

# **CHESHIRE EAST COUNCIL STRATEGIC PLANNING BOARD**

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**Date of meeting:** 5 December 2012

**Report of:** Development Management & Building Control Manager

**Title:** Land at Mill Street/Lockitt Street, Crewe

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## **1.0 Purpose of Report**

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of application P07/0639 for Land at Mill Street/Lockitt Street, Crewe
- 1.2 The report has been presented to Strategic Planning Board because the original application for a mixed use development comprising residential, retail (food and non food), pedestrian/cycle link and associated car parking, landscaping, servicing and access was approved by the Board on 24 March 2010.
- 1.3 Further determinations were made by Strategic Planning Board on 25 August 2010 to alter Heads of Terms with respect to the delivery of the pedestrian/cycle link; and then on 9 November 2011 for changes to the affordable housing to be all affordable rent, and to the phasing plan.

## **2.0 Decision Required**

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the mixed use development has already been established by the previous resolution and this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

## **3.0 Background**

- 3.1 The application relates to a 3.95ha site which comprises a mixture of vacant and occupied single storey general industrial and warehouse buildings.
- 3.2 The site is bounded to the north and east by railway lines, residential properties to the south and Mill Street to the west. The site wraps around the existing Wickes DIY store which is excluded from the application site.
- 3.3 The site is allocated under Policy S.12.2 of the Borough of Crewe and Nantwich Local Plan as a mixed use regeneration area, and also forms

part of the Mill Street/Pedley Street sub area of the Crewe Rail Gateway Adopted Development Brief.

- 3.4 In March 2010, Strategic Planning Board resolved to grant outline planning permission for the redevelopment of the site for a mixed use development to include 1,329sqm retail food development, 2,787sqm comparison goods, 1,858sqm bulky goods, 53 dwellings (of which 35% affordable), a restaurant, the provision of a pedestrian/cycle link through the site connecting the train station to the town centre, landscaping, car parking, servicing and access.
- 3.5 The food retail store has indicatively been shown to be sited fronting onto Mill Street with the comparison/bulky goods retail unit backing onto Waverley Court. The scheme shows the residential properties to be predominantly located between the railway lines and the Wickes DIY store. The route of the proposed pedestrian/cycle link will pass the proposed retailing unit at the south eastern corner of the site, pass the front of the proposed restaurant over an “urban square” (which will be a shared surface) and will continue through the proposed residential development connecting to Mill Street at the north western corner of the site.
- 3.6 The original resolution to approve on 25 August 2010 is subject to completion of Section 106 Agreement making a number of provisions, including, inter alia:
- The provision of on site open space and equipped children’s playspace in accordance with Policy RT.3 of the Local Plan with any shortfall in provision to be made up by way of a developer contribution in lieu of public open space calculated at £1000 per house (index linked),
  - Affordable housing provision, which shall include a requirement that:
    - 35% affordable housing (split social rented / shared ownership)
  - Details of phasing of development to include, inter alia, provision of the pedestrian/cycle link in three sections to correspond with the first three phases of development
  - A scheme of public art to be agreed for the site
- 3.7 In November 2011 Board approved changes to the section 106 Agreement to take account of discussions between the developer and Wulvern Housing, such that it was agreed that the affordable houses were accepted as 100% affordable rent (not social rent/shared ownership).
- 3.8 Changes were also agreed to the phasing of the development which now showed four phases of development:

**Phase 1:** The provision of the Food Retail Store, 19 affordable housing units and the provision of the pedestrian/cycle link from Waverley Court to the public square, and from the public square to Mill Street;

**Phase 2:** The provision of the comparison and bulky goods retailing;

**Phase 3:** The provision of the market dwellings; and,

**Phase 4:** The provision of the restaurant and public square (which would complete the pedestrian/cycle link.

The legal agreement would be altered accordingly.

#### **4.0 Proposals**

- 4.1 Officers have been finalising the details of the s106 legal agreement but it has emerged through discussions with the applicant that there are a few further (primarily 'technical') changes that are required before the agreement can be signed.
- 4.2 There are two small areas of land that have been identified that are not owned by the applicant and therefore should not form part of the site edged red or the legal agreement. These small areas of land are owned by United Utilities and are located to the northern boundary of the site adjacent to the railway line. A revised site edged red, and a revised indicative layout plan have now been submitted which excludes these areas of land from the application.
- 4.3 Given the very small size of the two areas in comparison with the rest of the site there are no significant implications for the original outline permission of these changes.
- 4.4 The line of the footpath (and therefore the site edged red) where it enters/leaves the site at the far south eastern boundary of the site has also been tweaked to avoid crossing land that is also not within the applicant's control. This land is owned by Wulvern Housing who the applicant has been in discussions with regarding the provision of the affordable housing on the site. Although this means there is now a very short 'dog-leg' in the footpath it is not considered to threaten the principle of the footpath link.
- 4.5 The final change is to the phasing of the development. It has always been a requirement to provide the pedestrian/cycle link within the first phase of development. However, previously it was expected that the retail store would be within the first phase along with the 19 affordable units. Given the difficulties of securing an end user for the retail part of the scheme, it is now proposed that the scheme should include the provision of all of the affordable housing units, all of the market units and the pedestrian/cycle link in the first phase unless otherwise agreed in writing by the Development Management and Building Control Manager.

- 4.6 The National Planning Policy Framework has been introduced since the original decision and subsequent changes to the s106 have been made. There is a clear emphasis within the NPPF to support sustainable development. It is considered that the proposed mixed development scheme, incorporating affordable housing, improved pedestrian and cycle links within a town centre location represents sustainable development that complies with the updated policies and principles within the NPPF.

## **5.0 Conclusion**

- 5.1 On the basis of the above, the proposed amendment to the site edged red, the indicative plan and the phasing of the development the changes are considered to be acceptable.

## **6.0 Recommendation**

- 6.1 That the Board resolve to amend the previous resolution in respect of application P07/0639 to read:

*The provision of on site open space and equipped children's playspace in accordance with Policy RT.3 of the Local Plan with any shortfall in provision to be made up by way of a developer contribution in lieu of public open space calculated at £1000 per house (index linked),*

*Affordable housing provision, which shall include a requirement that: 35% affordable housing be provided, of which 100% shall be affordable rented*

*Details of phasing of development to include the provision of the affordable/market housing and the pedestrian / cycle link within the first phase.*

*A scheme of public art to be agreed for the site*

## **7.0 Financial Implications**

- 7.1 There are no financial implications.

## **8.0 Legal Implications**

- 8.1 Revisions to the site edged red are required to ensure pedestrian/cycle link phasing previously approved should be confirmed in a new resolution so that the Borough Solicitor has authority to execute a s106 Agreement in those revised terms.

## **9.0 Risk Assessment**

- 9.1 There are no risks associated with this decision.

## **10.0 Reasons for Recommendation**

- 10.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely fashion whilst ensuring that the quality of this key section of a quality cross centre route from Train Station to Town Centre is not compromised.

### ***For further information:***

*Portfolio Holder: Councillor Les Gilbert*

*Officer: David Malcolm – Area Manager*

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### ***Background Documents:***

*- Application P07/0639*