

Application No: 18/0079N

Location: BOMBARDIER TRANSPORTATIONS, WEST STREET, CREWE, CW1 3JB

Proposal: The demolition of the existing industrial buildings and structures (including the boundary wall along West Street) and the construction of 263 dwellings comprising 24 apartments and 239 houses, together with other associated works, including the provision of public open space, the laying out of roads and footways (with two new accesses from West Street), and hard and soft landscaping

Applicant: Countryside Properties (UK) Ltd &, Bombardier Transportation UK Ltd

Expiry Date: 13-Apr-2018

## **SUMMARY**

It is clear that this application raises a number of important issues that influence the planning balance.

On one side the application proposes to re-develop a brownfield site in Crewe, in a sustainable location within walking distance of Crewe Town Centre with its range of facilities such as schools, healthcare and POS. The development also provides housing which will contribute towards the Council's 5 year housing supply and whilst not affordable in terms of the technical definition will provide a range of homes at the more affordable end of the housing market which is of course welcomed.

The proposals are neutral with regards to ecology with appropriate mitigation measures and issues of air quality, noise, land contamination, highways and flood risk can all be readily addressed. Although there are concerns about the loss of the existing factory wall and its historical links, it is considered that recording the "asset" and retaining the lower part of the wall as a frontage wall for the development goes some way to address this issue.

Against this, the proposals do not provide any affordable housing (due to the Vacant Building Credit) and the viability of the site causes a number of negatives with limited prospect of resolution and only very limited contributions to mitigate associated impacts. The POS provision on site still falls short of that normally required. Education contributions also fall short of what is required. Collectively there are additional pressures put on existing facilities in the area. The proposals raise questions of urban design in that it falls short of the now expected levels of compliance with the CEC Design Guide. There are concerns about the loss of trees and the overall landscape provision on site.

As a result of the above this application is considered to be finely balanced. Tipping that balance for regeneration and recognising the viability of building on a brownfield site favour supporting the proposal.

**SUMMARY RECOMMENDATION: Approve subject to Section 106 Agreement and conditions.**

This application was deferred at the Strategic Planning Committee on the 1st August 2018 for the following reason:-

"That the application be deferred for further consideration to be given to the design and layout of the application."

The applicant has submitted revised proposals that incorporate the following changes:

- Public Open Space – This has been increased in area from 0.2ha (2,000sqm) to 0.3ha (3,000sqm) and as a result has reduced the number of dwellings on site by 6. The area is also now flat with no SUDS provision as before.
- Street hierarchy – Some amendments have been made to produce a hierarchy of Avenues, Streets, Lanes and Shared drives – some utilizing a Tegula block finish.
- Frontage parking – The issue is acknowledged and the applicant believes the issue can be addressed by the use of quality, more mature landscaping and has produced CGI's to demonstrate how this would look.
- Bin and cycle storage – This has now been clarified, with bin storage shown on the plans and showing each property can accommodate a garden shed within a secure area. Provision of both is shown for the apartments.
- Boundary trees – This matter is being discussed with St Barnabas Church who “appear amenable to accommodating the tree planting within their curtilage and along the boundary, but discussions are ongoing and we will keep officers updated.”
- Section 106 Contribution – The applicant is proposing a Contribution of £100,000 towards education and/or off-site POS provision as previously discussed.

The original officer's report, with the updates incorporated, is set out below.

## **PROPOSAL**

This full planning application proposes the demolition of all the existing buildings on the site and it's re development with (in it's revised form) 263 dwellings comprising a mix of flats and houses, together with an area of open space and associated hard and soft landscaping.

Access to the site would be from two points off West Street

## **SITE DESCRIPTION**

The application site consists of a sizable part of the Bombardier Engineering Works and currently consists of one very large brick and metal clad engine building, last understood to have been used for repair and refurbishment of railway engines, and still having the tracks running inside with over head gantry cranes, together with a small warehouse/storage type building on the northern boundary of the site. The remaining areas of the site are laid to hardstanding. The entire site is currently vacant.

The site would adjoin the remaining areas of the Bombardier works to the east which are still operational.

There are some trees only the northern boundary of the site and on the railway embankment.

The site adjoins the Chester railway line to the south and West Street to the north, and the engine building forms part of the boundary wall along West Street. Whilst most of West Street is residential in character, there is a church and associated buildings along the norther site boundary, and the site is relatively close to a range of retail/food and drink uses off Dunwoody Way.

## **RELEVANT HISTORY**

None relevant in the consideration of this application.

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy**

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient use of land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 6 Green Infrastructure

SE 13 Flood Risk and Water Management

CO 1 Sustainable Travel and Transport

CO 4 Travel Plans and Transport Assessments

SC 1 Leisure and Recreation

SC 2 Outdoor Sports Facilities

SC 3 Health and Well Being

SC 4 Residential Mix

SC 5 Affordable Homes

IN 1 Infrastructure

IN 2 Developer Contributions

EG3 Existing and Allocated Employment Sites

The site is unallocated in the LPS, and lies to the west to the Central Crewe allocation LPS1.

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

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

**National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

**Other Material Considerations:**

National Planning Practice Guidance (NPPG)

Borough of Crewe and Nantwich extensions and householder development Supplementary Planning Document July 2008.

**CONSULTATIONS**

**Environment Agency** – No objection in principle subject to conditions relating to contaminated land.

**United Utilities** – No objections subject to conditions relating to separate drainage systems and requiring a surface water management scheme.

**Network Rail** – No objections are raised, and a range of detailed comments have been made, but in general “Given the scale, layout and proposed works, the applicant must liaise with Network Rail before the construction works and ensure that there is no impact to the safe operation and integrity of the railway.”

**Archaeology** - The Cheshire Archaeology Planning Advisory Service (APAS) are in agreement with the conclusions of the submitted archaeological desk-based assessment, and whilst they do not object to the development on archaeological grounds, they would advise that should planning permission be granted for this, or any similar scheme, that a programme of further archaeological mitigation should be undertaken. This is because the report does recognise that the existing, early 20th century works building and associated rear boundary wall are of local significance, and as such the loss of these structures through demolition should be mitigated through a programme of historic building recording.

**Public Rights of Way** – A range of detailed comments have been provided setting out the NPPF’s aspiration to encourage people to walk and cycle to key destinations to promote healthier lifestyles and better integrate communities and they suggest the developer should assess those linkages as part of their proposals.

**Spatial Planning** – Their comments are incorporated into the loss of employment land section below.

**Environmental Health** – No objections are raised. Conditions have been requested relating to contaminated land, noise, air quality electric vehicle charging points. These will be included on the decision notice.

**Highways** – Whilst they have been involved in discussions with the applicant, and it is understood they have no significant objections to the application formal comments are awaited.

**Housing Strategy** – Whilst originally raising an objection, as 53 units should be provided as Affordable/Social rent and 28 units as Intermediate tenure, as no affordable housing is proposed. However when considering the Vacant Building Credit calculation provided by the applicant they accept its findings and as such withdraw the objection.

**Flood Risk** – Additional information has been requested, which the applicant has supplied. Comments on this are awaited.

**Education** – No objection subject to developer contribution of £678,815. Without the contribution they would raise an objection to this application.

**ANSA (Open Space)** – Ansa object to this application as it does not conform to Policy SE6 or Fields In Trust standards.

## **VIEWS OF CREWE TOWN COUNCIL**

The Town Council deeply regrets the lack of affordable housing in the scheme. It can confirm that the boundary wall was indeed camouflaged during the war, contrary to the assertions contained within application documents.

The principle of residential development is acceptable on this site, but the Town Council has concerns about certain details of the proposals as follows:

- There is no access to rear of the proposed terraced properties for bins, bikes and maintenance
- Noise mitigation measures are identified in the specialist report but it is not clear if they have been incorporated in the submitted scheme, eg bunding to the railway line. CTC does not consider it acceptable to require occupiers to keep windows closed to maintain acceptable noise levels as suggested in the report. The layout could be redesigned to reduce railway noise impact to the nearest properties, for example by orientating dwellings so that blank gable ends face the railway line
- Open space – there is a complete lack of designated play space on the estate, and the nearest available open space is 700m away according to the design and access statement which is too far for young children to have to travel.
- The proposed street pattern uniform and uninteresting with no sense of place.
- There are concerns about possible pressure of additional traffic on the local road network eg Minshall New Road, particularly in conjunction with other proposals in the vicinity.

## **OTHER REPRESENTATIONS**

Representations have been received from 23 properties, including residents of Crewe but also from further afield. The points raised are summarised as follows;

- The factory wall on West Street is an important part of the town's railway heritage, that despite inaccurate assertions in the applicant's archaeological assessment, was camouflaged in WW11 to hide it from German bombing by being painted. Whilst the painting has faded, it can still be seen. There are mixed views on whether the wall should be retained, but if removed, it should be accurately recorded.
- The access points onto West Street will lead to highway safety issues and should be re-considered.

- Concerns about traffic congestion on West Street especially when considered alongside Bentley's proposals on Pym's Lane.
- Lack of parking provision for the houses
- The design of the housing lacks imagination, and does not provide a good housing mix or any affordable, social or elderly accommodation.
- Concerns about disruption/disturbance during the construction process and asbestos contamination.

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Loss of Employment Land
- Contaminated Land
- Affordable Housing and Housing Mix
- Education
- Open Space and Recreation
- Residential Amenity
- Impact on Local Highway Network / Access
- Heritage considerations
- Design and Layout
- Landscape
- Ecology
- Trees
- Noise
- Air Quality
- Flood Risk
- Viability/Section 106 agreement

### **PRINCIPLE OF DEVELOPMENT/HOUSING SUPPLY**

As noted above, the site is not allocated in the adopted Cheshire East Local Plan Strategy, but being within the built up area of Crewe and clearly constituting Previously Developed Land there would be no objections in principle to its redevelopment, subject to the loss of employment land considered below.

That said, as Members will be aware, the Council is able to demonstrate a 5 year supply of deliverable housing sites through a combination of commitments and Local Plan allocations, and this site does not currently contribute to those numbers. In short whilst there are no objections in principle to the development of this site for housing which would contribute to overall supply – which although welcomed, it is not currently needed to meet the Local Plan numbers. As such the weight that can be attached to this argument is reduced.

### **LOSS OF EMPLOYMENT LAND**

Policy EG3 ("Existing and Allocated Employment Sites") of the Local Plan Strategy sets out the policy approach to existing employment sites. It seeks to protect employment sites for employment uses where appropriate, in order to maintain an adequate and flexible supply of

employment land to attract new and innovative businesses, to enable businesses to grow and to create new and retain existing jobs.

Consistent with NPPF paragraph 22, Policy EG 3 does not automatically protect employment land, but provides the tests to be applied where alternative uses might be considered appropriate. These tests are not a simple tick-box exercise and robust evidence must be provided to demonstrate that premises are causing significant nuisance or environmental problems that cannot be mitigated; or the site is no longer suitable or viable for employment use, there is no potential for modernisation or alternate employment uses, and no other occupiers can be found.

In this way, the policy is designed to make sure an existing employment site is not suitable for any employment use; not just its present or most recent use. Where it can be demonstrated that there is a case for alternative development on employment land, all opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.

It is the applicant's contention that the site is no longer suitable or viable for employment use, that modernisation of the site is not possible and no other occupiers can be found (Point 1 (ii) of policy EG3)

Footnote 42 of policy EG3 provides further guidance regarding the application of the test for whether other occupiers can be found, namely, that the site should be marketed at a realistic price, reflecting its employment status for a period of not less than 2 years. The Council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received.

The applicant has included a marketing report which sets out how, in the applicant's view, that the site is no longer suitable or viable for employment use and provides evidence of marketing for periods in 2010/11 and 2015.

The Council's Skills and Growth Company (SAGC) have been asked for their view on the applicant's marketing report. The SAGC are in principle against the loss of employment land. SAGC produces an annual commercial property report, with research undertaken by an independent consultancy and this consistently demonstrates a strong demand for employment land, particularly for industrial use.

SAGC deal with 500+ businesses per annum and offer intensive business support to those with growth and/or relocation plans. Both indigenous Cheshire East companies and new investors cite lack of available development land as a key driver in taking their project outside of the Borough.

However, SAGC do recognise that the marketing report outlines a number of potential challenges to enabling the site to be brought to market and do not intend to formally object to this proposal. They do present reservations regarding certain elements of the marketing report including the use of Cheshire East Commercial Property Review as an example of their route to market. This is a report to demonstrate past deals so is not treated as a site marketing document

The Spatial Planning team consider it of utmost importance that applications for alternate uses on employment land do robustly address the policy tests to demonstrate that the site is no longer suitable or viable for employment use, there is no potential for modernisation or



alternate employment uses, and no other occupiers can be found. The marketing report and associated appendices do consider these issues. However, there are a number of further matters that the Spatial Planning Team wanted the applicant to consider and address, with regards to the evidence of marketing the site. The applicant has provided this information and Spatial Planning have confirmed they are satisfied the policy tests have been met.

Policy EG3 notes that where it can be demonstrated that there is a case for alternative development on existing employment sites, that these will be expected to meet sustainable development objectives set out in policy MP1, SD1 and SD2 of the Local Plan Strategy.

The Council's Employment Land Review (2012) (Appendix E2) considered the Bombardier Site. It was noted as a prominent site with the presence of older style industrial buildings. Access was considered to be good from Dunwoody Way. The Employment Land Review considered the development potential of the site to be limited although there may be development opportunities around the edge of the site as operations consolidates. The ELR noted that it was a large site with outmoded buildings. The overall view was that the site had potential for change of use – as the surrounding area is mainly residential. It also noted that the site was outmoded and contamination may also be an issue.

In conclusion the application addresses Policy EG3 and as such there are no objections to the loss of this employment site.

## **CONTAMINATED LAND**

The site clearly has a history of uses that could lead to the site being contaminated and given the intended use for residential purposes is a matter of some concern.

The applicant however has submitted a full site investigation and remediation strategy in support of the application and the Environment Agency write:

*“The reports detailed above submitted in support of this planning application provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.”*

The EA therefore recommend a series of contaminated land conditions. Environmental Protection write:

*“URS (the applicant's consultant) undertook an investigation at the site in 2005 to assess it in the context of a continued industrial end-use scenario. In 2013, Aecom reassessed the URS data with respect to a residential end-use scenario. The presence of VOCs was shown to be site-wide within the current application site and was considered to pose a risk to human health. It was recommended that vapour protection membranes should be incorporated into the construction of any new buildings in order to remove the pathway from VOC vapours. These risks and measures have not been considered in the current assessment. The Conceptual Model is incomplete and does not consider all contaminant linkages for the site.”*

Environmental Protection have raised no objections subject to a range of planning conditions.

## **AFFORDABLE HOUSING**

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more 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 15 dwellings or more or larger than 0.4 hectares 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 269 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 81 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in Crewe per year up to and including 2018 is for 50x 1 bedroom, 149x 3 bedroom and 47x 4+ bedroom General Needs dwellings. The SHMA is also showing a need for 12x 1 bedroom and 20x 2 bedroom Older Persons dwellings. These dwellings can be via flats, cottage style flats or bungalows.

The SHMA is showing an oversupply of 2 bedroom General Needs dwellings.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 997. This can be broken down to 450x 1 bedroom, 364x 2 bedroom, 132x 3 bedroom and 50x 4 bedroom dwellings. On this site a mix of 1, 2, 3 and 4 General Need's dwellings with a provision of 1 and 2 Older Persons dwellings would be acceptable.

53 units should be provided as Affordable/Social rent and 28 units as Intermediate tenure.

The applicant is advising in the Planning Statement that no Affordable housing can be provided due to the Vacant Building Credit. The Application form is stating all the housing on site is to be Market Housing. The Vacant Building Credit calculation is showing via the correct calculations that no Affordable Housing can be provided on the site.

Vacant building credit was introduced to promote development on brownfield sites. It allows the floorspace of existing buildings that are to be redeveloped to be offset against the calculations for section 106 affordable housing requirements (whether financial contribution or provision). It applies to any building that has not been abandoned and is brought back into any lawful use, or is demolished to be replaced by a new building.

The PPG explains that existing gross floorspace (assuming it has not been abandoned) should be credited against that of the new development.

In this case there is no overall increase in floorspace and as such no affordable housing can be required.

## **EDUCATION PROVISION**

The development of 269 dwellings is expected to generate:

50 primary children (269 x 0.19) – 1 SEN

39 secondary children (269 x 0.15) – 1 SEN

3 SEN children (269 x 0.51 x 0.023%)

The development is expected to impact on both primary school and SEN places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and SEN school places still remains.

The Service has recently begun the process of strategically creating additional primary school capacity in the Crewe area due to a basic need of primary places demographically and from additional approved housing and allocated strategic sites in the locality as identified in the Local Plan. The two largest expansions being Monks Coppenhall Primary School and Hungerford Primary Academy (both by an additional 210 places). The expansions are being jointly funded by basic need funds and S106.

The Service is expanding the schools by 1 full Form of entry (210 places – 7 classrooms) to assist with finances, minimum disruption to the daily management of the school and to assist with the practicalities of class organisation and teaching standards.

On this basis Education are seeking a full primary claim and will receive the payments for the works paid for by the Council up front to mitigate the 50 primary children as a direct cause of the Bombardier Transport proposal. The proposal is not forecast to impact upon secondary education.

Special Education Need (SEN) provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 3 children expected from proposed development will exacerbate the shortfall. The 2 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting. The remaining 1 SEN child is thought to be of EYFS age and as this provision is not currently claimed for, it cannot be reflected in the above calculation.

$50 \times £11,919 \times 0.91 = £542,315$  (primary)

$3 \times £50,000 \times 0.91 = £136,500$  (SEN)

Total education contribution: £678,815

Now the number of dwellings has been reduced by 6 this figure will need to be amended accordingly.

## **PUBLIC OPEN SPACE AND RECREATION**

Cheshire East aims to deliver a good quality and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits.

In terms of POS provision, based on 269 dwellings (now 263) a total of 16,140sqm is required on site comprising of 20sqm of children's play space, amenity greenspace and green infrastructure connectivity. In terms of 5sqm required for allotment provision an offsite contribution would be considered to increase capacity elsewhere as there is a large demand for allotments in Crewe identified by the Open Space Survey.

The Open Space Survey also identifies central western Crewe as a high density area with limited access to amenity green space going beyond 5 to 10 minutes walking distance. This development will exasperate this issue. There is also a shortage of 34ha of children's play areas in Crewe and this development will increase this shortage. Both G.I. AGS and formal play is required on site.

The latest planning layout shows a small central green area surrounded by roads, but increased in size from the original submission. The site is bounded by tree planting but now provides a usable recreation area for residents to use.

Should permission be granted there is also a requirement for indoor and outdoor sport provision.

#### Indoor Sport Provision

##### 1. Policy

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation

Policy SC1 - 5. "Make sure that appropriate developments contribute, through land assembly and financial contributions, to new or improved facilities where development will increase demand and / or there is a recognised shortage of local leisure, community and recreation facilities".

Policy SC2 – 3. "Make sure that major residential developments contribute, through land assembly and financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage".

This development will increase the need for local indoor leisure provision and as such a financial contribution should be sought towards Crewe Lifestyle Centre the nearest provision (1.3 miles away)

##### 2. Evidence base

- Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. The Indoor Built Facility Strategy has identified that there is currently a

sufficient stock of facilities (pools and sports halls) to meet current and new demand, however the additional population will increase demand on other areas of provision including health and fitness / gym provision and for Crewe the Council will look to focus meeting that demand at Crewe Lifestyle Centre.

### 3. Contribution required

- 269 houses at 1.61 people per residence = a population increase of 433
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 185 additional “active population” due to the new development in Crewe
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to either
  - An additional seven stations. Requirement for – x 5 running machines (£6,500 per treadmill) , x 2 resistance / weight pieces (£3,000 per piece). Total £35,500
  - Or
  - Contribution to extending the gym at Crewe Lifestyle Centre as part of a capital redevelopment. Total £35,500

### Outdoor Sport Provision

A shortage of 0.64ha of outdoor sport facilities are identified by the Open Space Survey therefore so not to increase this, a commuted sum of £1,000 per dwelling is required. This will be directed at King George V Playing Fields to enhance drainage, re-profile pitches and to improve the general facilities.

Although the applicant has sought to address some of the comments made by further increasing the size of the central area of POS, this does not address the central concerns of ANSA that there is insufficient provision being made for residents on or off site in an area that is already lacking in overall provision. The proposal now includes an area of 3,000 sqm, an increase of 33% over the proposals first presented to Committee, together with a possible contribution to off site provision.

In addition to the changes to the area of POS, the applicant sought to address this by highlighting the proximity of existing provision in the area. Whilst it may be the case that there is some provision within relatively easy walking distance, Queen’s Park in particular, this provision does not currently meet existing requirements for the population in the area, and because main roads need to be crossed to access this provision it is not accessible to younger children.

### **RESIDENTIAL AMENITY**

Issues of noise are addressed under that section of the report, with this section concentrating on privacy/massing issues.

Policies on separation distances are set out in Borough of Crewe and Nantwich extensions and householder development Supplementary Planning Document July 2008, which typically requires a distance of 21 metres between any proposed principal window and a directly

opposing principal window in a neighbouring dwelling, and 13.5 metres between a principal window and a flank elevation.

In most instances on the site these stated distances are met or exceeded, however there are parts of the site where this is not the case. Firstly the proposed properties on the south side of West Street behind the retained wall will only be some 16m from properties to the north. In this instance the desire to replicate the street scene typical of this part of Crewe – of terraces opposite each other, and the fact that it is the frontages or the public space between houses is considered to be acceptable.

Within the site itself there are instances where the minimum distances are not met (typically 18/19m separation), and in some cases where properties are back to back, which clearly is not ideal. This does not impact on existing residents except where noted above. However this is an urban scheme where there are clear viability issues, and if all the required separation distances are achieved there would be a reduction in housing numbers and this would render the scheme unviable and therefore undeliverable. In the few instances where this is an issue it is considered that on balance it is acceptable to make the proposals work, and as the scheme is designed for sale/rent occupiers can make their own decision whether they feel there is a significant issue. Given the character of the area, it is not considered that refusal could be sustained on this basis.

## **IMPACT ON HIGHWAY NETWORK/ACCESS**

### **Safe and suitable access**

The accesses have been designed to adoptable standards and include standard footways from West Street into the site. Speed surveys have been carried out showing West Street to have a design speed of approximately 30mph, and the associated visibility splays have been provided. The accesses will be located away from where on-street parking on West Street takes place and West Street has a width of approximately 7m.

The footway along the site frontage on West Street will have a width of 2m. Acceptable footway access is available to the wider Crewe area including bus stops on West Street. The bus stop on West Street on the same side of the development at the western side should be upgraded to include a shelter. The developer will need to liaise with TSS regarding this.

An accident analysis of those on West Street has been carried out and concluded that they were as a result of driver error rather than the road layout.

### **Network Capacity**

To determine the net vehicular impact of the site a trip generation exercise has been carried out for the existing site and for the proposal. The proposal will result in a net increase in vehicle trips of approximately 70 in the AM peak and 100 in the PM peak.

The access onto Dunwoody Way will no longer be used and the vehicle trips from the site will come off West Street. A proportion of the vehicle trips to/from the existing site will already use West Street. Using existing traffic distribution data, the net increase in vehicles using West Street during the AM and PM peak hours in the design year, as result of the development, is forecast to be 30 and 50 respectively, or a little less than 1 per minute over the hour.

The new site accesses, Pyms Lane/Minshull New Road, West Street/Dunwoody Way, and West Street/Victoria Avenue junctions were all assessed. Committed developments including those in Leighton, Flowers Lane and the Bentley applications were included in the assessments.

Whilst there would be a cumulative impact on these junctions, it is considered acceptable due to the traffic generation associated with the existing lawful land use.

### **Layout**

The access carriageways will have a width of 5.5m and further into the site these will be reduced to manage design speeds, in accordance with CEC standards and national guidelines. Further in again the shared space concept is introduced and although not strictly to the CEC Design Guide, there is no Highways reason to object to it.

The houses will provide off-road parking in line with CEC standards. The apartments to the west of the site will not provide a standard level of provision, at just over 1 space per apartment. Car ownership data for apartments in this part of Crewe show that this level of provision will be sufficient to cater for residents, and will not lead to on-street parking, assuming they remain unallocated which will increase the efficiency of the provision.

### **Conclusion**

Given the existing lawful land use and the net highways impact of the proposal is reduced and is acceptable. No objection is raised subject to conditions relating to making improvements to the bus stop on West Street, having a construction management plan and car parking for the apartments being unallocated. An informative relating to the requirement for a Section 38 Agreement is also recommended.

### **HERITAGE CONSIDERATIONS**

There are two issues here, firstly the significance of the factory wall on West Street, and the impact of the proposed development on the Heritage assets on West Street, namely St Barnabus Church and St Barnabus Vicarage both Grade II. The Webb Orphanage now Webb House on Victoria Avenue (again Grade II), is relatively close to the site, but being on the far side of the railway line to the south, and well screening by trees it is not considered that the development will impact on it's setting.

The loss of the railway building is regrettable given its local historic interest, but a more substantive effort is being made to retain the base and pillars of the building to create an enclosing wall for the north western frontage of the site, as a reference to the substantial building that presently occupies the site.

Whilst the building has some historical significance to Crewe, attempts to have it listed have proved successful, and it is difficult to see how it could be incorporated into any development. As set out above it should be fully recorded before any demolition works take place.

The loss of the trees in the north eastern corner of the site will adversely affect the Sylvan setting of the listed church and vicarage. There is concern as to whether planting of more substantial trees in gardens of properties to the south will either compensate for the impact upon the setting of the listed buildings or indeed affect living conditions for occupants. There

are also concerns about enforceability. This is examined further below, but replacement trees that will be able to reach maturity are an important element of any proposals.

## **DESIGN AND LAYOUT**

The importance of securing high quality design is specified within the Framework. 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.”*

This approach is consistent with CELPS Policy SE1 and the recently adopted Cheshire East Design Guide.

This full application was supported by a design and access statement and design code, but the proposals have raised a number of issues that have led to extensive consultations with the applicant and their agents. Dealing with each of the points:

The Street hierarchy is still not sufficiently strong in terms of character of built form and associated streetscape although there has been some progress, particularly with the inclusion of the avenue for principal streets and inclusion and more extensive changes in surfacing materials. However, the present design and materiality of the mews streets in the layout are unlikely to be particularly successful in creating multi-use streets, including encouraging informal play.

Sense of place/local distinctiveness – the overarching character departs from the character of this part of Crewe, with high concentrations of terraced housing immediately off West Street on this key gateway approach but it does not create a place of sufficiently distinct and high quality in its own right. Certain improvements have arisen, notably siting the apartment block and terraced forms in the western corner to define the gateway (and replicate the scale of the railway building and terraces), albeit the western elevation could have been more animated with more active use and fenestration on this side of the building. House types are reasonably well detailed but question their appropriateness to the context. Immediately local examples should have more strongly influenced the design of houses to reinforce sense of place. This does feel like an opportunity missed to create something very distinctive.

Views from streets to the north of West Street are now being terminated more positively.

The interface with the railway requires further information, most particularly whether existing trees that will help to screen the development on the railway side will be unaffected (this is not shown on the layout).

Despite the further enlargement of the space, the area of public open space provision is substandard for a scheme of this size. Open space could have more positively characterised the development to help create a place with a stronger identity.



There is an imbalance in parking in certain parts of the scheme, with high proportions of frontage parking that will be heavily reliant on high quality frontage landscaping to ensure that those areas are not overly dominated by parked vehicles. The parking associated with the flats also requires more landscaping to prevent it becoming a 'sea of tarmac' with little to soften it.

There is concern that during implementation the scope for quality frontage landscaping will reduce further within streets and in areas to define public/private boundaries. There is also concern about the depth of frontage landscaping on West Street and the capacity to achieve a decent scale of landscaping to reinforce the edge of the street.

Further information has now been provided with regards to bin and cycle storage..

In some locations, rear boundaries are exposed in street scenes due to the street alignment and housing stepping back to accommodate frontage parking, reducing the consistency of the building line.

In conclusion the applicant has gone some way to addressing urban design/layout issues, with issues of POS/Private space, and external storage at least in part being addressed, but there still remain some concern, and in the Building for Life 12 Assessment there is still a "red" for:

- Character - it feels like a missed opportunity to create a memorable and distinctive development.

## **LANDSCAPE**

The following formed the original report:

The application site covers an area of approximately 6.9 hectares and is occupied by the Crewe railway Works buildings. The site is bound to the north-west and the north by West Street, along part of which runs the rear brick wall of the works building, as well as the grounds and church of St Barnabas, to the north of West Street are existing residential dwellings, to the east the operational Bombardier site works and to the south by a railway line, south of which are residential dwellings.

The submission does not include a Landscape and Visual Appraisal, which in the circumstances is not surprising as the site currently exhibits the monumental structures of its industrial heritage and as such was not within the area appraised as part of the Cheshire Landscape Character assessment. However the Design and Access Statement does identify the Cheshire East Design Code and that within the Design Guide that Crewe and the surrounding area falls within the Salt & Engineering Towns Character Area.

The submission includes a Planning Layout and Landscape Masterplan. However it is not considered that the submitted proposals adequately follow the Cheshire East Design Code, nor is it felt that the landscape strategy will achieve a 'green and pleasant environment throughout the site', for a number of reasons.

The proposals only allow very limited opportunities to introduce trees and soft landscape along the site's frontage along West Street and the cramped and narrow design as shown is unlikely to do much to improve the visual appeal of the street, nor will it create an avenue of trees as stated, since there are no existing trees located along the northern side of West Street, which is characterised by terraced housing with very small front gardens that are largely devoid of vegetation. A wider offset with West Street would also have afforded the opportunity to continue any green infrastructure to the north of the three proposed cul-de-sacs shown on the masterplan.

The central green area appears to be minimal in size, and while overlooked by dwellings, is also surrounded on each side by roads and access to driveways. The green itself is shown with a boundary treatment of grass with trees, a sloping bank and the majority of the site devoted to wildflower grass. This may provide a focus for those dwellings that surround it, but will render it unusable for play and recreation.

Reference is made in the Design and access Statement to a hierarchy of routes in the scheme; primary routes, secondary routes and shared drives. There are primary routes that provide access from West Street and that form a loop within the site, and secondary routes that link the primary routes into the residential areas, and there are shared drives. However the differences between the primary and secondary routes are imperceptible and apart from their functions as highway routes, provide no clear distinction in terms of character or design hierarchy. The uniformity of street and design of the streets prevents any meaningful street planting or hierarchy of shrub or tree planting across the site. While the masterplan shows tree planting in many of the front gardens, the restricted layout means that these would be restricted to smaller ornamental species. It is suggested that the proximity to driveways, houses and impacts on residential amenity may well mean that these would not be particularly successful in the longer term.

Any opportunities to provide a more a positive design transition between the existing and functioning Bombardier site to the east and the railway line to the south have been overlooked, this is disappointing.

It is not considered that the proposals reflect the guidance offered in the Cheshire East design Guide, nor is it considered that they embody best practice in spatial planning and urban design.

Since the initial comments were made, the landscaping proposals have been amended to improve the West Street frontage, and the central area of POS which does contribute more positively to the area. The applicant is keen to highlight the high quality of landscaping that forms part of their schemes and will help to soften the street scene.

## **ECOLOGY**

The phase one survey which informs the ecological assessment was undertaken at a poor time of year however considering the nature of the habitats present on site this is not a significant constraint.

It is advised that the trees along the sites northern boundary should be retained to provide opportunities for foraging bats.

Whilst as set out in the tree section of this report these trees will need to be removed, they are proposed to be replaced, and whilst in the short term they will not provide as good a foraging habitat in time they will and as such it is considered this matter is addressed.

Provided the trees are replaced it is advised that there are unlikely to be any significant ecological issues associated with the proposed development, subject to conditions covering the following matters:

- Hedgehog habitats and gaps in fences.
- Detailed survey for nesting birds
- Detailed proposals for breeding swifts and White Letter Hairstreak

## **IMPACT ON TREES**

There is tree cover on and adjacent to the site, mainly on the boundaries. None of the trees are subject to TPO protection.

The tree cover comprises:

- An avenue of mature broadleaved trees along the northern boundary of the site comprising a row of Lombardy poplars, Ash and some Sycamore.
- To the north west there is a self set group approximately 7 metres in width comprising young Birch, Poplar and Sycamore.
- To the south in the railway corridor there is a linear strip of early mature/mature Birch, Sycamore, Goat Willow and Oak.
- Close to a warehouse within the site there is a small group of ornamental conifers.

The submission is supported by a Tree Survey Report and Impact Assessment dated December 2017. The tree survey covers 55 individual trees and small groupings. The trees were generally assessed to be in poor to moderate condition with no trees being afforded a high value. Nevertheless, 16 individual grade B trees and 2 grade B groups are identified.

The constraints posed by the trees are identified on a site survey as existing. The report references clearance of the site and removal of all trees within the boundaries. There is also reference to the need to afford sufficient stand off to minimise impacts on the rooting zones and overhead canopies of off site trees.

In this urban setting and in an area where there is limited tree cover, the presence of mature trees is a material consideration. In particular, the belt of trees to the north makes some contribution to amenity.

The revised landscape proposals remove previously proposed trees from locations close to several proposed properties fronting West Street which would avoid future conflicts. Nevertheless, tree planting is still shown in narrow planting strips across the site. The new trees proposed in rear gardens along the northern boundary with the St Barnabus Church are unlikely to fully mitigate for the mature trees to be removed. As stated previously, beyond a standard 5 year maintenance condition, in private gardens these would be out of LPA control. A more sensitive approach might be to design a layout which allowed a belt of tree planting and landscape works on this boundary out with private gardens, with development facing.

In respect of the off site trees on the railway embankment to the south, the report recommends a 4 metre stand off and protective measures. These trees are still not shown on the site layout although a 4 metre stand off appears to be achieved. Protective measures for these trees could be sought by condition but it should be noted that final proposals for remediation measures and levels may impact on the trees roots.

Should tree loss be unavoidable, it would be essential to secure meaningful replacement planting to compensate for the losses. Whilst indicative planting is shown on the proposed site layout, the space afforded and juxtaposition with buildings/hard surfacing is likely to constrain the scale of tree planting which could be achieved.

As discussed in the heritage section, the sylvan backdrop for the Listed Buildings on West Street is an important part of their setting, and whilst the loss of the boundary trees regrettably is accepted, as they are not in particularly good health, and when the adjacent building is demolished, and the associated slab removed it is considered very difficult to retain them in a safe condition. What matters then is how they are replaced and protected in the long term.

The current proposal include replanting sizable trees which will, in time, replace the sylvan setting for the buildings, the issue however is that they will be in the back gardens of residential properties with modest sized gardens. The concern is that they will be removed by homeowners, and in time their size will give social proximity issues which again will see them removed. The applicant is still looking at other options here, including the possibility of planting some trees to the rear of St Barnabus Church and the outcome of these discussions will be reported in a written update.

## **NOISE**

The applicant has submitted an acoustic report by Bureau Veritas UK Ltd in support of the application. The impact of the noise from West Street, the railway and the adjacent industrial use on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the adjacent road, railway and industrial process. The conclusions of the report and methodology used are acceptable.

As such, and in accordance with the acoustic report, conditions are necessary in order for this application to be approved, which essentially means carrying out the report recommendations which includes boundary treatment, glazing and ventilation measures.

## **AIR QUALITY**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, regard has been had to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015)

This is a proposal for the residential development of 269 dwellings comprising 24 apartments and 245 dwellings. Air quality impacts have been considered within the air quality assessment submitted in support of the application by Redmore Environmental. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2016 - Verification
- Opening year Do-Minimum (DM) (predicted traffic flows in 2018 should the proposals not proceed)
- Opening year Do-Something (DS) (predicted traffic flows in 2018 should the proposals be completed)

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to NO<sub>2</sub> and PM<sub>10</sub> concentrations, with none of the receptors experiencing greater than a 1% increase relative to the AQAL.

That being said there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Crewe has three Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

The developer has already submitted an Interim Travel Plan which Environmental Protection deems sufficient to prevent a condition being raised to request one. However, Environmental Protection also believes that further robust mitigation measures are required to reduce the impact on sensitive receptors in the area. Therefore conditions are recommended regarding Electric Vehicle Infrastructure, dust control and ultra low emission boilers.

## **FLOOD RISK**

Comments on the additional information provided by the applicant are still awaited at the time of writing this report. Any comments received will be reported as a late item to Members.

## **EMPLOYMENT**

The addition of 269 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Crewe Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

## **VIABILITY/SECTION 106**

The applicant submitted a viability report in support of the application which in short states that because of the significant costs in redeveloping this site it is unable to sustain any of the requested financial obligations requested towards education and public open space. Affordable housing provision as set out above is not required because of the vacant Building Credit.

In brief the abnormal costs of developing this site amount to some £2.8m, a substantial amount of which comprises demolition and site remediation, site clearance and preparation, abnormal foundations, storm water attenuation and a capping layer.

This viability report has been independently assessed and although initially it was considered that the “Scheme is capable of providing S106 financial contributions whilst remaining financially viable”, after further discussions on abnormal costs and other matters the Consultants have confirmed the applicant’s position that no obligations can be afforded by the proposed development. The consultants acting for the Council write:

“We therefore do not consider that the sales values achieved will be at the level required for the Scheme to become financially viable and therefore is not currently capable of providing S106 contributions whilst remaining financially viable.”

Lack of any contributions to mitigate the impact of development is always going to be difficult to support – no matter what the viability states or whether it is independently agreed. As discussed in the earlier report, the applicants are able to offer a total of £100,000 towards education and/or POS off-site provision.

A section 106 agreement will accompany the application and is required to secure the following:

- £100,000 towards education and/or POS off-site provision

## **CIL REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council’s requirement

for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

## **COMMENT ON REPRESENTATIONS**

The majority of the points of objection have been addressed in the main body of the report, and concerns about the demolition process, whilst understood, will be addressed under other environmental protection legislation.

## **CONCLUSION AND PLANNING BALANCE**

It is clear that this application raises a number of important issues that influence the planning balance.

On one side the application proposes to re-develop a brownfield site in Crewe, in a sustainable location within walking distance of Crewe Town Centre with its range of facilities such as schools, healthcare and POS. The development also provides housing which will contribute towards the Council's 5 year housing supply and whilst not affordable in terms of the technical definition will provide a range of homes at the more affordable end of the housing market which is of course welcomed.

The proposals are neutral with regards to ecology with appropriate mitigation measures and issues of air quality, noise, land contamination, highways and flood risk can all be readily addressed. Although there are concerns about the loss of the existing factory wall and its historical links, it is considered that recording the "asset" and retaining the lower part of the wall as a frontage wall for the development goes some way to address this issue.

Against this, the proposals do not provide any affordable housing (due to the Vacant Building Credit) and the viability of the site causes a number of negatives with limited prospect of resolution and only very limited contributions to mitigate associated impacts. The POS provision on site still falls short of that normally required. Education contributions also fall short of what is required. Collectively there are additional pressures put on existing facilities in the area. The proposals raise questions of urban design in that it falls short of the now expected levels of compliance with the CEC Design Guide. There are concerns about the loss of trees and the overall landscape provision on site.

As a result of the above this application is considered to be finely balanced. Tipping that balance for regeneration and recognising the viability of building on a brownfield site favour supporting the proposal.

## **RECOMMENDATION**

**Approve** subject to a legal agreement to secure

- £100,000 towards education and/or POS off-site provision

**And the following conditions**

1. **Standard 3 year consent**
2. **Approved Plans**
3. **Materials**
4. **Landscaping**
5. **Implementation of landscaping**
6. **Tree Protection Measures**
7. **The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
8. **Noise mitigation measures**
9. **Provision and implementation of Travel Plan**
10. **Dust control measures**
11. **Electric Vehicle Infrastructure**
12. **Submission of a Contaminated Land Phase II investigation.**
13. **Control over imported soils**
14. **Requirement to inform LPA if unexpected contamination found**
15. **Submission of Construction and Environmental Management Plan**
16. **Bin and cycle storage.**
17. **Hedgehog habitat creation and gaps in fences.**
18. **Detailed survey for nesting birds**
19. **Detailed proposals for breeding swifts and White Letter Hairstreak**
20. **Archaeological programme of works**
21. **Separate drainage systems**
22. **Detailed design of surface water drainage**
23. **Broadband provision**
24. **Finished floor levels**
25. **Improvements to the bus stop on West Street**
26. **No allocation of parking spaces for the apartment blocks**

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*



