

Application No: 13/2322N

Location: SIR WILLIAM STANIER COMMUNITY SCHOOL, LUDFORD STREET,
CREWE, CW1 2NU

Proposal: Residential Development

Applicant: Renew Land Developments Ltd

Expiry Date: 02-Sep-2013

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Principle of Development
Affordable Housing
Education
Design and the Built Environment
Amenity
Contaminated Land
Noise
Air Quality
Drainage/Flood Risk
Highways
Pedestrian and Cycle Provision
Open Space
Trees and Landscaping
Ecology

REFERRAL

The application is referred to planning committee because it is over 10 units and is therefore a major development.

1. SITE DESCRIPTION

The site itself is located approximately 0.6 kilometres north of the Crewe town centre within a predominantly residential area on the fringes of the town centre. It measures approximately 1.52 hectares being roughly rectangular in shape, measuring 120m in length and 170 m across the width at its widest point.

The site is a former school premises but is currently vacant and in the process of being demolished. It is overlooked from the north by Crewe cemetery on the opposite side of Badger Avenue. Residential properties border the site to the south and east. Beechwood Primary School is also located to the south and Cypress Care Centre abuts the western site boundary.

1. DETAILS OF PROPOSAL

The application seeks outline planning consent for residential development. Approval is sought for the principle of development and the site access with matters of appearance, landscaping layout and scale reserved for a subsequent application.

However, according to the Design and Access Statement, it is envisaged that the proposal would provide for circa 84 dwellings with a mix of traditional mews, semi's and detached market housing and a block of apartments to address affordable housing needs. The proposed density across the site is 55 dwellings per hectare.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning decisions.

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

Built Environment Policies

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- BE.6 (Development on Potentially Contaminated Land)

Housing Policies

- RES.2 (Unallocated Housing Sites)
- RES.3 (Housing Densities)
- RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

Transport Policies

- TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

4. OBSERVATIONS OF CONSULTTEES

United Utilities

- No comments received at the time of report preparation

Greenspaces

- In respect to this application, Greenspaces would like to see a contribution for off-site provision; specifically, a sum of £30,000 for improving the existing children's play area and footpath off Cranborne road, off Middlewich Street, Crewe. Greenspaces have been in dialogue with Wulvern Housing about the improvement of this area recently.

Highways

- This is an outline application with an indicative layout submitted, the site is a former school but has been demolished.
- There is only one main access to the site from Badger Avenue, the visibility splays have been indicated as 2.4m x 56m although to achieve the splays a number of trees will need to be removed.
- The indicative layout serves circa 84 units with most of the parking being provided in private parking courts, I would be seeking 200% parking for the development.
- Whilst, the former use of the site is school and will have traffic associated with it, this proposal does not produce a severe impact on the local highway network.
- Therefore, there are no highway objections to the development and the access as proposed.

Environment Agency

No objection subject to the following conditions.

- Submission of a surface water regulation scheme,
- Submission of a scheme to manage the risk of flooding from overland flow
- Submission of infiltration tests
- For discharges of surface water to mains sewer above the allowable rate, submission of attenuation for up to the 1% annual probability event, including allowances for climate change.
- Submission of details of Sustainable Urban Drainage System (SuDS)

Education

- A development of 87 dwellings will generate 12 primary aged pupils and 9 secondary aged pupils.
- Given that the local primary schools are forecast to be cumulatively oversubscribed then a contribution of $16 \times 11919 \times 0.91 = £173,541$ will be required.

Environmental Health

- Request the following conditions:
 - Submission, approval and implementation of travel plan
 - Submission, approval and implementation of scheme to minimise dust emissions arising from demolition / construction activities
 - Submission, approval and implementation of details of bin storage
 - Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
 - Submission, approval and implementation of piling method statement
 - Hours of construction shall be restricted to Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
 - Submission, approval and implementation of details of external lighting
 - Submission, approval and implementation of an acoustic assessment report detailing any measures required to mitigate the identified noise sources within the proposed development.
 - Submission, approval and implementation of an updated contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
 - Should the updated Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried
 - Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted. The remedial scheme in the approved Remediation Statement shall then be carried out.
 - Should remediation be required, a Site Completion Report shall be submitted

Rights of Way

- The Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.
- The application document states that a new Public Right of Way is to be created within this proposed development; clarification is required on this point.
- There is an aspiration, in line with the policies of the Council's statutory Rights of Way Improvement Plan, to improve pedestrian and cyclist access from the Leighton Greenway in the northwest part of Crewe (which leads towards Leighton Hospital, a major employment site) to the town centre. This development site offers an opportunity to do that, whilst increasing the site's connectivity, and thereby travel options for prospective residents. The developer should be tasked to assess and improve this provision, encompassing that within the site, and any adjacent road crossings.

5. VIEWS OF THE PARISH / TOWN COUNCIL

- The Town Council expresses concern at the lack of green spaces; the apparent difficulty in accessing parking; the pressure that will be created on schools in the area; the high density and lack of variety of offer for affordable housing. The Council also notes the large number of vacant apartments in the area already. However the Council wishes to support the utilisation of Brownfield developments in principle.

6. OTHER REPRESENTATIONS

Sustrans

1. Sustrans have been looking at ways to extend the Leighton Greenway from its current end position at Badger Avenue/Broad Street into the town centre. Broad Street, although a 20mph road, is unpleasant to cycle up due to the parked vehicles.
1. The Ludford site offers the possibility of an alternative, quieter route via Newdigate Street as on the attached plans. This will require the following type of measure:
 - a. A diagonal crossing of Badger Avenue/Broad Street junction
 - b. A foot/cycle track on the south side of Badger Avenue
 - c. Access, N-S, through the site into Newdigate Street
 - d. A refuge crossing of West Street using the wide hatched area
 - e. Two-way use of road past Asda to Victoria Street
 - f. This scheme could provide a part of this route with a suitable design
2. The design of any smaller properties should include storage areas for residents' buggies/bikes.
3. Would like to see travel planning set up for the site with targets and monitoring.

Local Residents

A number of representations have been received from local residents, raising the following points:

Sustrans Proposal for Cycleway

- Object to Sustrans proposal to extend Leighton Greenway through the site
- Newdigate Street should remain a cul-de-sac
- Newdigate Street is very narrow and has double parking
- It is currently safe for children
- There is already traffic calming in place
- Proposal does not make any sense from cost or safety point of view
- There is already a nearby cycle route into the town
- Would increase vandalism
- Would increase risk to safety at the junction with Meredith Street
- Increased hazard around entrance to the Nursery at Vere Street
- Street is noisy without more people using it.
- Would become an escape route for criminals and vandals

Design

- Proposed design are banal, uninspired and commonplace
- Does not comply with draft local plan 4 – Vision “ arrange of attractive and high quality housing choices, distinctive architectural styles reflecting the town heritage
- Should be houses with Art Deco elements similar to those throughout the town – round hall windows, windows on landings, fanlights, blue or green roof tiles.

7. APPLICANT’S SUPPORTING INFORMATION:

- Tree Survey
- Bat report
- Travel Plan
- Housing Statement
- Planning Statement
- Contaminated Land Report
- Travel Statement
- Flood Risk Assessment
- Design and Access Statement.

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also go towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

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 and a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

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.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy and therefore should be supported in principle.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size.

It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Crewe there is a need for 256 new affordable homes per year, made up of a need for 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4/5 beds and 26 x 1/2 bed older persons units.

There are currently 3074 applicants on the housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 979 x 1 beds, 1163 x 2 beds, 668 x 3 beds, 93 x 4 beds and 9 x 5 beds (159 applicants haven't specified how many bedrooms they need).

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable, this equates to up to 25 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (16 units) and 35% intermediate tenure (9 units), the affordable housing should be provided on site.

According to the Planning Statement the applicant is offering 30% affordable housing at this site with a tenure split of 65% rented and 35% intermediate which is in line with the IPS. However, Housing Officers object to the following: -

- All the affordable units being in one location on the site and not pepper-potted. This does not support the requirement for pepper-potting in the IPS and does not support the principle of creating mixed and balanced communities.
- All the affordable properties being flats while all the market properties are houses. There is a need for affordable housing in Crewe that includes both houses and flats.

It is therefore recommended that the Section 106 Agreement includes an appropriate mix of houses and flats.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units. All the Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). This can also be secured through the Section 106 Agreement.

In addition the agreement should require

- transfer any rented affordable units to a Registered Provider
- provision of details of when the affordable housing is to be delivered
- the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site.

Education

The education officer has commented that a development of 87 dwellings will generate 16 primary aged pupils and 9 secondary aged pupils. Given that the local primary schools are

forecast to be cumulatively oversubscribed then a contribution of $16 \times 11919 \times 0.91 = \text{£}173,541$ will be required. This can be secured through the Section 106 Agreement.

Design and the Built Environment

Although Design and Layout are reserved matters, an indicative layout has been provided which involves the siting of an apartment block at the junction of Badger Avenue and Ludford Street and groups of Mews properties to either side, which would create an active frontage to both streets, particularly given that both these frontages include windows and doors opening onto the street. Inside the site, a mixture of mews, detached and semi-detached are shown fronting onto the proposed access road running, in a north to south direction through the middle of the site, from the proposed access from Badger Avenue as well as in a cul-de-sac / courtyard to the western side. Parking and amenity areas would be predominantly hidden behind the buildings in private parking courts, thus avoiding a car dominated frontage. The site layout would also respect the existing building lines on both Avenue and Ludford Street, which will assist it in blending into the existing urban fabric. Small front garden areas are proposed between the building and the highway boundary which will create elements of “defensible space” in front of the dwellings. This is all considered to be positive in urban design terms.

The surrounding development comprises predominantly traditional, two storey terraced properties, of brick and tile construction. Indicative elevations have been provided which show that the proposed dwellings are also a traditional pitched roof design finished in red brick with artificial stone window cills and lintels, which along with half-timbered gable features add interest to the elevations. The pattern of fenestration creates a strong vertical emphasis which is reminiscent of the bay windows which are characteristic of many of the terraced streets in the vicinity.

The apartment building height is three stories, but it's location at junction of the two roads creates a focal point in this prominent location which is considered to be a positive feature. Furthermore, there is an existing modern three storey apartment block on the opposite corner, and therefore, it will not appear out of place within it's context.

Overall it is considered that the indicative plans show that a good design which respects the character and appearance of the area in which it is located can be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Amenity

The indicative layout also demonstrates that an adequate standard of amenity can be maintained for the occupants of adjoining properties.

The gable elevation of the proposed dwelling at the southern end of the Ludford Street frontage will adjoin the gables of the neighbouring dwelling (110 Ludford Street) which contains only secondary windows, and will not project beyond its existing front and rear elevations. Therefore no amenity issues are raised in respect of this property.

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and therefore, no overshadowing issues are raised. A distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows. The gable elevation of the proposed dwelling at the western end of the Badger Avenue would face towards the principal windows in the side elevation of the adjacent accommodation known as Cyprus Court. However, the two elevations would not be directly opposing and the recommended minimum distance of 13m could be achieved between them.

The front elevation of the proposed building will be sited 11m from the front elevations of the existing apartments on the opposite corner of Ludford Street. Whilst, the proposal will not comply with the recommended standard, it is accepted that separation distances between the front elevations of properties in traditional, tightly knit, terraced streets such as Ludford Street, are lower than those which would be expected in modern suburban housing estates and the separation distances in this case would be equivalent to that between the existing properties on opposite sides of those streets. Furthermore, the apartment building could be designed in such a way that there were no principal windows in the elevation facing towards Ludford Street. There are no existing dwellings on Badger Avenue, opposite the site, due to the presence of the cemetery.

The majority of the proposed dwellings shown on the southern boundary of the site will overlook the existing school playing fields and therefore do not raise any amenity concerns. The only adjoining dwelling on the southern boundary is no 109 Newdigate Street, the gable end of which adjoins the site. However, the indicative layout shows a parking court adjacent to the boundary with this dwelling and therefore, the required minimum separation distances can be achieved.

Turning to the standard of amenity within the site, the indicative layout demonstrates that the required minimum separation distances can be achieved between all of the plots within the site with the exception of between the front elevations of plots 40 and 41 and the front of plot 21. However, this could be resolved at reserved matters or Plot 21 could be designed so that the principal windows are positioned in the other elevations. The requirement for minimum garden area of 50sqm could be achieved in all cases.

Therefore, whilst it is acknowledged that it is only indicative, it is considered that the submitted layout demonstrates that the proposal can provide for an adequate standard of amenity and it is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Contaminated Land

The Environmental Health Officer has considered the application and commented that the application was formerly a school, and as such there is the potential for areas of localised contamination to be present. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted a contaminated land report in support of the planning application. This report has addressed the environmental and historical information for the site. However a site walkover has not been mentioned within the report. In pre-application

advice given to the consultant, we advised that prior to demolition of the building, a site walkover should be undertaken in order to identify any possible areas of localised contamination (such as heating oil tanks etc.).

The report should be updated with information from a site walkover, if this has not been undertaken then research should be carried out to ascertain whether any areas of potential contamination exist, associated with the site's use as a school.

An updated Preliminary Risk Assessment for the site is required, taking into account the above comments. A Conceptual Model for the site should also be presented within the updated report. This can be secured by condition.

Noise

There is insufficient information contained within the application to determine whether there will be a loss of amenity caused by noise from road traffic and noise from the primary school located to the south of the site.

In order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, the applicant should submit an acoustic assessment report detailing any measures required to mitigate the identified noise sources within the proposed development. Any mitigation shown as part of the report must achieve the internal noise levels defined within the "good" standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements. This can also be secured by condition.

Air Quality

As originally submitted, it was considered that insufficient information had been supplied relating to local air quality in order to assess adequately the impact of the proposed development. In the absence of this information, was not been possible to demonstrate that the proposal would comply with relevant planning policies. It was considered that the applicant should address this issue and provide this information.

An air quality assessment has since been submitted and indicates that there will be small increases in the area surrounding the proposed development. There are 2 Air Quality Management Areas nearby in Crewe and it is possible that there could be some very small impacts in these locations although they were not considered in this assessment. Given the small increases in pollutant concentrations it is considered that some low impact mitigation should be included with planning approval to safeguard future air quality against cumulative impacts of subsequent planning proposal impacts. There are also potential impacts from construction dust.

Environmental Health Officers have therefore recommended conditions requiring the submission, approval and implementation of a travel plan and measures to control and minimise dust emissions during construction.

Drainage/Flood Risk

Whilst comments are awaited from United Utilities, the Environment Agency have considered the application and raised no objection to the application subject to appropriate conditions and it is therefore considered that the proposal complies with the relevant local plan policies with respect to flood risk and drainage.

Highways

Although the application is submitted in outline, approval is sought for access at this stage. A single point of access to the site is proposed from Badger Avenue, midway along the frontage. The Strategic Highways Manager has examined the application and commented that adequate visibility splays can be achieved. He has therefore raised no objection with regard to the safety of the access.

Furthermore, having taken into account the traffic generation associated with the use of the site for the school, he has concluded that there would be no net adverse impact on the surrounding highway network and junctions in terms of congestion and traffic generation.

The internal layout is reserved for a subsequent application. However, the Strategic Highways Manager has commented that the indicative layout serves circa 84 units with most of the parking being provided in private parking courts, and that he would be seeking 200% parking for the development. This can be secured by condition and through the reserved matters application.

Therefore, there are no highway objections to the development and the access as proposed and it is concluded that the proposal complies with Policy BE3 (Access) of the Local Plan.

Pedestrian and Cycle Provision

The Council's Rights of Way Officer and Sustrans have indicated that they would like to see a pedestrian and cycle link created through the site to Newdigate Street. There is considerable local objection to this proposal.

Whilst approval is sought for the means of access at the outline stage, the application refers only to one main vehicular, pedestrians and cycle access from Badger Avenue. The applicant has confirmed that it is not their intention to provide a cycle and pedestrian route to Newdigate Street. Nevertheless, layout is a reserved matter and the indicative layout does show the potential for this link to be achieved.

It is normally considered to be desirable and good practice to provide and improve pedestrian and cycle connectivity through development sites to encourage the use of sustainable modes of travel by providing more direct routes to destinations such as the town centre. However, in this case, there are good quality alternative cycle and pedestrian links to the town centre. Given the small size of the site, it is not considered that the failure to provide a through-route would result in residents of the site being discouraged from walking or cycling to the town centre as a result of the need to travel out via the Badger Avenue access and around the site via Ludford Street and Meredith Street.

Therefore, if Members share the concerns of local residents, it is open to them to impose a condition to prevent the provision of a pedestrian and cycle link from the site to Newdigate Street. Alternatively, if they share the view of Sustrans and the Rights of Way Officer, a condition could be imposed requiring the provision of the link.

Open Space

According to Policy RT3, new housing development with more than 20 dwellings will be expected provide 15 sqm of shared open space is provided per dwelling, along with 20 sqm of shared children's play space per dwelling.

According to the design and access statement the site is likely to accommodate 84 dwellings, which would equate to an open space requirement of £1260 sqm of shared open space and 1680 sqm making a total of 2940sqm. No public open space is shown on the indicative site layout and it would not be possible to provide this level of POS whilst accommodating the number of dwellings proposed.

However, the Council's Greenspaces Officer has been consulted and has commented that in this case he would be willing to accept a financial contribution for off-site provision; specifically, a sum of £30,000 for improving the existing children's play area and footpath off Cranborne road, off Middlewich Street, Crewe. On this basis, it is considered that the scheme would comply with the requirements of Policy RT3.

Trees and Landscaping

The site comprises buildings, significant areas of hard standing and some areas of soft landscaping. There are trees around the periphery of the site, and trees off site which overhang the boundaries.

As an outline application with all matters reserved except access, limited weight can be attached to the submitted layout. Nonetheless, the Landscape Officer has considered the application and is of the opinion that the site has the capacity to accommodate residential development, provided the layout is sensitively designed, respects any existing trees worthy of retention and is sympathetic to adjoining development. The Badger Avenue and Ludford Street frontages will need to be carefully detailed to provide an appropriate and high quality streetscape. It is noted that the site plan show the existing boundary dwarf wall and railings retained. These features and the adjacent landscaped area would require remedial works if to be retained in a new setting. However, all of these issues can be addressed at the reserved matters stage.

Ecology

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

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

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

In this case the Council's Ecologist has been consulted on the application and commented that the building subject to this application is now in the process of being demolished.

Whilst evidence of bat activity had been recorded previously further bat surveys were undertaken which indicated that bats were simply flying around the building and that there was no evidence that the building currently supported a roost. Therefore roosting bats do not present a constraint on the proposed development.

If planning consent is granted, however, he recommends that conditions be attached to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development.

8. CONCLUSIONS

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide c.84 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

There would be no adverse impact on residential amenity, highway safety, drainage and flood risk, ecology or trees and landscaping. Although design and layout are reserved matters, it is considered that a good design which respects the character and appearance of the area in which it is located can be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Subject to appropriate Section 106 contributions, open space and education requirements can be addressed in respect of this development. Environmental Health matters of noise, air quality and contaminated land can be addressed through appropriate conditions.

With regard to pedestrian and cycle access, if Members share the concerns of local residents, it is open to them to impose a condition to prevent the provision of a pedestrian and cycle link from the site to Newdigate Street. Alternatively, if they share the view of Sustrans and the Rights of Way Officer, that the application presents an opportunity to improve connectivity and sustainability a condition could be imposed requiring the provision of the link.

Therefore the recommendation is one of Approve subject to the completion of a section 106 agreement and suitable conditions.

9. RECOMMENDATION

APPROVE subject to completion of a Section 106 agreement to secure

- **£30,000 for improving the existing children's play area and footpath off Cranborne Road, off Middlewich Street, Crewe**
- **£130,155 towards primary education provision.**
- **30% of the total dwellings on site should be provided as affordable, split on the basis of 65% social or affordable rent and 35% intermediate tenure**
- **an affordable housing scheme to be submitted at reserved matters stage that includes:**
 - **full details of the affordable housing on site**
 - **Pepper-potting of affordable units**
 - **Mix of houses and flats**
 - **details of when the affordable housing is to be delivered – To be no later than occupation of 50% of the open market units.**
- **transfer any rented affordable units to a Registered Provider**

- the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- All the Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

And the following conditions:

1. Standard outline timescale
2. Standard outline
3. Approved plans
4. Construction of Access
5. Provision of 200% parking
6. Submission of a surface water regulation scheme,
7. Submission of a scheme to manage the risk of flooding from overland flow
8. Submission of infiltration tests
9. For discharges of surface water to mains sewer above the allowable rate, submission of attenuation for up to the 1% annual probability event, including allowances for climate change.
10. Submission of details of Sustainable Urban Drainage System (SuDS)
11. Submission, approval and implementation of travel plan
12. Submission, approval and implementation of scheme to minimise dust emissions arising from demolition / construction activities
13. Submission, approval and implementation of details of bin storage
14. Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
15. Submission, approval and implementation of piling method statement
16. Hours of construction shall be restricted to Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
17. Submission, approval and implementation of details of external lighting
18. Submission, approval and implementation of an acoustic assessment report detailing any measures required to mitigate the identified noise sources within the proposed development.
19. Submission, approval and implementation of an updated contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
20. Should the updated Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried
21. Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted. The remedial scheme in the approved Remediation Statement shall then be carried out.
22. Should remediation be required, a Site Completion Report shall be submitted
23. Detailed breeding bird survey
24. Features for use by breeding birds and bats
25. Submission and approval of materials
26. Submission and approval of cycle parking within scheme

- 27. Submission and approval of boundary treatment**
- 28. Submission and approval of landscaping**
- 29. Implementation of landscaping**

