

Application No: 18/5040N

Location: Land At Mill Street And, Lockitt Street, Crewe

Proposal: Hybrid Planning Application comprising (1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing structures and (2) Outline Planning Application with all matters reserved except for access for the erection of up to 70 dwellings with associated infrastructure.

Applicant: M Freeman, Clowes Developments (North West) Limited

Expiry Date: 10-Jan-2019

## **SUMMARY**

The proposal is compliant with Cheshire East Local Plan Policy LPS1 & Saved Crewe and Nantwich Local Plan Policy S12.2 in terms of pure land use as it seeks to provide retail and housing. However the proposal does not comply with the more specific policy requirements of Policy LPS1 in providing a high quality development.

The benefits of the proposal would be the regeneration of this current derelict/brownfield site, the boost to the economy and job creation through the retail element, the provision of affordable housing and the limited economic benefits during construction.

The development would have a neutral impact upon, trees, ecology, flooding, living conditions, design contaminated land. The highway impacts are undetermined at present.

The dis-benefits would be the poor car dominated design which would not make any reference to the existing character/appearance of the area, does not adequately reflect the railway heritage, does not provide adequate/meaningful green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre.

Applying the tests within paragraph 11 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

## **RECOMMENDATION**

**REFUSE**

## PROPOSAL

This is a hybrid planning application comprising:

- 1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing structures
- 2) Outline Planning Application with all matters reserved except for access for the erection of up to 70 dwellings with associated infrastructure.

## SITE DESCRIPTION

The site consists of a 3.59 hectare area comprising of a mixture of partly occupied single storey general industrial, warehouse buildings and is bound to the north and east by railway lines filtering into Crewe railway station, to the south by residential properties and to the west by Mill Street with a further mix of residential and commercial properties.

The application site excludes the existing Wickes DIY store and a landscaped area to the south of this building.

The site is allocated as within the settlement boundary, an air quality improvement area, hazardous installation buffer zone and has a site specific designation under Policy LPS1 of the Cheshire East Local Plan.

The site is also allocated under saved Policy S.12.2 of the Crewe and Nantwich Local Plan as a mixed use regeneration area and also forms part of the area covered by the Crewe Rail Gateway Adopted Development Brief.

## RELEVANT HISTORY

17/5016N – Hybrid planning application comprising (1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing buildings and structures; (2) Outline Planning Application with all matters reserved except for access for the erection of up to 53 dwellings with associated infrastructure – refused 08-Feb-2018 for the following reasons:

- 1) *The proposed development by reason of design and siting away from the road frontage would be contrary to the existing pattern of development, would not reflect Crewe's railway heritage, would not provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre. The proposal would therefore fail to provide a high quality or attractive environment and would be contrary to Policies SE1, LPS1, SD1, SD2, SE6 of the Cheshire East Local Plan, Saved Policy S12.2 of the Crewe and Nantwich Local Plan, The Cheshire East Design Guide SPD, Crewe Rail Gateway Adopted Development Brief and the NPPF.*
- 2) *Insufficient information has been provided to inform an assessment of the highway impacts of the proposal. The submitted Transport Assessment does not assess the impact upon the local highway network including the junction of Mill Street/Nantwich Road which is within the Infrastructure Delivery Plan. The proposal is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East),*

*SD2 (Sustainable Development Principles), CO4 (Travel Plans and Transport Assessments) of the Cheshire East Local Plan Strategy and the NPPF.*

P07/0639 – Outline Application for Mixed Use Development Comprising Residential, Employment and Retail, New Pedestrian/Cycle Link and Associated Car Parking, Landscaping, Servicing and Access – Approved 24th Mar 2010

P06/0876 – Outline Application for Mixed Use Development Comprising Housing (Class C3), Employment (Class B1) and Retail (Class A1) uses, New Pedestrian/Cycle Link through Site and Associated Car Parking, Landscaping, Servicing and Access

P06/0730 – Screening for mixed use development – EIA Not required 19th July 2006

P05/0651 – Construction of Class A1 Units for Bulky Goods Retailing, Trade Counter Units and A3/ A4/A5 Units with Associated Car Parking and Servicing – Withdrawn 28th June 2005

P05/0735 – EIA Screening Opinion for Erection of Class A1 Units For Bulky Goods Retailing, Trade Counter Unit and A3/ A4/ A5 Unit with Associated Car Parking and Servicing – EIA not required 6th June 2005

P04/0967 – Erection of a Class A1 Retail Unit with Associated Car Parking and Servicing – Withdrawn 19th October 2004

## **DIFFERENCE TO THE REFUSED SCHEME**

The current proposal seeks the following changes to the refused scheme:

- Siting the smaller A3 coffee shop unit closer to the road frontage, previously set back in line with the main buildings
- Slight alteration to design of the retail units to attempt to incorporate features reflecting Crewe's railway heritage
- Increase in housing numbers to up to 70 and 100% affordable, previously up to 53 dwellings and 30% affordable
- Indicative plan showing fewer number on residential properties which would not be in apartment blocks, previously indicated individual housing units
- Further justification for the layout of the proposal
- Changes to cycle/footpaths and landscaping

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development

124-132 Achieving well-designed places

59-72 Delivering a sufficient supply of homes

80-82 Building a strong, competitive economy

85-90 Ensuring the vitality of town centres  
117-121 Making effective use of land

## Development Plan

### **Cheshire East Local Plan Strategy – Adopted Version (CELPS)**

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

MP1 – Presumption in Favour of Sustainable Development  
PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG7 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SE5 – Trees, Hedgerows and Woodland  
SE 1 – Design  
SE 2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE 5 – Trees, Hedgerows and Woodland  
SE12 – Pollution, Land Contamination and Land Instability  
SE 13 – Flood Risk and Water Management  
SE 6 – Green Infrastructure  
SE7 – The Historic Environment  
IN1 – Infrastructure  
IN2 – Developer Contributions  
EG1 Economic Prosperity  
EG5 – Promoting a Town Centre First Approach to Retail and Commerce  
LPS1 – Central Crewe  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments

### **Crewe and Nantwich Local Plan**

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
S1 (New Retail Development in Town Centres)  
S12 (Mixed Use Regeneration Areas)

**Supplementary Planning Documents:**

Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Development on Backland and Gardens  
Crewe Rail Gateway Adopted Development Brief  
The Cheshire East Design Guide SPD  
Crewe Hub Station Area Action Plan (CHSAAP at preparation stage)  
Draft Crewe Town Centre Strategy 2012  
Crewe Town Centre Regeneration Delivery Framework for Growth 2015  
HS2 Masterplan.

**CONSULTATIONS**

**CEC Highways:** No comments received at the time of writing the report

**CEC Flood Risk Manager:** No comments received at the time of writing the report

**CEC Environmental Health:** No objection subject to conditions/informatives requiring acoustic mitigation, construction environmental management plan, working hours for construction sites, electric vehicle charging points, dust and contamination

**CEC Education:** No comments received at the time of writing the report

**CEC Housing:** No objection

**CEC Public Rights of Way:** No objection

**CEC Open Space:** The proposed small pockets of landscaping provide a visual amenity, but offer little useful open space. The plan still does not address the need for a minimum of 40m<sup>2</sup> per dwelling combined amenity green space and children and young person provision in line with Table 13.1 contained within CELP Policy SE6.

If the design remains in its current layout a contribution to mitigate its impact of the development of £3,000 per family dwelling or £1,500 per bed space in apartments for off site provision to be used at Westminster Street.

**NHS:** No objection subject to contribution to support the development of Millcroft and Earnswood Medical Centres

**United Utilities:** No objection subject to drainage conditions and advising the applicant contacts UU Property Services team to discuss how the proposals may interact with the easement

**Environment Agency:** No objection subject to condition requiring a remediation strategy, verification report and piling. A number of advisory notes are also offered to the applicant most notably regarding the culvert on site

**HS2:** No objection

**HSE:** No comments received but comments for the initial application raised no objection but advisory notes offered to the applicant

**Cadent Gas:** No objection but advisory notes offered to the applicant

**Network Rail:** Advisory notes offered to the applicant

## **VIEWS OF THE PARISH/TOWN COUNCIL**

**Crewe Town Council** – The Town Council supports the principle of this development, subject to the following modifications to its detail:

- Improvements to the building facades with higher quality materials reflecting local vernacular, for example using red brick on the end elevations.
- Ensuring good access for disabled customers with provision for mobility scooters
- A denser planting scheme with as many trees as possible. Where necessary to protect pedestrian safety standard or heavy standard trees should be used within the car park to ensure visibility. The scheme should include plant varieties suited to absorbing traffic pollution
- The inclusion of electric vehicle charging points
- Creating a more attractive, direct, safe and user friendly footpath and cycleway across the site as part of the route from the station to the town centre.

The Town Council stresses the importance of the last point.

## **REPRESENTATIONS**

Letters received from 20 households regarding the following:

### **Support**

- Regeneration and market choice
- Affordable homes
- Employment opportunities
- Would limit antisocial behaviour
- Heritage features and re-use of existing bricks is supported

### **Objection**

- Proposal is a threat to the ability to successfully implement the Royal Arcade development.
- Policy LPS1 is out of date
- Sequential and impact tests required
- Transport assessment not adequate
- Proposal will make worse existing traffic issues
- Poor pedestrian and cycle links
- Impact on air quality
- Impact on health
- Too many houses proposed
- Coffee shop not needed

## **APPRAISAL**

## Principle of Development

The site is within in the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The site also has site specific designations under Policy LPS1 of the Cheshire East Local Plan and saved Policy S12.2 of the Crewe and Nantwich Local Plan. These policies in essence seek to encourage the regeneration of the site by providing a mixed use scheme.

The Crewe town centre boundary is defined on the Proposals Map in the 'saved' Borough of Crewe and Nantwich Replacement Local Plan 2011. Where the site is located outside the Crewe town centre boundary and within site S12.2 – Mill Street, Policy S12.2 states that the site may be suitable for a variety of uses, including employment, sui generis and retailing.

Points 1 and 14 of Policy LPS1 support the delivery of retail and housing (at approximately 40 dwellings per hectare for housing). The current proposal seeks to provide retail and housing and as such proposes the delivery of a mixed use scheme on the site. The number of houses proposed is up to 70 which more or less complies with the dwellings per hectare requirement for the housing element which equates to approximately 1.3 hectares of land (total site area including retail is 3.6 hectares). As a result the proposal is considered to be consistent with Policy LPS1 in terms of pure land use.

However it is not considered that the development fully meets the other requirements of Policy LPS1, to deliver high quality regeneration of the town, incorporating new and the improvement of existing green infrastructure or Policy SE 1 Design:

Point 14 of the Policy LPS1 requires the creation of pedestrian and cycle links to the railway station and the town centre. It is noted that the application does propose to include links which have been amended from that originally provided however the links do not integrate into the site rather than skirt around it. The route to the south of the site would appear visually separated from the proposal as it appears to stop short leaving a very small gap to the section of the site running parallel with Wesley Place. Therefore it is not considered to create a safe and secure route between the railway station and the town centre and could in fact encourage antisocial behaviour given the enclosed alley to be created. Therefore it is not considered that the proposed pedestrian and cycle routes would encourage the use of such routes by cyclists and pedestrians. It also fails to show any connection within the site between the retail and housing scheme with no integration between the two.

Points 8 and (e) of the Policy LPS1 requires that green infrastructure should be provided, to reflect The Green Infrastructure Action Plan for Crewe, including the creation of greenspaces and those linking green infrastructure, along with '...safe and secure pedestrian and cycle routes should be integrated into any development proposals.' It is not considered that the proposal achieves this and it misses an important opportunity to create a high quality, attractive, safe, landscaped pedestrian and cycle link between the railway station and the town centre.

Whilst the proposal is a slight improvement on the previous application, in that it provides additional green areas, the small pockets of landscaping offer little useful open space. The plan still does not address the need for a minimum of 40m<sup>2</sup> per dwelling combined amenity green space and children and young person provision in line with Table 13.1 contained within CELP Policy SE6.

In addition to the above requirements, all major employment and other developments should also provide green space as a matter of good design and to support health and well-being. Again although there is some visual amenity space, no provision for staff to relax and enjoy their lunch or take breaks appear to be provided.

Point (a) of the Policy LPS1 requires the creation of stronger physical connections between the town centre, the railway station and Grand Junction. It is considered that development currently proposed does not support, in design terms, connections as intended by the policy. It is considered that the proposals do not meet the requirements of points (d) and (e) of Policy LPS1 or Policy SE1 Design, with regard to high design quality and the provision of green infrastructure. The site lies in a highly prominent location, on a key route into and out of the town centre. Its layout and design should therefore reflect its location. The proposal is however dominated by and includes a vast expanse of car parking, adjacent to the highway, with very little landscaping/additional green infrastructure proposed with most of the buildings being set well back from the road frontage. Whilst the revised plans have sited the smaller unit 3 (drive through coffee) closer to the road frontage, this does little to address the concern raised in the previous application in that the site would be heavily dominated by parked cars. Given that the main larger buildings would remain sited towards the rear of the site, well away from the road frontage it is not considered that the amended layout would reflect the existing character of the area where properties are sited in predominantly uniform build lines fronting the road and would not therefore result in a high quality or attractive environment, nor would it provide an active frontage to Mill Street.

Point (d) of Policy LPS1 advises that 'new buildings should be of high quality design and respond to Crewe's railway heritage and contemporary living'. Whilst the proposal does seek to incorporate railway arches as is seen at the nearby Tesco store this is not considered to be high quality design and merely mimics an existing low quality feature. No attempt had been made to reflect red brick character of the area/heritage aspects. It is also questioned as to how the proposal would provide contemporary living as this is shown as being sited directly adjacent to the railway which would result in poor outlook to future occupants and the need have mechanical ventilation to off-set noise and potential fumes from the railway which would not result in the creation of a quality environment for future occupiers. Whilst the housing element of the proposal is only submitted in outline form, it is not considered that the location of the housing would change as the retail elements utilise the remainder of the site leaving no alternate location for the housing other than the space backing onto the railway.

As a result whilst the proposal appears acceptable in principle from a pure land use perspective the design of the proposal is not considered to make any reference to the existing character/appearance of the area, does not reflect the railway heritage, does not provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre.

Further site specific details of design, amenity and highway safety etc are explored below.

## **Housing Land Supply**

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan. Where a planning application conflicts with an up-to-date development plan (including



any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years. This result will be published in November by the Ministry of Housing, Communities and Local Government (MHCLG).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of an appropriate buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).
- Housing delivery over the previous three years (5,556 dwellings) has exceeded both the Cheshire East adopted housing requirement (5,400 dwellings) and the Local Housing Need figure (3,100 dwellings).

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

## **Affordable Housing**

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

This is a proposed Hybrid outline development of 70 dwellings which according to the application are to 100% Affordable.

The CELP states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 2001. This can be broken down to 901 x one bedroom, 627 x two bedroom, 290 x three bedroom 102 x four bedroom and 81 x five bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually in Crewe is for 50 x one bedroom, 149 x two bedroom and 37 x four+ bedroom dwellings for general needs. The SHMA also

showed a requirement 12 x one bedroom and 20 x two bedroom dwellings for older persons. These can be via ground floor flats, cottage style flats, bungalows and lifetime standard homes.

On this site a mix of 1, 2, 3 and 4 bedroom dwellings would be acceptable, including older persons accommodation. 46 units should be provided as Affordable rent and 24 units as Intermediate tenure.

However as the housing element is an outline form the correct mix of dwellings could be secured as part of a S106 Agreement.

## **Retail Impact**

The site has site specific designations under Policy LPS1 of the Cheshire East Local Plan which is aimed at the regeneration of the area and under point 14, makes reference to this being achieved by 'Up to 5,000 square metres of retail on Mill Street and the creation of pedestrian and cycle links o the railway station and the town centre'.

Given that the site has been deemed an appropriate location for retail development, neither a sequential nor impact test is required for the proposal.

Representations have been received suggesting that policy LPS1 is out of date as the evidence base relied on the retail/housing scheme approved on the site under ref P07/0639. Now that the permission has lapsed it is alleged that there has been a change in circumstances that results in the planning policy reference being 'out of date'. The objection therefore advocates that the applicant at Mill Street should prepare a sequential test in line with Para 86 of the revised NPPF as 'not in a town centre or in accordance with a up-to-date Plan'. The objection also states that the applicant should prepare a impact test in line with para 80 of the revised NPPF along the same lines.

In this case the Council consider that the lapsed permission does not affect the wording of the policy, only the justification, which only formed part of the evidence that informed the development plan process. Developers promoting their development have the right to rely on the development plan policy, unless superseded by a later plan. Circumstances do change over time however the planning permission merely served to bolster the evidence case for the Plan at the time. But the policy was specific i.e. that Mill Street was considered suitable for up to 5,000sqm of retail space. This remains the case today.

## **Open Space**

### **Local Plan Policy SE6 – Green Infrastructure**

The developer has provided an illustrative master plan with indicative housing types and numbers. Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, there is a public open space requirement of 40m<sup>2</sup> per dwelling combined amenity green space and children and young person provision or £3,000 per family dwelling or £1,500 per bed space in apartments for off site provision.

This new application is a slight improvement on the previous application 17/5016N in that it helps to green the urban environment and provides buffer landscaping/planting for the residential units which should help to reduce noise levels from the adjacent railway line albeit marginal.

Small pockets of landscaping provide a visual amenity, but offer little useful open space. The plan still does not address the need for a minimum of 40m<sup>2</sup> per dwelling combined amenity green space and children and young person provision in line with Table 13.1 contained within CELP Policy SE6.

In addition to the above requirements all major employment and other developments should also provide green space as a matter of good design and to support health and well-being. Again although there are some visual amenity space, no provision for staff to relax and enjoy their lunch or take breaks appear to be provided.

Therefore ANSA have advised that a commuted sum will be required for off site provision of Public Open Space specifically for recreational facilities for young people and access improvements on Westminster Street.

There is a small area of green infrastructure to the south west adjacent to the residential area which could possibly support a picnic/seating area for the retail units with additional directional signage from the retail park. There is a pedestrian crossing across Lockitt Street which could link to the path that cuts through the small pocket of green space further linking to the pedestrian/cycle blue route shown on the Cycle Path Options Plan Dwg. 15261. It should be noted that any combined pedestrian/cycle routes should be a minimum of 3m wide. This could provide a small sustainable healthy walking route for employees giving them a green environment to enjoy breaks. Residents may also use this area, but is no substitute for the space required by policy.

Both the Open Survey and Green Space Strategy identifies central/southern Crewe has poor access to good quality amenity green space and a shortage in provision and accessibility to children's facilities therefore at least some of that requirement should be provided on site.

#### Local Plan Policy SC2 - Indoor and Outdoor Sport Facilities

ANSA have advised that a commuted sum for Recreation and Outdoor Sport will be waived as the benefits of improvements on Westminster Street from the commuted sum for POS outlined above are considered sufficient to cater for the increase in demand created by this development.

### **Education**

No comments have been received from the education department at the time of writing the report. Full comments will be provided in the update report. However it is expected that a housing development of the size proposed would require a contribution towards education which could be secured by way of section 106 agreement.

### **Health**

The South Cheshire Commissioning Group (SCCG) have devolved powers to act on behalf of the NHS. In this instance they have requested a contribution of £51,480 to support the development of Millcroft and Earnswood Medical Centres

Having considered the contents of the response from the SCCG, officers are satisfied that the requested contribution of £51,480 is CIL compliant subject to confirmation of the exact number of houses to come forward, therefore a calculation will be used in any 106 rather than the specified amount which would change depending on final housing numbers. This is because the NHS plan is at an advanced stage.

The comments from the SCCG also provides calculations of how the requested contribution was derived and a specific scheme has been noted as to where the money will be spent which is to support the existing medical practice.

As a result the contribution is considered to be both reasonable and necessary and should be secured by way of section 106.

### **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

In this instance no such assessment has been provided with the application. However the site is located right on the edge of the town centre where the full town centre services/facilities could be assessed within a 5 minute walk.

As a result the application site is considered to be locally sustainable

### **Residential Amenity**

The main residential properties affected by this development are properties to the west on Mill Street and to the south on Wesley Place and Waverley Court.

The closest building Unit 1, would be sited 35m to the nearest facing windows of the closest property on Wesley Place to the south. This distance is sufficient to prevent any significant harm through overbearing impact, overshadowing or loss of privacy. The proposed car parking area would be sited 4m from the rear boundaries of properties on Wesley Place. The plans show that a green strip would be provided at this location which could be used to screen the car park and this could be secured by condition. There is likely to be some noise and general disturbance from its use but this would also be the case from the existing lawful use of the site. Similarly the opening hours of the units could be secure by condition to prevent use of the units during unsocial hours.

The units would be sited 50m to the nearest facing windows of Waverly Court to the south and 70m to properties on Mill Street to the West. These distances are considered sufficient to prevent significant harm to living conditions. Again any issues of noise and disturbance could be limited by planting condition restricting the opening hours of the units.

Environmental Protection have also raised no objections subject to conditions regarding acoustic mitigation, construction environmental management plan, working hours for construction sites, electric vehicle charging points, dust and contamination.

As a result it is not considered that the proposal would cause significant harm to living conditions of neighbouring properties.

### **Contaminated Land**

As part of the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

## Highways

No comments from the Highway Engineer were received at the time of writing the report. These will be provided in the update report.

However the proposal seeks to utilise an existing access point off Lockett Street and adequate parking and turning areas are provided.

## Trees

The site is void of any significant tree coverage owing to its former uses. There is a planting buffer to the north-eastern boundary where the housing for the outline scheme would be located. It is possible that these could be retained and this would be addressed at reserved matters stage.

In terms of the remainder of the site for the full application there are some limited trees sited towards the central southern boundary however none are considered to be worthy of formal protection and there visual contribution is limited given the siting inside the site behind existing buildings.

The Councils tree officer has also advised that the proposal represents no arboriculture implications.

However the re-development of the site is considered to be an opportunity to increase planting/landscaping around the site which could be secured by condition.

As a result no significant impact to existing landscape features and the proposal is considered an opportunity to increase planting at the site.

## Design

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 area consists of predominantly residential properties but with some scattered commercial premise on Mill Street. The pattern of built form to the west of Mill Street sees properties sited in a row of ribbon development, fronting the road, with a predominantly uniform build line with a small green gap opposite the application site. The pattern of built form to the east consists of substantial green gaps with buildings set slightly further back from the road but still fronting it, but again the build line remains consistent until the gap to the road decreases towards the Mill Street/Nantwich Road junction.

As a result this particular location on Mill Street is characterised by properties with a strong road frontage and uniform build lines and large green gaps. The proposal however would not respect this existing

character as it seeks to site the larger buildings well back from the existing build line by approximately 90m with the creation of a large car parking area fronting the road.

Whilst the revised plans have sited the smaller unit 3 (drive thru coffee) closer to the road frontage, this does little to address the concern raised in the previous application in that the site would be heavily dominated by parked cars. Given that the main larger buildings would remain sited towards the rear of the site, well away from the road frontage it is not considered that the amended layout would reflect the existing character of the area where properties are sited in predominantly uniform build lines fronting the road.

The proposal would therefore result in a site that would be dominated by car parking with little active frontage onto Mill Street and would not result in a high quality or attractive environment. The site also faces Union Street Baptist Church which is a grade II Listed Building and would therefore have a negative impact on its setting.

There was previous planning permission granted on the site under reference P07/0639 (now expired) for a mixed use development comprising residential, employment and retail, new pedestrian/cycle link. Not only did this scheme provide a mixed use development with a pedestrian link as required by Policies LPS1 & S.12.2, but the buildings were also sited closer to the road frontage which respected the existing build line to surrounding buildings and the main parking area was sited behind the frontage. This was considered acceptable as it followed the established build line and provided a landscape area to the road frontage, giving an active frontage to Mill Street.

This is in contrast to the current proposal which would be predominantly dominated by car parking, lacks green spaces and whilst a pedestrian link is proposed through the site, this is through the proposed car park and does not give any priority to pedestrians and would have potential to provide conflict between pedestrians and users of the car park thus not providing a safe pedestrian link.

The perceived constraints on the site as noted by the applicant are shown on the plan below.





Even if the issue of the water main/easement could not be overcome there would be room for some further/larger built form to be sited at the road frontage which would better respect the existing pattern of built form than current being proposed by providing a strong road frontage. Again this was referenced in the earlier approval. Indeed the proposed housing could front the road rather than being placed to the rear of the site, so clearly the proposal as put forward is not the only possible way in which the site could be developed as the submission would suggest.

Finally the applicant also argues that an arrangement on site with the buildings in close proximity to the road with parking to the rear will not work on a commercial basis as customers don't want to park at the rear and wish to see their vehicles during their shop. The Council advised during lengthy pre-application discussions that a compromise scheme may be possible with the larger building or some housing sited along the road frontage and some reduced scale parking however this option has not been taken advantage of by the applicant. Similarly the Council do not consider that the operational desires of the applicant should come at the expense of the overall design quality of the scheme.

Therefore it appears the layout has been planned around the applicants aspirations for the site rather than responding to the site and local context.

As a result the proposal would result in a harmful visual impact on the character/appearance of the area and is considered to be an opportunity missed and would be contrary to design policy SE1 and would severely restrict the ability of the site to meet the objectives of policies LPS1 & S.12.2.

### Ecology



There are no habitats on site that would be considered to be a priority for nature conservation, however the more undisturbed previously developed plots are revegetating and so have some biodiversity value. The development of this site would result in the loss of much of the regenerating habitats.

Under Local Plan Policy SE3 all development proposals, including those on brown field sites, should deliver an overall gain for biodiversity.

The Councils Ecologist suggests that this policy requirement could be achieved by providing green/brown roofs on the larger two of the proposed units. The roofs could be designed to mimic the existing short ephemeral/perennial vegetation that is developing on the vacant plots. In fact existing material from the site could be used to create suitable conditions on the roofs.

Green roofs are also promoted as part of sustainable design by the CEC Design Guide SPG.

Should the application be approved conditions would be recommended requiring proposals for the incorporation of green roofs into the proposed development and a condition to safe guard nesting birds.

Therefore subject to condition no significant impact from an ecology perspective.

## **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. However as the site is over 1 hectare a Flood Risk Assessment (FRA) is required and one has been submitted with the application.

The FRA has reviewed all sources of flood risk to both the proposed development and to existing adjacent developments as a result of the proposals, including fluvial, tidal, pluvial, groundwater, sewers and flooding from artificial sources.

The primary option for surface water disposal is via attenuation and subsequent connection into the local watercourse, Valley Brook. The discharge rate and point of connection are subject to formal agreement with the Environment Agency and Lead Local Flood Authority.

Foul Water is proposed to be discharged unrestricted to the public foul sewer network situated along Lockitt Street, again this will be subject to agreement with United Utilities.

The development is accessible for emergency access and egress during times of extreme flooding as the flood plain does not extend into the area proposed for development.

The Environment Agency have been consulted as part of the application and have raised no objection subject to advisory note to the applicant reminding them that under the Environmental Permitting (England and Wales) Regulations 2016, a permit may be required from the Environment Agency for any proposed works or structures over the culvert.

United Utilities have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage and advisory noted suggesting that the applicant contacts UU Property Services team to discuss how the proposals may interact with the easement. The Councils Flood Risk team have also been consulted however no response has been received at the time of writing the report. These comments will be provided in the update report.

These conditions requested by The Environment Agency and United Utilities are considered both reasonable and necessary and can be added to any decision notice.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

### **Economic/Social**

With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits to Crewe including additional trade for local shops and businesses, jobs in construction, employment and regeneration from the retail uses (supported statement advises that 75 full time equivalent jobs would be created) and economic benefits to the construction industry supply chain.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 the needs for open space to be provided at 40m<sup>2</sup> per dwelling combined amenity green space and children and young person provision per family dwelling or £3,000 per family dwelling or £1,500 per bed space in apartments. Therefore a commuted sum will be required for off site provision of Public Open Space specifically for recreational facilities for young people and access improvements at Westminster Street.

The proposal would result in increased demand for medical care usage in Crewe. Evidence has been put forward by the SCCG that a contribution of £ 51,480 to support the development of Millcroft and Earnswood Medical Centres. Given that the proposal is up to 70 dwellings the formula provided by the NHS would be used rather than a precise amount. The NHS plan is also at an advanced stage and calculations of how the requested contribution was derived has been provided and has been linked to the expansion of the existing medical practice. This is considered to be necessary and fair and reasonable in relation to the development.

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

### **OTHER**

The majority of representations have already been addressed in the main report above. However a few concerns require addressing.

Comments also suggest that too many houses are being proposed on the site and that a further coffee shop is not needed. In response the Council has a duty to consider any application as put before them.

Impact of the proposal on health has also been raised. It is not considered that the proposed mix use housing, retail or coffee shop uses would have any significant impact to human health through the consumption of goods sold.

Finally concern was raised that the development would limit the Councils ability to implement the master plan for the site. Unfortunately the master plan only carries very limited weight as it is only an emerging document at this stage.

## **PLANNING BALANCE**

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

The proposal is compliant with Cheshire East Local Plan Policy LPS1 & Saved Crewe and Nantwich Local Plan Policy S12.2 in terms of pure land use as it seeks to provide retail and housing. However the proposal does not comply with the more specific policy requirements of Policy LPS1 in providing a high quality development.

The benefits of the proposal would be the regeneration of this current derelict/brownfield site, the boost to the economy and job creation through the retail element, the provision of affordable housing and the limited economic benefits during construction.

The development would have a neutral impact upon, trees, ecology, flooding, living conditions, design contaminated land. The highway impacts are undetermined at present.

The dis-benefits would be the poor car dominated design which would not make any reference to the existing character/appearance of the area, does not adequately reflect the railway heritage does not provide adequate/meaningful green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre.

Applying the tests within paragraph 11 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

## **RECOMMENDATION:**

**Refuse for the following reason:**

- 1. The proposed development by reason of design and siting of the main/larger buildings away from the road frontage would be contrary to the existing pattern of development, would not adequately reflect Crewe’s railway heritage, would not provide adequate green spaces and**

would not provide safe/adequate pedestrian and cycle links to the railway and town centre. The proposal would therefore fail to provide a high quality or attractive environment and would be contrary to Policies SE1, LPS1, SD1, SD2, SE6 of the Cheshire East Local Plan, Saved Policy S12.2 of the Crewe and Nantwich Local Plan, The Cheshire East Design Guide SPD, Crewe Rail Gateway Adopted Development Brief and the NPPF.

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

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>																		
<b>Affordable Housing</b>	100% Tenure to be provided as part of an update.	In accordance with phasing plan.																		
<b>Health</b>	<p>Contribution to support the development of Millcroft and Earnswood Medical Centres using the below formula:</p> <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	<p>50% Prior to first occupation 50% at occupation of 35th dwelling</p>
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5 bed unit	4.8 persons	£1,728 per 5 bed unit																		
<b>Public Open Space</b>	<p>Provision of Public Open Space of 40m2 per dwelling combined amenity green space and children and young person provision for off site provision for recreational facilities for young people and access improvements on Westminster Street as follows;</p> <p>£3,000 per family dwelling</p> <p>£1,500 per bed space in apartments for off site provision.</p>	<p>50% Prior to first occupation 50% at occupation of 35th dwelling</p>																		

