

Application No: 12/1959N

Location: LAND NORTH OF A500 OFF CREWE ROAD BASFORD WEST DEVELOPMENT SITE, CREWE, CHESHIRE

Proposal: Outline Planning Application for the Erection of a Building to use within Use Class B8 (Storage and Distribution) / B2 (General Industrial and B1 (Light Industrial/Office) with Ancillary Offices, Construction of Access Roads, Ecological Mitigation Works and Associated Structural Landscaping and Car Parking

Applicant: GOODMAN

Expiry Date: 16-Aug-2012

SUMMARY RECOMMENDATION:

Approve subject to

(1) completion and signing of section 106 Agreement to secure the use of the extension of the following provisions of the Section 106 agreement for the previously approved site to the current application site:

- Identification of phased landscaping and wildlife mitigation areas and measures on land within and adjacent to the application site including timetable for all ecological works;
- Framework ecological plan;
- Southern boundary scheme for wildlife and landscape mitigation;
- Management agreement for 15 years;
- Mitigation measures for great crested newts, bats and badgers also provision of bird boxes;
- Timetable for implementation of ecological works and 15 year management plan;

(2) conditions.

MAIN ISSUES:

**Principle of Development
Air Quality
Amenity
Archaeology
Design
Drainage
Waste and Recycling
Highways
Rail Links
Right of Way
Ecology**

Landscape Issues

REFERRAL

This application is to be determined by the Strategic Board because the proposal is for more major development exceeding 2 hectares on a strategic employment site.

1. SITE DESCRIPTION

The Basford West Development site is that area of land bounded by houses on Crewe Road, Shavington to the west, Gresty Road to the north, the West Coast Main Line to the east and the A500 to the south. The land at the rear of the houses on Crewe Road forms part of the ecological mitigation areas rather than the development site itself. The area as a whole comprises 53 ha of former agricultural land and is allocated within the Local Plan for employment development. The part of the site to which this application relates is a triangle of land, approximately 6.14ha in area in the south east corner of the site.

Outline planning permission was granted for employment development in May 2008 and site works have now commenced. However, the triangle to which this application relates was excluded from that permission, despite forming part of the Local Plan allocation, due to being within a different ownership at the time. The land has subsequently been bought by the owner of the previously approved part of the site.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of a building for use within use Class B8 (storage and distribution); B2 (Manufacturing) and B1 (light industrial / office) and with ancillary

offices, construction of access roads, ecological mitigation works and associated structural landscaping and car parking. All matters of siting, external appearance, landscaping and access are reserved for subsequent approval.

Whilst the proposals involve an increase in total developable area of the Basford West employment site as a whole, there is no proposed increase to the overall gross floor area of B1, B2 and B8 uses above the thresholds agreed as a part of the outline planning permission for the wider Basford West site.

It is proposed to deliver 4,578sq.m of B1 uses, 18,326sq.m of B2 uses and 120,770sq.m of B8 uses across the wider Basford site and this application site. A comparison of the indicative land uses confirms that the current scheme when taken cumulatively with the approved portion of the site is actually 67sq.m. below the agreed B1 threshold, 254sq.m below the agreed B2 threshold and is at the same level as the B8 land use threshold as defined in the outline planning permission for the previously approved site.

3. RELEVANT PLANNING HISTORY

P03/1071 Outline permission for Warehousing and Distribution (B8), Manufacturing (B2), and Light Industrial/ office (B1) Development, Construction of access roads, footpaths, and rail infrastructure, importation of soil materials, heavy good vehicle and car parking and landscaping and habitat mitigation including Environmental Statement. Approved (subject to S106) 13th May 2008.

P06/1234 Ten Great Crested Newt Mitigation Ponds and associated ecological works. Approved 17th January 2007.

P08/0801 Creation of Bat Barn and associated ecological works. Approved 7th August 2008.

P08/1054 Substation and associated works. Approved 3rd November 2008.

P08/1091 Screening opinion for enabling works Environmental Impact Assessment not required. 23rd October 2008

P08/1258 Reserved matters for ground works for spine road, drainage, balancing ponds, plot formation, structural landscaping, public art, (with ecological assessment, lighting strategy, construction management plan, flood risk assessment).

09/1480N Reserved Matters for B8/B2 unit with ancillary offices, security gatehouse and associated car parking and landscaping. Approved 2010

4. PLANNING POLICIES

The development plan for this area includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities
DP5 Managing Travel Demand
DP7 Promote Environmental Quality
DP9 Reducing Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
W2 Locations for Regionally Significant Economic Development
RT2 Managing Travel Demand
RT3 Public Transport Framework
RT4 Managing the Highway Network
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM3 Green Infrastructure
EM5 Integrated Water Management
EM11 Waste Management Principles
EM18 Decentralised Energy Supply
MCR4 South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11A Development and Waste Recycling.
Policies in the Local Plan
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.10 New Woodland and Landscaping.
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
BE.16 Development and Archaeology
E.3 Regional and Strategic Employment Allocations at Basford
TRAN.3 Pedestrians
TRAN.5 Provision for Cyclists
TRAN.6 Cycle Routes
TRAN.9 Car Parking Standards
TRAN.11 Non- Trunk Roads.

Other Material Considerations

Basford West Development Brief approved by Crewe and Nantwich Borough Council April 2004

National Planning Policy Framework

5. OBSERVATIONS OF CONSULTEES

Environment Agency

The Environment Agency has no objection in principle to the proposed development but would like to make the following comments.

- The submitted Flood Risk Assessment (FRA), ref. BMW/139/FRA-M dated May 2012 from BWB Consulting, and the Surface Water Drainage Strategy for the entire Basford West

Development site are acceptable in principle.

- The FRA explains that the discharge of surface water from the proposed development, is to connect into the proposed 'Surface Water Drainage Strategy' for the entire Basford West Development site. This drainage strategy, which was designed in 2008, included the application site.
- Request that the following planning conditions are attached to any planning approval.
 - No development approved by this planning permission shall take place until such time as; the 'Surface Water Drainage Strategy' for the entire Basford West Development site, has been constructed
 - Prior to the commencement of development, a scheme for the provision and management of an undeveloped buffer zone alongside the ditch to the south of the development shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
 - *plans showing the extent and layout of the buffer zone*
 - *details of any planting scheme (for example, native species)*
 - *details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term*
 - *details of any footpaths, fencing, etc.*

Fire Authority

- Access and facilities for the fire service should be in accordance with Document B of the Building Regulations
- Applicant is advised to submit details of water main installations so that fire hydrant requirements can be assessed
- A fire risk assessment should be considered
- The refuse area should be safe and secure
- Recommend fitting of domestic sprinklers

Natural England

- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species
- The protected species survey has identified that the following European protected species may be affected by this application: Bats & Great crested newts.
- Permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats and great crested newts

Highways

- No comments received at the time of report preparation.

Environmental Health

- The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
- Should there be a requirement to undertake “floor floating” the process of mechanical smoothing of concrete to a floor area these operations are restricted to: Monday – Friday 07:30 – 20:00hrs Saturday 07:30 – 13:00hrs Sunday and Public Holidays Nil
- Lighting details to be submitted and approved
- The predicted noise levels from mechanical services plant will be designed such that the Rating Level (of all mechanical services plant combined) does not exceed the existing background noise level at any neighbouring residential property.
- The noise assessment has assumed that Plot C will be served by HGV’s on the development road. There is an option for a rail served depot on Plot C and if this option is adopted a further noise assessment will be required to determine the effects of rail movements in the day and night-time periods at the nearest residential properties.
- The screening report has reviewed the air quality impacts from the construction and operational phases of the proposed development and the conclusions are accepted.
- Recommend that dust mitigation measures are implemented to ensure dust emissions do not cause any significant off site effects.
- This section has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application is for new commercial properties which are a sensitive end use and could be affected by any contamination present.
 - The applicant has submitted two ground investigation reports, but these reports do not cover the application area. The results of these reports are useful however, and indicate that generally the land is suitable for its proposed use, however some hydrocarbon contamination was encountered adjacent to railway lines.
 - It is considered possible that there may be some contamination adjacent to the railway lines on the application site; in addition there may be the potential for localised contamination/ground gas generation on areas of former ponds on the centre and north of the site. There are also areas of possible former ponds adjacent to the west of the site which may be capable of generating ground gases, should they have been infilled (and depending on the nature of any infill).
 - As such, and in accordance with the NPPF, this section recommends that the standard contaminated land conditions, reasons and notes be attached should planning permission be granted

Public Rights of Way

- It would appear from inspection of the definitive map that Public Footpath No.2 Rope and Public Footpath No.11 Basford will be obstructed by the proposed development
- As there is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant we wish to object to the planning application.
- If, however, the applicant is prepared to apply for a diversion of the route under the Town and Country Planning Act 1990 may consider withdrawing the objection once we have assessed the suitability of the new route.

Mid Cheshire Footpaths Society

- Only one request with respect to the proposed development. Should the application be approved however, we would ask that the developer knows that Basford footpath 11 goes

round the site and it would be good if the northerly portion could be not a pavement at the side of the road but go along the grassed area further away from the traffic.

Network Rail

- The proposal has the following included by the applicant:
 - Swale very close to the boundary with Network Rail land
 - Several wildlife / mitigation ponds with water levels approx 54.0m
- This is of concern because water draining on to the railway can generate operational and safety problems.
- Request that the water features are removed.
- Should the council obviate this request then request that the applicant submit drainage plans and excavation plans for the wildlife pond and the swale and any works along the railway boundary to the Network Rail Asset Protection Team for review and approval.
- There is a Network Rail right of way that is impacted by this proposal.
- Request that no tree planting take place adjacent to the railway
- Request a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary
- Existing fencing / vegetation must not be disturbed
- Buildings / Construction / maintenance works on site must not encroach or oversail onto Network Rail land,
- Where vibro-compaction machinery / piling machinery is to be used in development, details of the use must be submitted to Network rail for approval
- Network Rail requires a minimum 2 metres gap between the building and structures and boundary fencing
- Lighting must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains.
- remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway,
- Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of suitable high kerbs to prevent vehicles accidentally driving or rolling onto the railway

5. VIEWS OF THE PARISH / TOWN COUNCIL

None received at the time of report preparation

6. OTHER REPRESENTATIONS

None received at the time of report preparation

7. APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Lighting Strategy
- Site Investigation Report
- Design and Access Statement
- Report on Access, Drainage and Earthworks
- Ecological Mitigation Statement
- Transport Statement

- Planning Supporting Statement
- Landscape Design Statement
- Soft Landscape Works
- Screening Assessment Letter
- Noise Assessment
- Supplementary Ground Investigation Report

8. OFFICER APPRAISAL

Principle of Development

Policy MCR 4 (South Cheshire) of the Regional Spatial Strategy states, inter alia, that plans and strategies should: support sustainable economic growth in Crewe. It goes on to state that the priority for South Cheshire is to build upon the economic, educational, social, cultural and transport links with neighbouring areas in order that they can benefit from Crewe's potential for sustainable economic growth. Crewe is set to experience significant change up to 2021 with the delivery of the economic development at Basford, the redevelopment of Crewe station and the expansion of Manchester Metropolitan University.

Under policy E.3 of the Borough of Crewe and Nantwich Replacement Local Plan, 55 hectares of land are allocated for development as a Regional Warehouse and Distribution Park at Basford West. The Structure Plan and Local Plan policies require the development to include the provision of appropriate rail sidings with good direct rail access for the transshipment of freight between rail and road as well as or in addition to rail connected warehouse and distribution units. The Borough Council has also published the Basford West Development Brief which was adopted in April 2004.

Under these policies and the Brief the development of Basford West is seen as a site primarily for warehousing and distribution uses but with the option for some land to be used for B2 purposes and the development of a small area of B1 land at the junction of the spine road and A500 at the entrance to the development.

The Development Brief requires the site to be developed with rail served units on the east, adjoining the west coast Main Line; with appropriate HGV access and turning facilities; main road access to be provided as a Boulevard through the centre of the site and linked to Gresty Road in the north and A500 in the south; woodland screening and wildlife habitats along the southern and western boundaries and an attractive gateway development at the entrance to the site from A500.

The site is considered to be "greenfield land". However, there are no objections to the use of greenfield land for employment purposes where this is allocated in the Development Plan for such purposes. With the site being identified for such uses in all development plan documents (RSS and Local Plan) there are no objections to the proposals for such reasons.

Further the NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an

environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

According to the statement, *“in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery.”*

Whilst land is included for B1 and B2 purposes the site is still substantially for warehousing development and there are no objections to the inclusion of a limited number of units for other uses which is consistent with policy. Substantial areas of B1 and B2 land within the application however would conflict with policies which seek to ensure development of the site for a regional warehouse and distribution park.

The committee report relating to the outline approval for the main part of the site (application P03/1071) stated:

“The allocation in the Adopted Local Plan includes land to the south east of the site which is not in the application area. The owner has declined the opportunity to sell his land for development. However it is not practical to refuse the application because part of the allocated site has not been acquired. The Council should ensure through the use of an appropriately worded condition that an area of land is retained within the application area, to enable an access to be provided to this piece of land outside the application area if required, i.e. that is not land locked. This should provide sufficient land for an access to be constructed to adoptable standards. It is not however necessary to require the developer to provide that access merely to ensure that the land is left available for it.”

Therefore, the application is considered to be in accordance with the requirements of the policies of all the adopted development plan documents as well as the principles of the Development Brief and the NPPF and, as the above committee report extract demonstrates, it was always envisaged that it would come forward for employment development, as an expansion of the previously approved area in the future. Consequently the proposal is considered to be acceptable in principle.

Air Quality

A screening report has been submitted which reviews the air quality impacts from the construction and operational phases of the proposed development. The Environmental Health Officer raises no objections to the development as a result of this report and recommends that dust mitigation measures are implemented to ensure dust emissions do not cause any significant off site effects. This can be secured by condition. It is therefore considered that concerns raised in relation to the impact of development on air quality have been addressed.

Amenity

It is only those residents on Crewe Road and Hunter Avenue which are close enough to be significantly affected in amenity terms. However, given that the proposed development is in the south east corner of the site, it will be located over 900m from the nearest dwelling and the buildings on the approved part of the site will screen the proposal. Consequently it is not considered that there would be any additional overlooking loss of light or visual intrusion from this development over and above that caused by the approved part of the site.

The proposed building would operate 24 hours per day 7 days a week. However the approved development site will screen, to a large extent, any noise generated by its operation. Furthermore, the service yard / HGV turning area to the site is shown on the east side of the building, adjacent to the railway yards, in which position it will be screened by the building itself. To the south, the A500 road embankment will also provide screening.

In addition, no objection has been received from the Environmental Health Department who have commented that the predicted noise levels from mechanical services plant will be designed such that the Rating Level (of all mechanical services plant combined) does not exceed the existing background noise level at any neighbouring residential property. The noise assessment has assumed that Plot C will be served by HGV's on the development road. There is an option for a rail served depot on Plot C and if this option is adopted a further noise assessment will be required to determine the effects of rail movements in the day and night-time periods at the nearest residential properties. This could be secured by condition.

The Environmental Health response also requests a condition limiting hours of construction working. However the approval for the main part of the site includes a Framework Construction Management Plan with more detailed Construction Management Plans to be submitted for each phase of the development. It is proposed that a condition should be added to this consent to extend these plans to the additional area of land which is subject to this application, because it is considered preferable to wait for the Construction Management Plan and agree hours of working for construction in conjunction with all other aspects of such control. It may be preferable to have different hours for construction activities on different parts of the site.

Archaeology

Policy BE.16 of the Replacement Local Plan allows development where it is demonstrated that there would be no damage to known or presumed archaeological interests. No response had been received from the Archaeological Officer at the time of report preparation. However, in respect of the outline application for the main part of the site, the archaeologist did not require any further pre-application determination work and advised that a condition be attached to any permission for further investigation of four areas of minor geophysical anomalies, the recording of sections through an ancient township boundary and a report. It is recommended that similar conditions are attached to any approval for this site.

Design

No details of the design of buildings are submitted with this outline application. However, the design and access statement indicates a maximum building size of 150m x 111m in floor area and 25m in overall height. The proposal would accord with the Urban Design Framework which has been produced for the wider site and sets out the principles of the design to be used in the development as a whole.

The Framework sets out an intention to create a coherent development with strong visual identity which responds sympathetically to its setting. Gateways will be marked with feature buildings and structures, in the form of public art, to create a sense of place. Other landmark features will be provided at focal points within the development. Strong boundary planting and structure planting within the site will form the basis of the landscaping to the development. The spine road will take the form of a boulevard within a landscaped setting which will include street furniture. It is considered that these principles as established by the application will provide the basis to create a quality development on the south side of Crewe and enhance the location of Crewe as the gateway to the North West.

The building which is the subject of this application is located in the south eastern extremity of the site and therefore does not form an important gateway or prominent site on the spine road. However, as it adjoins 2 of the site boundaries, the requirements for strong boundary and structure planting will be important. These are shown on the indicative layout plan, submitted with the application, as an extension of the approved landscaping areas on the remainder of the site and can be secured by condition. Long term maintenance can be ensured through a Section 106 agreement to extend the maintenance provisions that apply to the main part of the site, to the area subject to this application.

In terms of building heights, the adopted Development Brief proposes that the heights in the area adjacent to the railway should not exceed 25m. It also reflects the terms of the previous approval. This is considered to be appropriate, given the distance to neighbouring properties, the screening provided by the approved part of the development site, the A500 embankment and the railway sidings. Bearing in mind that the site is allocated as a regional warehouse and distribution

site to require significantly lower heights would detract from the potential to attract suitable employers. It would also be unreasonable to expect the developer to provide buildings below the heights stated in the Brief.

Furthermore, the proposed landscape and mitigation measures will form a buffer around the site and whilst it will not screen out the development and will take a number of years to become effective nevertheless it is considered that, with additional funds for off-site planting, the proposals will provide suitable development with adequate landscaping to the site as a whole. This is accepted by the applicants and is stated in the Design and Access Statement and a condition can be imposed to ensure that the proposal complies with these requirements.

Land levels on the east of the site are to be raised by up to 6m in order to provide rail linked units and there is no possibility of avoiding this increase in height. This will have a significant change in the character and appearance of the landscape in this part of the site. Further the removal of trees and hedgerows in the development will also result in significant changes to the character and appearance of the area. However the development brief seeks to bring forward the site as a Regional Development and therefore these changes are inevitable. It is however considered that the proposals for landscaping around the site and the commuted payment for off site planting will mitigate the effects of the development to an acceptable degree.

Drainage

Policy BE.4 of the Replacement Local Plan requires that sites be adequately drained without causing problems as a result of the discharge of water from sites. Development should not affect water supply, or adversely impact on ground water, or surface water.

The application is accompanied by a Flood Risk Assessment, which states that although the application site was excluded from the previous outline application, all technical documentation included it within their assessments. This included the supporting Flood Risk Assessment and surface water drainage strategy which, both accounted for the contributing runoff from the site. These were approved by the Environment Agency.

The report demonstrates that the proposed development is at an acceptable level of floor risk, subject to the recommended floor mitigations strategies being implement. The report concluded that in compliance with the requirements of the NPPG and subject to the mitigation measures proposed the development may proceed without being subject to significant floor risk, moreover, the development will not increase floor risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.

The Flood Risk Assessment explains that the discharge of surface water from the proposed development is to connect into the proposed 'Surface Water Drainage Strategy' for the entire Basford West Development site. This drainage strategy, which was designed in 2008, included the application site. Development will provide surface water attenuation measures to control the flow of water from the site with the use of ponds or tanks and hydrobrake systems to control the flow of water. A new meandering water course of natural appearance will be provided at the north end of the site adjacent to the new section of the spine road which will discharge into the Gresty Brook. Oversized storm drains will be used to control flows from the highway.

The Environment Agency have examined the report and agreed with its conclusions. Consequently, they raise no objections subject to appropriate conditions to ensure that the approved 'Surface Water Drainage Strategy' is implemented prior to commencement of

development and that a scheme for the provision and management of an undeveloped buffer zone alongside the ditch to the south of the development is submitted and agreed.

Waste and Recycling

The Cheshire Replacement Waste Local Plan requires that provision is made in any new employment development for source separation and / or storage of different types of waste generated and this should be included in the conditions attached to any permission.

Highways

Clearly, the development of the Basford West site as a whole will be a major traffic generator in the southern part of Crewe. Consequently, the Section 106 Agreement attached to the outline permission for the main part of the site secured a number of off-site works, financial contributions and other measures to off-set this impact. These were:

- a) Prior to first occupation, the developer shall complete works at Junction 16 of M6 and its A500 eastern approach by the provision of an extra lane (not less than 3.65m wide) in accordance with Capita Symonds drawing number 56814/SK/03 rev P2 and Cheshire County Council drawing PC/12043/04/01 D/A, or any plan combining these two drawings. Full details of the works to be submitted and approved in accordance with Section 278 agreement.
- b) Commuted payment for £3.2 million (index linked to construction prices) as a contribution towards the construction of Crewe Green Link Road South. The payment shall be made prior to letting of the contract for the road.
- c) Commuted payment for public transport £300,000 as five equal phased payments, first payment to be made prior to the commencement of development and index linked. The payment shall be used within ten years.
- d) Commuted payment of £200,000 for highway improvements, index linked, trigger prior to occupation of first unit:-
 - traffic management to prevent rat running in villages of Englesea Brook, Weston, Barthomley and Shavington also Nantwich Road, Crewe and residential areas of Crewe in Alexandra Ward.
 - Traffic Regulation Order, Controlled Parking Zones etc
 - Including reasonable fees and administration for CEC.
- e) Works to be completed by the developer or by Council following a commuted payment:-
 - Improved footpath/ cycle links Clough walk to Gresty Green Road, under railway
 - Improved footpath link from Claughton Ave to Smallbrook Walk
 - Cycle routes along Crewe Road, Shavington.
 - Provision of pedestrian cycle links to Crewe Road, Shavington.
 - Spine road, spine road connections, bus gate and truncation of existing Crewe Road at north end.
 - The above matters to include consideration of surfacing, lighting and signage where necessary and reasonable fees of Cheshire County Council and administration costs.

- f) Establishment of Basford Transport Steering Group, Travel Plan Management Organisation and Travel Plan Co-ordinator and Submission of Interim Umbrella Travel Plan prior to commencement of development. Travel Plan to include triggers and at 861 vehicles no further development.
- g) Submission of final Umbrella Travel Plan prior to occupation of first unit. Umbrella Travel Plan to include model Subsidiary Travel Plan. Submission of final Subsidiary Travel Plans for all reserved matters units within 3 months of date of first occupation of each unit.

The developer remains committed to delivering all of the above commitments and some of the infrastructure works have already commenced. The above highway works, financial contributions and other mitigation measures were agreed based on the anticipated traffic generation from the gross floor area thresholds set out in the planning application for the main part of the site.

Whilst the current proposals seek to increase the total developable area, when combined with the approved site, they will not increase the overall gross floor area of B1, B2 and B8 uses above the thresholds agreed as part of the outline planning permission for the main part of the site. Planning conditions can be attached to ensure that this remains the case. Consequently, this application will not result in any additional traffic generation from the site, and as a result the mitigation measures, outlined above, which will be secured through the Section 106 Agreement relating to the development of the main part of the site, will remain sufficient to mitigate the traffic impacts of this application as well.

Rail Links

The Adopted Local Plan Policies and the Development Brief require the provision of rail sidings for the trans-shipment of freight between rail and road as well as or in addition to rail connected warehouses. This is met by the application.

The Brief requires the rail linked units to be provided in an early phase of the development. However it does not explain how this is to be achieved. It was therefore agreed as part of the outline consent for the main part of the site, that the rail linked units could be provided in the third phase of development, of which this application site would form part. This proposal therefore remains consistent with the existing outline approval in respect of the rail link.

Right of Way

A public right of way footpath number 2 Shavington-cum-Gresty enters the main part of the Basford West site adjacent to the dwelling at 358 Crewe Road, Shavington and passes to the east of Springbank Farm. The footpath becomes footpath Number 11 Basford and traverses the application roughly parallel to the railway but through the fields 80-100m away from the railway land. Outside the application area the footpath crosses the A500 and passes south to the east side of Larch Avenue, Basford.

The previous approval proposed that this footpath be diverted to pass along the side of the spine road and then along the landscaping on the southern site boundary. This would continue to be the case under the current proposal, and the indicative layout shows the proposed diversion route along the southern boundary being maintained and completed within the application site. The approach being taken to the Right of Way, is therefore, in accordance and consistent with that which has been previously accepted in respect of the main part of the site.

Whilst the new route along the spine road would create a very different character to the area in which the footpath is located the southern section, which includes the current application site, through the landscaping will provide a softer planted environment for any walkers using it.

It is noted that the Council's Rights of Way Unit has objected As there is currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA).

Any proposal for diversion of this right of way under the Planning Act cannot be considered until the outline and all appropriate reserved matters applications have been approved. An alternative approach would be to consider allowing the route to pass through the landscaping and wildlife mitigation areas on the west of the site. However it is not possible to consider the effects of the development on the right of way, in detail, until such time as the appropriate reserved matters applications are submitted.

Furthermore the Rights of Way Unit have stated that if, the applicant is prepared to apply for a diversion of the route under the Town and Country Planning Act 1990 they may consider withdrawing the objection once we have assessed the suitability of the new route. In the light of the above it is therefore not considered that a refusal of the application on the grounds of its impact on the public right of way could be sustained.

Ecology

In terms of wildlife habitats the Brief requires habitat and protected species surveys and mitigation measures for the species found to be present on the site. The Brief requires the formation of strong wildlife corridors within an eco system of woodlands and wetlands.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning

permission should be refused. Conversely if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF.

In line with guidance in the NPPF appropriate mitigation and enhancement should be secured if planning permission is granted. The application is supported by an ecological assessment undertaken by a suitable qualified and experienced ecologist.

The Council's ecologist has examined the assessment and commented that Great Crested Newts have been recorded breeding at a pond on site. The proposed development would result in the partial loss of this pond and also the loss of terrestrial habitat that is likely to be utilised by newts for foraging and shelter. In addition the construction phase of the development would be likely to pose a significant risk of killing or injuring newts.

In the absence of mitigation the proposed development would have a Medium level adverse impact upon Great Crested Newts. However, to mitigate and compensate for the adverse impacts of the proposed development on Great Crested Newts the applicant is proposing to trap and exclude newts from the development footprint and translocate them to the already established 'western' ecological mitigation area. In addition the pond affected by the development will be extended and a new wildlife pond be created to compensate for the impacts on the existing pond.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

The Basford West site is a long established employment allocation of regional significance and is of vital importance to the regeneration and economic growth of Crewe, Cheshire East and the North West as a whole. It is therefore considered that its development is of overriding public interest. With regard to the second test, the choice of alternative sites are limited given that there are very few undeveloped allocated employment sites remaining in the local plan and that there is a Borough wide shortage of high quality employment land. Given that outline approval already exists for the majority of the site, much of the harm to habitats and necessary mitigation has already been accepted and agreed. The impact of developing this relatively small area of additional land would be relatively minimal by comparison. Given that this application is a small extension to a previously approved development site, the impact would also be less than developing a separate site elsewhere. In respect of the third test, the Council's Ecologist has advised that if planning consent is granted the proposed Great Crested Newt mitigation/compensation will be adequate to maintain the favourable conservation status of the Great Crested Newt

Bats have been recorded as being active on site. However the level of bat activity does not appear to be unusually high and no evidence of roosting bats was recorded during the surveys. In the absence of mitigation the proposed development would result in the loss of bat foraging habitat and have an adverse impact on bats at the very local scale. However the Council's Ecologist has advised that the submitted landscaping scheme for the development is likely to at

least partially, if not fully, compensate for the loss of foraging habitat associated with the development.

Nevertheless he notes that the currently proposed lighting scheme will result in some light pollution occurring within the habitat areas. The lighting scheme must be revised to avoid any adverse light pollution occurring within the ecological mitigation areas. However, this can be secured through condition.

Hedgerows are a UK BAP priority habitat and hence a material consideration. The proposed development will result in the loss of two relatively short sections of species poor hedgerow. The submitted landscaping plan proposes the creation of new hedgerows which would be adequate compensation for that lost. However the landscaping plan specifies single species hedgerows. To maximise the ecological value of the proposed new hedgerows it is recommended that the landscaping plan be amended to include more diverse species rich native species hedgerows.

The proposed development is likely to provide habitat for breeding birds including a number of the more widespread BAP priority species which are a material consideration for planning. The proposed development would be likely to have an adverse impact on breeding birds at the very local scale. The submitted ecological assessment includes recommendation to minimise the impacts of the proposed development upon breeding birds. The submitted ecological assessment makes reference to a habitat management plan being produced for the development site. Although this does not appear to have been submitted in support of the application, it can be secured through the Section 106 Agreement

As the application is outline only it is recommended that a condition is attached to any permission granted requiring any reserved matters application to be supported by up to date ecological surveys which includes updated mitigation/compensation and management proposals for the site.

Landscape Issues

Policy NE10 of the Adopted Local Plan requires that substantial tree planting and landscaping works take place and management agreements should be sought. Planting should be mainly broadleaved species. The Development Brief requires 30m-40m landscaped buffer to the southern site boundary. Landscape features of merit should be retained wherever possible and in particular at the boundaries of the site to provide a mature setting for the development. Where hedgerows and trees are proposed for removal there should be a clear justification and analysis of alternative proposals.

The application plan shows a landscape/mitigation strip of a minimum of 45m wide on the southern boundary which widens out in the south east corner of the site and therefore, the provision exceeds the 40m minimum stated in policy E3 of the Replacement Local Plan. The planted area will be a continuation of the landscape strip along the southern boundary approved under the outline proposals for the main part of the site. The area shown on the indicative layout also includes a series of ponds for Great Crested Newts to create a mixed habitat area.

The previously approved bund shown along the southern boundary of the main part of the site will be continued along the southern boundary of the land to which this application relates before returning for a short distance of approximately 50m along the eastern side before levelling out. A landscaped buffer of between 30m and 40m is proposed along the majority of the eastern boundary, although at one point, due to the line of the Network Rail boundary it reduced to less than 5m however, at the northern tip of the site, which is broadly triangular, a more substantial

area of landscaping is proposed of between 30m and 130 in width. This includes a further area of bunding. Two further ponds are also proposed in the landscaped area to the eastern boundary.

With regard to the retention of existing landscape features, a number of trees within the Basford West site as a whole are covered by a Tree Preservation Order. The Order extended beyond trees included in the mitigation land and included some trees on the existing access to Springbank Farm and related parts of Crewe Road. The comments of the Council's Landscape Officer were awaited at the time of report preparation and a further update will be provided on this matter for Members prior to the Board meeting. However, it should be noted that the application is in outline with an illustrative layout now submitted to establish the principles of development. The applicant has agreed to retain trees wherever possible when the reserved matters applications are submitted. A detailed assessment of all landscape features within the development plots is therefore not considered appropriate at this particular time.

As stated above, the proposed development will result in the loss of two relatively short sections of species poor hedgerow. The submitted landscaping plan proposes the creation of new hedgerows which would be adequate compensation for that lost but these are shown as being single species hedgerows. However, a more appropriate species mix could be secured by condition / Section 106 Agreement. Individual ponds and trees lose their wildlife value if they are retained in isolation with no connectivity to other habitats and under such circumstance it is considered preferable to provide new habitats with linkages where they will be connected to existing habitats rather than provided in isolation. As stated above, the areas of landscaping, ponds and hedgerow proposed as part of this application will be a continuation of, and full integrated with, those approved for the main part of the site.

The Section 106 Agreement for the main part of the site also included the provision of a commuted payment for off-site tree/hedgerow planting to compensate for features within the development site which will be lost as a result of development. This fund will be administered by the Borough Council. Since the development is for regional warehouses the buildings will necessarily be relatively large which reduces the opportunities for the retention of trees and hedgerows within the site especially where the rail served units are present adjacent to the railway.

With regard to the landscape matters set out above, it is considered that the proposals comply with the principles of the Brief, with the provision of woodland planting, landscape buffers and retained hedgerows along the southern and eastern boundaries of the site, as a continuation of and consistent with those approved under the outline consent for the main part of the site.

The Section 106 agreement for the main part of the site made a number of provisions in respect of landscaping, wildlife mitigation and habitat creation, and, most importantly, their long term management and maintenance. It is considered to be necessary and appropriate to extend these provisions to the land subject to this application and therefore it is recommended that any approval should be subject to the applicant entering into a separate Section 106 Agreement relating to this site, to secure the following

- Identification of phased landscaping and wildlife mitigation areas and measures on land within and adjacent to the application site including timetable for all ecological works;
- Extension of framework ecological plan to cover this site;
- Southern boundary scheme for wildlife and landscape mitigation;
- Extension of Management agreement for 15 years to cover this site;
- Mitigation measures for great crested newts, bats and badgers also provision of bird boxes;
- Extension of Timetable for implementation of ecological works and 15 year management plan to cover this site;

9. CONCLUSION

The planning application will enable the proposed development site to come forward in accordance with policies in the Regional Spatial Strategy, policies in the Crewe and Nantwich Replacement Local Plan 2011, the NPPF and Planning for Growth. In addition the development complies with the principles of the Development Brief for the site. It will deliver job creation to the area both in the constructional and the operational phases of development. It will achieve the government's key objectives and the Council's aims of promoting employment, helping to create and maintain sustainable communities.

The development will provide a large scale warehouse / industrial unit with the potential for rail connection. It will ensure landscaped boundaries to the site especially to the southern and eastern sides and appropriate mitigation for the loss of on-site habitats and landscape features. The application is in outline. However the buildings will not exceed the heights specified in the Development Brief and the maximum floor areas to be provided by the development are specified in the proposal.

A new Section 106 agreement, relating to this application will ensure that the development proceeds in accordance with the phased programme agreed for the main part of the site which will allow for wildlife mitigation and landscaping works to be completed in advance of each phase so as to provide screening from nearby residential areas and help to assimilate the development into the landscape. New habitats will be created and linkages established between different mitigation areas. A package of on-site and off-site mitigation measures is proposed and whilst it is accepted that the development will change the character and appearance of the area, it is considered that the mitigation works will satisfactorily compensate for the effects of the development.

The Section 106 attached to the previous approval included substantial contributions to major off-site highway works in addition to more localised highway works. Highway improvements will already be underway at Junction 16 of the M6, and will also provide for another lane leading up to the motorway. A financial contribution is also secured to the cost of construction of the Crewe Green Link Road South which will assist the delivery of this major link around Crewe. A Travel Plan will be used to control vehicle movements to and from the development and commuted payments are offered towards traffic management in the villages and parts of Crewe and also for the improvement of public transport in the area.

Whilst the current proposals seek to increase the total developable area, when combined with the approved site, they will not increase the overall gross floor area of B1, B2 and B8 uses above the thresholds agreed as part of the outline planning permission for the main part of the site. Planning conditions can be attached to ensure that this remains the case. Consequently, this application will not result in any additional traffic generation from the site, and as a result the mitigation measures, outlined above, which will be secured through the Section 106 Agreement relating to the development of the main part of the site will remain sufficient to mitigate the traffic impacts of this application as well.

A construction management plan will be developed to ensure that residential amenities are appropriately protected during the construction phase of the development. It is considered that the proposed development is sufficiently far from existing residential units not to adversely impact on living conditions at those dwellings once the development is operational. Building heights will comply with the limits set in the Development Brief.

In summary, for the reasons stated above, the proposal is in accordance with the Regional Spatial Strategy, policies in the Crewe and Nantwich Replacement Local Plan 2011, the NPPF and Planning for Growth, and having due regard to all other material considerations is considered to be acceptable. Accordingly, it is recommended for approval subject to completion of a Section 106 Agreement and conditions as set out below.

10 RECOMMENDATION:

APPROVE subject to the signing of a Section 106 Agreement in relation to the following matters:-

- a) Define areas of landscaping and wildlife mitigation, including land along southern boundary as well as areas to the south east of the development. Mitigation areas to be phased in accordance with details approved pursuant to the S106 attached to the outline permission for the main part of the site.
- b) The extension of the Southern Boundary scheme to include screen planting, wildlife measures as well as ponds approved pursuant to the S106 attached to the outline permission for the main part of the site to the current application site. (Phase1 of the development of Basford West as a whole.)
- c) The extension of the ecological Framework approved pursuant to the S106 attached to the outline permission for the main part of the site to the current application site.
- d) Mitigation schemes for protected species, Great Crested Newts, bat and bird boxes.
- e) Timetable for phasing of the ecological works (to co-ordinate with the timetable for the ecological works on the wider site.
- f) Extension of the Management plan with monitoring for habitat / landscape areas minimum of 15 year time period approved pursuant to the S106 attached to the outline permission for the main part of the site to the current application site.

And the following CONDITIONS:

- 1. Standard outline
- 2. Standard outline
- 3. 10 years for the submission of reserved matters
- 4. Approved plans
- 5. Uses of land and principles of development in accordance with each character area 5 as shown on drawing 2000-068/025B approved under the outline permission for the main part of the site except that building heights shall comply with limitations set in Basford West Development Brief.
- 6. Floor spacing not to exceed the limits of character area 5 as given on drawing 2000-068/025B the outline permission for the main part of the site.
- 7. No development to be brought into use, which exceeds 4,645 sq m of B1 floor space and 22,868 sq m of B8 floor space before works approved under the above condition in relation to junction 16 of M6 have been implemented.

8. Development on the application site, when combined with the land edged blue on the location plan not to exceed 4,645 sq m B1 offices, 18,580 sq m B2 and 120, 770 sq m B8 development at any time.
9. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.
10. Extension of phasing plan to include access road
11. Scheme for development of rail linked units including levels and provision of rail links to all plots
12. Extension of principles of structure planting for whole development site to establish principles of landscaping and public art/ "landmark features" to be submitted as part of the first reserved matters application, together with a timetable for its implementation.
13. Implementation of structural planting in accordance with a timetable to be agreed.
14. Size/ dimensions of landscape bunds to be in accordance with submitted plans.
15. Mitigation measures for protected species, to be submitted with first reserved matters application.
16. Strategic planting scheme to be submitted with first reserved matters application
17. Each reserved matters application to include a noise assessment and mitigation measures to be detailed in the application.
18. Building heights not to exceed 25m
19. Programme of archaeological work.
20. Protection to public right of way unless diversion/ alteration otherwise approved.
21. Details of changes of levels to be submitted as part of the first reserved matters.
22. Any infilling material to be non-leachate forming.
23. Surface water regulation scheme.
24. Oil interceptors.
25. Water from vehicle washing to foul sewer.
26. Scheme for storage and handling of fuels, oil, chemicals and effluents.
27. Driver overnight facilities at each individual unit or as may be agreed.
28. Provision of covered secure cycle parking at each development together with shower/changing facilities.
29. Extension of Framework construction management plan approved pursuant to outline approval of main site to cover application site to control works during construction to protect residential amenities. Detailed construction management plan to be submitted with first reserved matters application.
30. Flood Risk Assessment as part of the first reserved matters application for units.
31. Acoustic barrier in relation to rail activities.
32. Drainage to be based on principles of sustainable drainage.
33. Lighting Strategy to be submitted with the first reserved matters application.
34. New water course to include ecological measures to promote biodiversity.
35. Waste separation and storage facilities.

In the event of any changes being needed to the wording of the Board'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 Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

