning application.
45. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy
46. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority.
47. Development shall not begin until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.
48. Details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority
49. No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of white-clawed crayfish and associated habitat during construction works and once the development is complete.

50. Provision and management of a large undeveloped buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority
51. Reserved matters application to be supported by an updated protected species assessment and mitigation strategy.
52. Habitat creation proposals for the triangle shaped red line land located to the east of the link road and to the south of the railway line, including woodland planting, to be submitted with future reserved matters application.
53. Ecological mitigation ponds not to be utilised as part of a drainage/SUDs scheme.
54. Reserved matters application to be supported by a Construction Environment Management Plan.
55. Reserved matters application to be supported by a strategy for the safeguarding of the brook.
56. Reserved matters application to be supported by a habitat management plan to be implemented in perpetuity.
57. Toucan crossing to be delivered through a S278 Agreement



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Crewe Green Link  
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