

Application No: 17/5016N

Location: LAND AT, MILL STREET & LOCKITT STREET, CREWE

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

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

Expiry Date: 08-Mar-2018

SUMMARY

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

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

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

The development would have a neutral impact upon, trees, ecology, flooding, living conditions, design contaminated land.

The dis-benefits would be the poor design which would not make any reference to the existing character/appearance of the area, does not reflect the railway heritage, does not

provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre.

Applying the tests within paragraph 14 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE

PROPOSAL

Hybrid planning application comprising:

- 1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing buildings and structures
- 2) Outline Planning Application with all matters reserved except for access for the erection of up to 53 dwellings with associated infrastructure

SITE DESCRIPTION

The site consists of a 3.6 hectare area comprising of a mixture of partly occupied single storey general industrial, warehouse buildings and is bound to the north and east by railway lines filtering into Crewe railway station, to the south by residential properties and to the west by Mill Street with a further mix of residential and commercial properties.

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

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

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

RELEVANT HISTORY

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

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

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

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

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

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

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.

56-68. Requiring good design

Development Plan

Cheshire East Local Plan Strategy – Adopted Version (CELP)

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

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE5 – Trees, Hedgerows and Woodland

SE 1 – Design

SE 2 – Efficient Use of Land

SE 5 – Trees, Hedgerows and Woodland

SE12 – Pollution, Land Contamination and Land Instability

SE 13 – Flood Risk and Water Management

SE 6 – Green Infrastructure

SE7 – The Historic Environment

IN1 – Infrastructure

IN2 – Developer Contributions

EG1 Economic Prosperity

EG5 – Promoting a Town Centre First Approach to Retail and Commerce

LPS1 – Central Crewe

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

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

Supplementary Planning Documents:

Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Development on Backland and Gardens
Crewe Rail Gateway Adopted Development Brief
The Cheshire East Design Guide SPD

CONSULTATIONS

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

CEC Flood Risk Manager: Object as the proposal seeks to develop over an and adjacent to the Valley Brook culvert, valley brook is designated as main river and the proposed works would require permitting by the environment agency

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

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

CEC Housing: No objection

CEC Public Rights of Way: No objection

CEC Open Space: Object due to lack of green space and poor connectivity

United Utilities: No objection subject to conditions regarding foul and surface water drainage and drainage scheme

Environment Agency: No objection subject to condition on the reserved matters application which prevents building being built over the existing culvert and buildings in close proximity to be designed to prevent additional loading onto the culvert

HS2: No objection

VIEWS OF THE PARISH/TOWN COUNCIL

Crewe Town Council – object on the following grounds:

It does not contribute to the regeneration of Crewe in the manner referred to above, and importantly, does not meet the “Site Specific Principles of Development” set out in Policy LPS1 of the LPS as follows (the lettered paragraphs correspond to the lettered principles in Policy LPS1):

a. “The creation of stronger physical connections between the Town Centre, the railway station and Grand Junction...” The site offers the opportunity to create part of an attractive, landscaped, corridor of high quality development linking the station to the town centre, incorporating cycle and pedestrian routes. The current proposal misses this opportunity completely.

d. “New buildings should be of a high design quality and respond to Crewe’s railway heritage and contemporary living.” The retail development is a standard retail park design, inoffensive, but without any attempt to reflect local character or excellence in contemporary design. It fails to contribute to raising standards or promoting a positive image of Crewe. The indication that the residential development will comprise semi-detached and terraced dwellings and apartments (para 3.6 of the Planning and Retail Statement) does not inspire confidence that this development will be of high quality contributing to a positive image of Crewe for passing rail travellers on the London to Holyhead mainline which abuts the site. Any reserved matters application will need to be more ambitious than is currently indicated.

e. “Provision of Green Infrastructure to reflect “The Green Infrastructure Plan for Crewe” (TEP 2010), including tree planting; the creation of tree lined boulevards with the provision of greenspaces in new developments. The creation of green spaces including those linking green infrastructure and safe and secure pedestrian and cycle routes should be integrated into any development proposals.” Mill Street is one of the key routes identified in the Green Infrastructure Plan. The landscaping proposed in the full application for retail development does not address this requirement. Only 4 trees are proposed, partly hidden to the rear of the store. Residents’ concerns about security are well understood, but it is perfectly possible to incorporate trees without unduly interfering with informal supervision of the site, or prejudicing the safety of site users or residents. A wider distribution of low shrub planting would also contribute to the greening of the area. Cycle and pedestrian routes are referred to below.

g. “Provision of new and improvements to existing pedestrian, cycle and public transport links....” The applicant acknowledges in the Design and Access Statement (para 2.2) that the provision of a pedestrian route from the town centre to the station was a particular concern in pre-application consultations. The proposed provision of a circuitous route around the southern edge of the car park sandwiched between a fence and a hedge is neither convenient nor attractive and would not present visitors to the town with the best impression. A more direct, open and attractive route is required. The transport assessment refers to bus services within 400m. of the site, but does not mention the absence of services along Mill Street itself (notwithstanding the existence of the now-disused bus shelter).

j. There are three Air Quality Management Areas (AQMAs) within the site at Earle Street, Nantwich Road and Wistaston Road. Development proposals will need to include appropriate mitigation measures if they are located within these AQMAs or could have an adverse effect on them". The development will result in increased traffic using Mill Street, adding to the congestion at the Mill Street/Nantwich Road junction where air quality standards are already breached. For this development to proceed, improvements to traffic flows at that junction must be effected. The applicants' transport study suggests that during the Saturday peak hour, the development will generate an extra 514 trips compared to an existing peak flow of 1339. Whilst not all of these will be new trips, the assumptions in the traffic assessment that 50% will already be passing by does not take account of local geography, the remaining 50% will be new to Mill Street (a little less when linked trips to the 2 stores are taken into account). This is still a sizeable change likely to increase queue lengths at the Mill Street/Nantwich Road junction. This will lead to a further deterioration in already unacceptable air quality unless some means of significantly improving traffic flows can be implemented.

In addition to failing to meet the requirements of LPS1, the developer also needs to address:

1. The impact of the additional traffic to the new development on existing road safety issues identified on Mill Street, particularly the conflict between vehicles and pedestrians and cyclists.

2. The siting and orientation of the retail units. It is important that on a main route into the town there is an active street frontage rather than an uninterrupted view of a carpark. Accepting that retailers may want the store entrance to face the car park, it would be possible to align the development east-west so that a suitable designed and fenestrated side elevation faces Mill Street, so reducing the expanse of car park fronting Mill Street. The relocation of the coffee shop to the street frontage would further improve the sense of an active street.

REPRESENTATIONS

Letters received from 20 households regarding the following:

Support

- Regeneration and market choice
- Affordable homes
- Employment opportunities
- Would limit antisocial behaviour

Objection

- Contamination/asbestos
- Increase in traffic
- Out of town retail harmful to town centre
- Need better pedestrian connectivity to the train station
- Need better landscaping
- Development should fund a bus route
- Retail element should include a green roof
- Would limit ability of the masterplan
- Car parking should be moved to the back of the site

APPRAISAL

Principle of Development

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

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

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

Points 1 and 14 of Policy LPS1 supports the delivery of retail and housing (at approximately 40 dwellings per hectare for housing). The current proposal seeks to provide retail and housing and as such proposes the delivery of a mixed use scheme on the site. The number of houses proposed is up to 53 which complies with the dwellings per hectare requirement. As a result the proposal is considered to be consistent with Policy LPS1 in terms of pure land use.

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

Point 14 of the Policy LPS1 requires the creation of pedestrian and cycle links to the railway station and the town centre. It is noted that the application does propose to include links which have been amended from that originally provided however the links are to be sited across the proposed car parking area and do not give any priority to pedestrians which could result in conflict between pedestrians and car users. Therefore it is not considered that the proposed pedestrian and cycle routes would encourage the use of such routes by cyclists and pedestrians. It also fails to show any connection to the proposed housing scheme to the north of the site.

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

Point (a) of the Policy LPS1 requires the creation of stronger physical connections between the town centre, the railway station and Grand Junction. It is considered that development currently proposed does not support, in design terms, connections as intended by the policy. It is considered that the proposals do not meet the requirements of points (d) and (e) of Policy LPS1 or Policy SE1 Design, with regard to high design quality and the provision of green infrastructure. The site lies in a highly prominent location, on a key route into and out of the town centre. Its layout and design should therefore reflect its location. The proposal is however dominated by and includes a vast expanse of car parking, adjacent to the highway, with very little landscaping/additional green infrastructure proposed with all of the buildings being set well back from the road frontage. This would not reflect the existing character of the area where

properties are sited in predominantly uniform build lines fronting the road and would not therefore result in a high quality or attractive environment, nor would it provide an active frontage to Mill Street.

Point (d) of Policy LPS1 advises that 'new buildings should be of high quality design and respond to Crewe's railway heritage and contemporary living'. The proposal provides no reference/response to Crewe's railway heritage. This could be in the form of simple design features or materials. For example the Tesco building to the north of the site was purposely design with arch way features to the front elevation to reflect railway arches. However no attempt had been made to reflect the heritage element nor does the red brick character of the area feature. It is also questioned as to how the proposal would provide contemporary living as this is shown as being sited directly adjacent to the railway which would result in poor outlook to future occupants and the need have mechanical ventilation to off-set noise and potential fumes from the railway which would not result in the creation of a quality environment for future occupiers. Whilst the housing element of the proposal is only submitted in outline form, it is not considered that the location of the housing would change as the retail elements utilise the remainder of the site leaving no alternate location for the housing other than the space backing onto the railway.

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

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

Housing Land Supply

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted

balance' set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

Affordable Housing

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

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of up to 53 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 16 dwellings to be provided as affordable dwellings with the above 65/35 split.

This would equate to 10 units to be provided as Affordable rent and 6 units as Intermediate tenure. However as the housing element is an outline form the correct mix of dwellings could be secured as part of a S106 Agreement.

Retail Impact

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

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

Open Space

Local Plan Policy SE6 – Green Infrastructure

The developer has provided an illustrative master plan with indicative housing types and numbers. Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, there is a public open space requirement of 65m² per family dwelling or £3000 per family dwelling commuted sum for off site provision.

The plan does not show any areas of useful open space and areas of incidental greenspace shown on the plan do not satisfactorily serve the needs of the new community. Therefore ANSA have advised that a commuted sum will be required for off site provision of Public Open Space specifically for recreational facilities for young people and access improvements in Valley Park.

The site is located within an area of high health deprivation. From this perspective the lack of green buffers around the perimeter of the housing development are of concern. Buffers help to improve air quality and provide valuable physical and visual barriers improving the overall quality of the development.

The Green Infrastructure Action Plan for Crewe identifies Green Links as one of its five themes. The plan does not currently demonstrate good connections leaving the housing development isolated from green infrastructure, recreational opportunities further afield, and the existing community and facilities to the east of the development. This could be addressed by redesigning the link between the railway station and the town centre. The site has the potential to incorporate a green 'spine' that would greatly improve accessibility through the site, encourage cyclists and pedestrians, and provide a valuable link to the wider community, recreational opportunities and transport links.

The housing element of the scheme is only submitted in outline form, therefore the layout could be amended at reserved matters stage to increase Green Links/pedestrian links once the layout is set. However the ability to provide a link depends on the ability of the full application to link to the sites and to the wider locality/train station which at present is not acceptable as it does not give any priority to pedestrians.

Local Plan Policy SC2 - Indoor and Outdoor Sport Facilities

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

Education

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

Health

Although no consultation response has been received from the NHS there are 8 medical centres within 1.9 miles of the site which are expected would accommodate increased capacity arising from this development.

Location of the site

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

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

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

Residential Amenity

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

The closest building Unit 1, would be sited 35m to the nearest facing windows of the closest property on Wesley Place to the south. This distance is sufficient to prevent any significant harm through overbearing impact, overshadowing or loss of privacy. The proposed car parking area would be sited 8m from the rear boundaries of properties on Wesley Place. The plans show that a green strip would be provided at this location which could be used to screen the car park and this could be secured by condition. There is likely to be some noise and general disturbance from its use but this would also be the case from the existing lawful use of the site. Similarly the opening hours of the units could be secured by condition to prevent use of the units during unsocial hours.

The units would be sited 48m to the nearest facing windows of Waverley Court to the south and 115m to properties on Mill Street to the West. These distances are considered sufficient to prevent significant harm to living conditions. Again any issues of noise and disturbance could be limited by planting condition restricting the opening hours of the units.

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

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

Contaminated Land

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

Highways

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

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

Trees

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

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

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

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

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

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

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

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

character as it seeks to site the buildings well back from the existing build line by approximately 60m with the creation of a large car parking area fronting the road.

This would result in a site that would be dominated by car parking with no active frontage onto Mill Street and would not result in a high quality or attractive environment. The site also faces Union Street Baptist Church which is a grade II Listed Building and would therefore have a negative impact on its setting.

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

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

The applicant has suggested that the location of the buildings on site has been dictated by the site constraints in the form of servicing, easement and water culvert and therefore they consider that this is the only workable layout. However it is noted that one of the constraints is an easement. It is assumed that this easement relates to a road that runs through the site and is in Council ownership. However given that the Councils policy supports certain forms of development on the site, it is considered that any restrictions from the easement could be overcome in return for an acceptable development which would help deliver the local plan designation. Therefore it is contested that the site is as constrained to the extent as shown by the applicant. Indeed the previous consented scheme as noted above gained consent to site a building fronting the road so this must have been a viable option when this was submitted.

Even if the issue of the easement could not be overcome there would be some room for some built form to be sited at the road frontage which would better respect the existing pattern of built form than current being proposed by providing a strong road frontage.

Finally the applicant also argues that an arrangement on site with the buildings in close proximity to the road with parking to the rear will not work on a commercial basis as customers don't want to park at the rear and wish to see their vehicles during their shop. However the Councils consider that a compromise scheme would be possible with maybe a single building sited closer to the road yet allowing some front parking however this option has not been taken advantage of by the applicant.

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

Ecology

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones, however the proposed development is not of a type identified by Natural England as triggering the need for NE to be consulted. Therefore the Council's Ecologist advises that no further action in respect of SSSI's is required.

Bats

A bat survey has been submitted as part of this application. No evidence or potential for roosting bats was recorded during the survey, however the survey focussed on only one of the buildings on site. Based on the location of the proposed development and the nature of the buildings present the Council's Ecologist advises that roosting bats are not reasonably likely to be present or affected by the proposed works, consequently no further bat survey work is required.

Nesting Birds

If planning permission is granted the Council's Ecology recommends conditions be attached to safeguard nesting birds in the form of an update survey should any demolition works take place between 1st March-31st August and for the incorporation of features for breeding birds.

The suggested conditions are considered to be reasonable and necessary to mitigate the impact on nesting birds.

Flood Risk

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

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

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

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

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

The Environment Agency have been consulted as part of the application. They initially raised an objection based on the outline scheme showing development within 8m of the culverted watercourse 'Valley Brook' which runs to the northern boundary of the site. However this objection has since been withdrawn as the culvert is only located within the part of the site to accommodate the outline housing scheme. Therefore they have suggested conditions be attached that the reserved matters application which prevent building over the existing culvert and any buildings in close proximity to be designed to prevent additional loading onto the culvert.

United Utilities have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage. The Councils Flood Risk team have also been consulted who initially objected on the basis of the culvert being built over however amended comments are being sought now that the Environment Agency's initial objection has been removed. These comments will be provided in the update report.

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

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

Economic/Social

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

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The proposal would result in a requirement for the provision of 16 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in the needs for open space to be provided at 65m² per family dwelling or £3000 per family dwelling. Therefore a commuted sum will be required for off site provision of Public Open Space specifically for recreational facilities for young people and access improvements in Valley Park.

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

OTHER

The majority of neighbour responses have been addressed in the report above. Concern has been raised regarding Asbestos on the site however this is not controlled through planning legislation. A comment was made that the proposal should fund a new bus route however no justification exists to request this. A comment was also made that the retail element should have a green roof however the Council has to consider the application as submitted. Finally concern was raised that the development would limit the

Councils ability to implement the master plan for the site. Unfortunately the master plan only carries very limited weight as it is only an emerging document at this stage.

PLANNING BALANCE

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

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

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

The development would have a neutral impact upon, trees, ecology, flooding, living conditions, design contaminated land.

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

Applying the tests within paragraph 14 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION:

Refuse for the following reason:

The proposed development by reason of design and siting away from the road frontage would be contrary to the existing pattern of development, would not reflect Crewe’s railway heritage, would not provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre. The proposal would therefore fail to provide a high quality or attractive environment and would be contrary to Policies SE1, LPS1, SD1, SD2, SE6 of the Cheshire East Local Plan, Saved Policies S12.2 of the Crewe and Nantwich Local Plan, The Cheshire East Design Guide SPD, Crewe Rail Gateway Adopted Development Brief and the NPPF.

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

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

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. Provision of public open space contribution of 65m2 per family dwelling or £3000 per family dwelling for off site provision for recreational facilities for young people and access improvements in Valley Park**

