

Application No: 15/0587N

Location: LAND OFF UNIVERSITY WAY, CREWE, CHESHIRE

Proposal: An outline planning application for the provision of shared recreational open space, children's play space, landscaping and associated works.

Applicant: Hawkstone Properties (Crewe Green) LLP

Expiry Date: 19-May-2015

SUMMARY

The site is allocated for employment purposes within the Local Plan and because the proposal seeks to use the site for an alternative non-employment use, the proposal would be contrary to Policy E.1 of the Local Plan and be unacceptable in principle unless other material considerations indicate otherwise.

Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.

Policy EG3 from the emerging Local Plan Strategy – Submission Version, which is a material consideration, advises that existing employment sites will be protected for employment use unless the site is no longer suitable or viable for employment use; and there is no potential for modernisation or alternate employment uses; and no other occupiers can be found.

The applicant has submitted a viability study in an attempt to address these concerns. However, the Council considers that the site does remain suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore also considered to be contrary to Policy EG3 from the emerging Local Plan Strategy – Submission Version and the NPPF.

The development would provide a social benefit by providing Public Open Space. Balanced against this benefit must be the dis-benefits which in this case, relates to the loss of this site for employment purposes.

On the basis of the above, it is considered that the economic dis-benefit resulting in the loss of this employment site outweighs the social benefit of the provision of the Public Open Space. Therefore, the proposal is considered to represent unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan.

Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

As such, the application is recommended for refusal

RECOMMENDATION

REFUSE

PROPOSAL

Outline planning permission is sought to change the use of this parcel of land to Public Open Space (POS) in association with an application for housing (ref: 15/0586N).

Matters of; Access, Layout, Scale, Appearance and Landscaping are all reserved for later approval.

As such, the application seeks permission for the principle of changing the use of this parcel of land to POS only.

SITE DESCRIPTION

The application site is 2 hectares in size and lies within the Crewe settlement boundary as defined on the adopted Crewe and Nantwich Replacement Local Plan 2011.

It forms part of a larger site, the second half of which is subject to an associated planning application for housing (Ref: 15/0586N).

The site is bound to the north by Valley Brook, the east by Englesea Brook, scrubland subject to the associated housing application to the south and University Way to the west.

The site comprises of a combination of an unused tarmac access road and unmanaged land and scrub. There is an existing hedgerow fronting onto University Way and mature trees and vegetation along its Englesea Brook boundary.

The application site is located within Flood Zones 2 and 3 on the Environment Agency's indicative floodplain map.

There are a number of level changes within the site.

RELEVANT HISTORY

15/0586N - An outline planning application for the erection of up to 106 dwellings, landscaping and associated works. All matters are reserved except access on to University Way. The application is not seeking approval of details for the internal highway / cycle / pedestrian network – Under consideration

13/2159N - Extension of time limit for the outline application for the erection of five office buildings with associated car parking and landscaping – Approved 15th August 2015

10/1146N - Extension of Time Limit for the Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 16th July 2010

P07/0017 - Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 4th April 2007
P06/0990 - Outline Application for Five B1 Office Buildings – Withdrawn 1st December 2006
P04/0478 - New Access Road off Crewe Green Link Road – Approved 25th May 2004
P04/0226 - EIA Screening Opinion - Proposed Development of Land for Employment Uses – EIA not required 17th March 2004
P00/0953 - Construction of Crewe Green Link Road (Northern Section) – Approved 4th January 2001
P00/0620 - Request for screening opinion – EIA not required 2nd August 2000
P98/0238 - Outline application for regional distribution depot and Crewe Green Link Road – Finally disposed of 17th April 2000
7/13981 - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19th March 1987
7/11951 - Development of a high technology site – Approved 2nd August 1985

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development
 17 – Core planning principles
 29 – 41 Sustainable transport
 109-125 Conserving the Natural Environment,

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are:

E.1 (Existing Employment Allocations)
 E.1.1 (Crewe Business Park / Crewe Green)
 NE.5 (Nature Conservation and Habitats)
 NE.9 (Protected Species)
 NE.20 (Flood Prevention)
 BE.1 (Amenity)
 BE.2 (Design Standards)
 BE.3 (Access and Parking)
 BE.4 (Drainage, Utilities and Resources)
 BE.5 (Infrastructure), TRAN.1 (Public Transport)
 TRAN.3 (Pedestrians)
 TRAN.5 (Provision for Cyclists)
 TRAN.6 (Cycle Routes)
 TRAN.9 (Car Parking Standards)
 RT.3 (Provision of Recreational Open Space and Children's Play space in new housing developments)
 RT.9 (Footpaths and Bridleways).

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

The following local policies within the emerging Cheshire East Local Plan Strategy – Submission Version shall be a material consideration;

PG1 (Overall Development Strategy)

PG2 (Settlement Hierarchy)

PG6 (Spatial Distribution of Development)

EG3 (Existing and Allocated Employment Sites)

SD1 (Sustainable Development in Cheshire East)

SD2 (Sustainable Development Principles)

SE1 (Design), SE2 (Efficient Use of Land)

SE3 (Biodiversity and Geodiversity)

SE4 (The Landscape)

SE5 (Trees, Hedgerows and Woodland)

SE6 (Green Infrastructure)

IN1 (Infrastructure)

IN2 (Developer Contributions)

C01 (Sustainable Travel and Transport)

C02 (Enabling Business Growth Through Transport Infrastructure).

Supplementary Planning Documents:

Development on Backland and Gardens SPD (2008)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) (Cheshire East Council) – No objections

Environmental Protection (Cheshire East Council) – No objections, subject to a contaminated land informative

ANSA (Cheshire East Council) – No objections to the applications combined (15/0586N and 15/0587N), subject to the footpaths being tarmac and the provision of a NEAP.

Flood Risk Manager (Cheshire East Council) – No objections, but recommend the appropriate provision of signage to ensure users of the site are aware that of the potential risk of flooding.

Public Rights of Way Officer (Cheshire East Council) – No objections, but advise that;

- The pedestrian link onto University Way shown within the Illustrative Masterplan should be designed, to best practice standards, for pedestrians and cyclists as it connects with a shared use footway/cycleway and would be likely to be used by both user groups.

- The legal status, maintenance and specification of proposed pedestrian and cyclists routes within the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Rights of Way with the provision of a commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space of the site.

United Utilities – No comments received at time of report

Canal and River Trust – ‘No comment’

Environment Agency – No objections, subject to a number of conditions including; The prior submission of an ecology survey and the prior submission of a management scheme for the large undeveloped buffer zone alongside Valley Brook and Englesea Brook;

Crewe Town Council – Object to the proposal on the following grounds;

- Proposal is contrary to Policy E1 of the Local Plan.
- A high level of employment growth is predicted by Cheshire East Council (65,000 jobs) for which a supply of high quality employment sites is required;
- A number of consents have been granted for residential development in the vicinity of Crewe and for them to be sustainable it will be necessary to provide additional employment; and
- The economic appraisal submitted does not consider the current demand for university related uses, referring only to a conversation in 2008, and limits its consideration of B1 uses to office development. It is therefore not considered that the case is made that the land is not required for the purposes for which it is currently allocated.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. No letters have been received.

APPRAISAL

The key issues are:

- The principle of the development
- Sustainability – Including; the proposals economic, social and environmental roles
- CIL regulations
- Planning balance

Principle of development

Local Plan

Policy E.1 of the Borough of Crewe and Nantwich Local Plan refers to existing employment allocations. Policy E.1 advises that in addition to land held by businesses and other organisations for future expansion, a number of sites have been allocated for business and industrial uses. Amongst these sites is ‘Crewe Business Park / Crewe Green’. The site in question falls within this allocation.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

Policy E.1.1 states that for the avoidance of doubt, such uses include; classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities.

As the proposed development seeks residential development and not development for the employment purposes detailed by Policy E.1.1, the proposal would be contrary to this Local Plan policy and be unacceptable in principle unless other material considerations indicate otherwise.

NPPF

Paragraph 17 of the NPPF states that planning should;

'Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that a country needs.'

Paragraph 22 of the NPPF states that;

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for the different land uses to support sustainable local communities.'

Although this statement refers to planning policies and not how planning applications should be considered, it provides a steer as to how the government want Local Planning Authorities to consider sites allocated for employment use and as such, this is a material consideration.

Emerging Local Plan

Policy EG3 (Existing and Allocated Employment Sites) from the emerging Cheshire East Local Plan Strategy – Submission Version (CELP), which is a material consideration, advises that;

'Existing employment sites will be protected for employment use unless;

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*
 - a) There is no potential for modernisation or alternate employment uses; and*
 - b) No other occupiers can be found.'*

As the site is currently vacant scrubland, point *i* (above) does not apply. However, point *ii* does apply.

In response, the applicant has produced a study in an attempt to address these issues. In summary, the report concludes that;

Crewe Office market

- The site has had the benefit of planning permission for office's (B1 use in accordance with Policy E.1) for almost 8 years
- In 2007 approval was granted for 5 large office buildings. For marketing purposes, this layout was revised for the construction of 7 detached units. The site has been up for sale or let with this planning permission since February 2008.
In 2008, contact was made with Manchester Metropolitan University (Which Policy E.1 also permits development of this site for) who made clear that there was no requirement for any further facilities.
- The Crewe Business Park, after being established approximately 30 years – is still not full
- The demand for office accommodation in Crewe has been driven from either the Public Sector or the SME sector.
The demand for office accommodation from the Public Sector has reached an 'unprecedented low' due to budget cuts.
The public sector is adding surplus floor space to the market e.g. Midpoint 18 (Middlewich), Wellington House (Crewe) and Oak House (Crewe).
SME demand for offices in Crewe tends to be 'small scale'
- The 2012 Cheshire East Employment Land Review advised that although Crewe is a good office location '*it is not envisaged that there will be any major increase in take up in years to come.*'
- Rental demand for office space has decreased further since the introduction of 'empty property rates' by the government.
Have been falling rents and shorter lease terms affecting the viability on new office accommodation.
- Short-term demand is unlikely to improve.
- Healthy existing supply of office accommodation in the Crewe area – 170,000 square feet, 62,000 square feet on Crewe Business Park.
- Are also other sites on Crewe Business Park offering new office development - Pochin's and The Gateway site.
- Are also other sites within the area offering the same – Basford East and Basford West.
- Therefore there is a healthy supply of existing office accommodation and employment land which the application site needs to compete against.

Commercial viability

- Value of new office development in the past 6-7 years has fallen significantly.
- Value of completed development is significantly less than the cost of the land and the construction costs.
- Speculative development is high risk
- Design and build demand – low
- Dummy appraisal estimates that if the scheme was built out on a speculative basis, it would make a loss of over £3.7 million

Marketing

- Began in February 2008
- Since that time, a number of activities have taken place including; Erection of a marketing board; Brochure of the site; CGI images; Public Sector liaison; Advertisement on websites; Inclusion within Office directory; been subject to agent mailing.

- Above has failed to generate any ‘...serious interest in the development of bespoke office buildings...’

Alternative employment uses

- Consideration given to B2 or B8 uses on the site
- Due to the levels differences within the site and its irregular shape, it would be difficult to configure for the effective operation of manufacturing or distribution companies.
- Basford East and Basford West are more appealing given their superior road links and proximity to the M6.

In summary, and to address the policy requirements of the emerging Local Plan, the submitted statement concludes that the site is no longer suitable or viable for employment use, that there is no potential for alternative employment uses and that no other occupiers can be found.

In response, Council's Planning Policy Officer has been consulted on the proposal and they have provided the following comments;

‘Essentially, the Local Plan Strategy examination Inspector has indicated, via his interim views letter published last November, that the Council needs to be more ambitious in terms of jobs growth. The Council commissioned Ekosgen to look at what would be realistic job targets and they have indicated that it should be 0.7% instead of the 0.4% shown in the LPS. This means planning for an increase in jobs from around 13,900 to 31,400 over the Plan period. Crewe is our main employment centre and the Inspector has indicated that he is happy with our settlement hierarchy and general distribution in PG6 [Policy], albeit that he would like to see some more employment / housing development in the north. So to meet this significant up lift in job targets we will need good employment sites like this.

The site is needed to provide for the emerging employment strategy in the Local Plan which looks to a 2030 horizon and, while setting the scene for HS2, it this does not take account of it. Hs2 will mean an even greater requirement for suitable employment land and we will take account of this in the next Local Plan once the current LPS is approved i.e. the policy direction is clearly to maintain a supply of good employment sites and this is in line with the NPPF idea of creating sustainable communities / need for sustainable development.’

In addition to the above, the Council's Regeneration Team have commented on the proposal to advise;

- *‘There is strong current demand for land and units with employment uses in Crewe both from existing expanding businesses and from inward investors. It is anticipated that demand will also be strong in the future.*
- *This site is adjacent to a successful business park and in a prominent location which will be further enhanced and benefit from the completion of Crewe Green Link Rd South later in 2015.*
- *University Way accommodates a range of businesses and uses and Bentley Motors occupy a unit adjacent to the site of the Planning Application 15/0587N.*
- *A range of employment uses for the site, in addition to the B1 use allocation, should be considered for the site.*

In specific relation to the Legat Owen report we would like to comment that –

- 7.2 – *It should be noted that the largest administrative centre for Cheshire East Council, in terms of number of employees, is Crewe where circa 1000 employees are based. This is larger than the number of employees based in the administrative centres in Sandbach and Macclesfield combined.*
- 7.3 – *The Crewe office market has many commercial drivers including for example Assurant Solutions who are based at Crewe Business Park and currently employ over 1000 employees and are seeking to expand in Crewe. Mahle have also recently taken space at Crewe Business Park*
- 7.8 – *Crewe is an excellent location for business. This view is reflected in more recent publications than the Employment Land Review. Notably 'All Change for Crewe : High Growth City'. The aspiration of All Change for Crewe includes the need to ensure development of accompanying short to medium term employment sites to compliment the strategic sites at Basford and Leighton in Crewe.*
- *Sir David Higgins report 'HS2 Plus' emphasized that 'An interchange at Crewe would be a real agent of change in the region'. A new regional transport hub at Crewe could bring structural change to the business offer in the area. Lord Paul Deighton, who is chairman of the HS2 Growth Taskforce, has also stated that Crewe is ideally placed to act as a hub station to connect HS2 into the surrounding regions.'*

Conclusion

As a result of the above, it is considered that the site remains suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore considered to be contrary to Policy E.1 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, Policy EG3 from the emerging Local Plan Strategy – Submission Version, and the NPPF. Therefore, the principle of the proposed development would not be acceptable.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t 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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

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; and by creating a high quality built

environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

Economic Role

It is considered that such a development would create employment opportunities during the construction of the site and ongoing employment opportunities with regards to the site's management.

Furthermore, there would also be some economic benefit by virtue of visitors to the site spending money in the area and using local services.

However notwithstanding the above, the loss of this site for employment purposes would be a significant economic dis-benefit.

Social Role

The provision of a large area of Public Open Space (POS) would provide social benefits as it would provide a public area where people can spend recreational time. Furthermore, the proposal would include children's play space and NEAP.

The Council's Public Open Space Officer has advised that overall, on consideration of both applications combined (this and the associated housing application ref: 15/0586N), he is satisfied with the provision, subject to the footpaths being tarmacked and the provision of a NEAP.

As such, subject to the above and a legal agreement to ensure that both applications are linked and that the POS be managed by a management company in perpetuity, it is considered that the provision of POS would be acceptable and offer a social benefit.

Residential Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance.

Given that the developments proposed would only be minor, it is not considered that the proposal would create any neighbouring amenity issues with regards to loss of privacy, light or visual intrusion.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to an informative relating to contaminated land.

As such, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan and not create any significant amenity concerns.

Conclusion

The scheme would provide a significant social benefit by the provision of Public Open Space. In addition, no neighbouring amenity concerns would be created.

As such, notwithstanding the principle acceptability of the proposal, it is considered that the development would be socially sustainable.

Environmental role

Landscape Impact

The site forms part of an extensive area of vacant land located to the east of University Way with Valley Brook running to the north and Englesea Brook to the east. There is part of an existing tarmac road connecting to a link from University Way. Habitats include unimproved grassland, scrub, mature trees on a mound to the north and associated with the watercourses, areas of self set saplings, together with recently planted trees, and a roadside hedgerow. The majority of the site lies within an identified flood zone. There is evidence to suggest that areas of the site have been used for motorbike trail riding which has resulted in erosion particularly around the mature trees on the mound. The areas adjacent to the watercourses are also eroded and the watercourses contain debris.

The Council's Landscape Officer has advised that the indicative landscape proposals appear to respect the majority of existing landscape features and provide opportunities for enhancement. Full details of hard and soft landscape proposals and ongoing management of the whole area would need to be addressed in a reserved matters application.

As such, the impact upon the landscape is not considered to be significant.

Trees and Hedgerows

The application is supported by an arboricultural survey, impact assessment and draft tree protection plan which cover this site and an adjoining parcel to the south where residential development is proposed.

The Council's Tree Officer has advised that the submitted arboricultural information appears to follow the guidance contained within British Standard 5837:2012 Trees in relation to design, demolition and construction.

The Council's Tree Officer has advised that the identified potential arboricultural impacts do not appear to present any insurmountable issues and in principle there should be no objection from an arboricultural perspective subject to a suitable reserved matters layout plan.

Ecology

The application is supported by an extended phase 1 habitat survey, a protected species report and mitigation survey, a tree bat survey.

'Other' Protected Species

A well established main 'protected species' sett is present on site. The Council's Nature Conservation Officer has advised that the application is supported by an acceptable impact assessment and outline mitigation method statement.

As the current application is outline only and the status of 'protected species' on site may change prior to the commencement of works, the Council's Nature Conservation Officer recommends that if outline consent is granted, a condition must be attached requiring the submission of an updated 'protected species' survey, impact assessment and mitigation proposals in support of any future reserved matters application.

Great Crested Newts (GCN)

There is an historic record of a single GCN being found on this site over ten years ago. This animal is believed to have been associated with the ponds within Crewe Business Park. This population of GCN is known to have died out a number of years ago. The large balancing pond relatively recently constructed adjacent to the site has been assessed as having 'Below Average' potential to support GCN.

The Council's Nature Conservation Officer has advised that GCN are not reasonably likely to be present or affected by the proposed development and so no further action is required in respect of this species.

Bats and trees

Numerous trees occur on site which have the potential to support roosting bats and a roost was confirmed within one of these trees in the open space area.

Based on the submitted illustrative master plan, the Council's Nature Conservation Officer has advised that it is likely that one tree with bat roost potential (but not an actual roost) would be lost as a result of the proposed development. The Officer has advised that based on current information, roosting bats are unlikely to be affected by the proposed development however if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated bat survey.

Safeguarding Valley Brook

Valley brook is located on the northern boundary of the application site. In order to ensure that the brook is safeguarded during the construction process, the Council's Nature Conservation Officer recommends that if outline consent is granted, a condition should be attached requiring the submission of a method statement for the safeguarding of an undeveloped 8m buffer zone adjacent to the brook.

Furthermore, it is advised that a condition shall be required seeking the submission of detailed design/planting for the ecological buffer area and orchard planting to be submitted in support of any future reserved matters application.

Flood Risk and Drainage

The eastern section of the application site falls within a Flood Zone's 2 and 3 as designated by the Environment Agency. As such, the application was supported by a Flood Risk Assessment (FRA).

The Environment Agency have reviewed the FRA and concluded that they have no objections to the proposed development, subject to a number of conditions including; The prior submission of an ecology survey and the prior submission of a management scheme for the large undeveloped buffer zone alongside Valley Brook and Englesea Brook.

The Council's Flood Risk Manager has advised that he has no objections to the proposal in principle, subject to an informative that the developer should provide adequate flood risk signage.

As such, subject to these conditions and informatives, it is considered that the proposed development would adhere with Policies BE.4 and NE.20 of the Local Plan.

Design Standards

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

As the application is for outline permission only, matters of layout, scale and appearance from a design perspective cannot be considered as part of this scheme. However, in principle, the indicative layout of the POS is considered to be acceptable.

Access

Again, access is not sought for approval at this stage.

However, the Head of Strategic Infrastructure has reviewed the application and advised that in principle, he would have no objections.

Conclusion

The proposed development would not create any significant landscape, tree or hedgerow issues, nature conservation, access, design, flooding or drainage concerns subject to conditions.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

Planning Balance

The application site lies within the Crewe settlement boundary where Policy RES.2 of the Local Plan advises that new housing will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan.

However, as the application site is allocated for employment purposes within the Local Plan, the loss of this employment site is the principle consideration.

As the proposal seeks to use the site for an alternative non-employment use, the proposal would be contrary to Policy E.1 of the Local Plan and be unacceptable in principle unless other material considerations indicate otherwise.

Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.

Policy EG3 from the emerging Local Plan Strategy – Submission Version, which is a material consideration, advises that existing employment sites will be protected for employment use unless the site is no longer suitable or viable for employment use; and there is no potential for modernisation or alternate employment uses; and No other occupiers can be found.

The applicant has submitted a viability study in an attempt to address these concerns. However, the Council considers that the site does remain suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore also considered to be contrary to Policy EG3 from the emerging Local Plan Strategy – Submission Version and the NPPF in this regard.

The development would provide a social benefit by providing of Public Open Space. However, such a proposal would result in a loss to this allocated employment site.

On the basis of the above, it is considered that the economic dis-benefit resulting in the loss of this employment site outweighs the social benefit of the provision of the Public Open Space. Therefore, the proposal is considered to represent unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan.

Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

As such, the application is recommended for refusal.

RECOMMENDATION

REFUSE

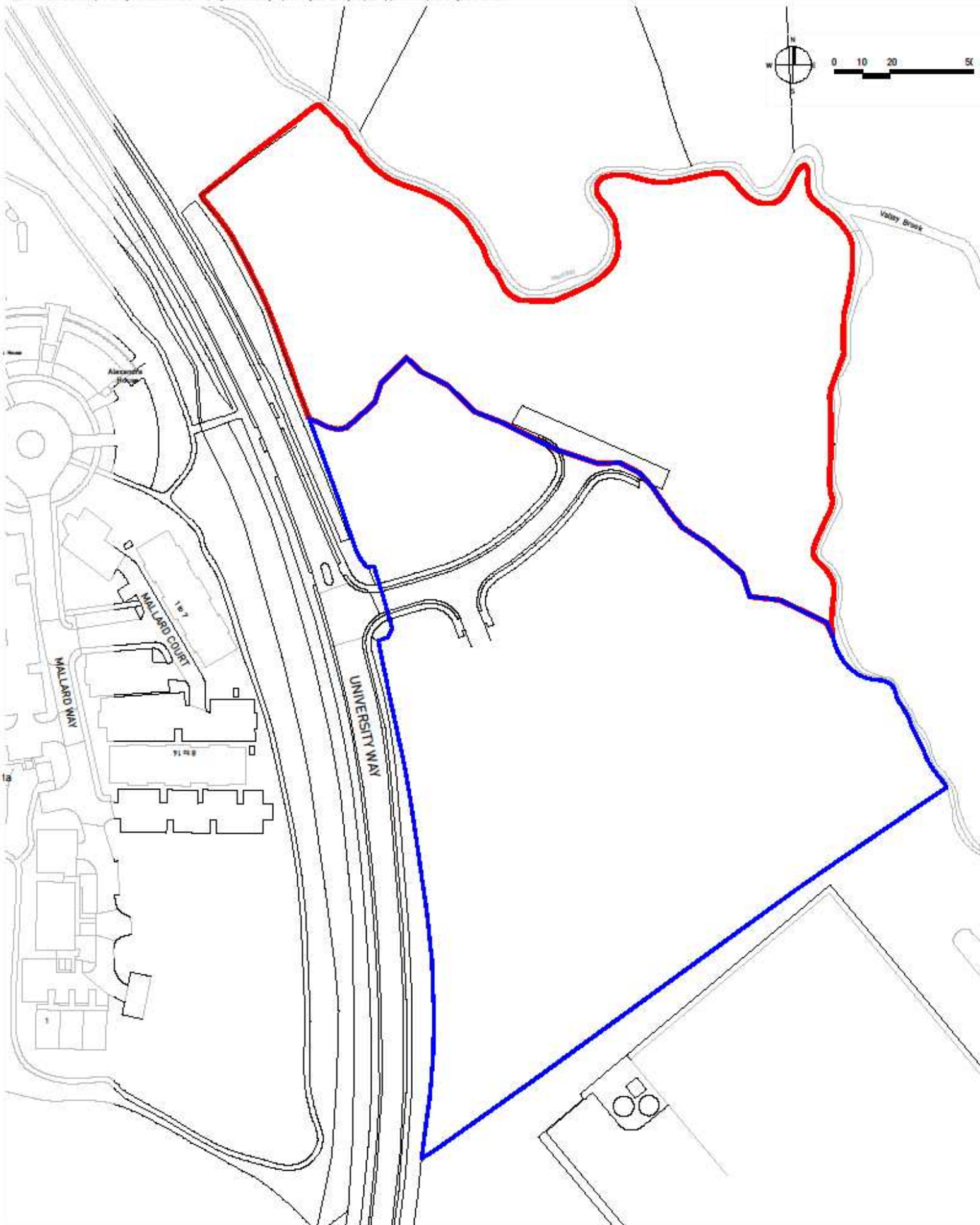
- 1. The proposed development would be for the change of use of a site allocated for employment purposes by Policy E.1 of the Borough of Crewe and Nantwich Adopted Local Plan First Review 2011 to Public Open Space. It is considered that the site remains suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore considered to be contrary to Policy E.1 (Existing Employment Allocations) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, Policy EG3 (Existing and Allocated Employment Sites) from the Cheshire East Local Plan Strategy – Submission Version (CELP). The proposal is also considered to be contrary to the NPPF.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any

technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads of Terms

- 1. POS to be managed by an appointed Management Company in perpetuity.**
- 2. Provision of NEAP**



LEGEND

- Site location
4.96 acres/
2.00 hectares
- Other land in
applicant's
ownership

