

Strategic Planning Board

Agenda

Date: Wednesday, 14th April, 2010
Time: 2.00 pm
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 6)

To approve the minutes as a correct record.

4. **Public Speaking**

For any apologies or requests for further information, or to arrange to speak at the meeting
Contact: Sarah Baxter
Tel: 01270 686462
E-Mail: Sarah.Baxter@cheshireeast.gov.uk

A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for the planning application for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants
- Supporters

5. **09/4017N-Construction of Two Newt Mitigation Areas and Associated Corridors, 92 London Road, Stapeley, Nantwich for Mr R Adams, NJL Consulting, Adamson House, Towers Business Park, Wilmslow Road, Didsbury, Manchester (Pages 7 - 32)**

To consider the above application.

6. **10/0552M-Proposed Erection of a three storey, 75no. one bed care home, Macclesfield District Hospital, Victoria Road, Macclesfield for Cannon Capital Partnership (Pages 33 - 70)**

To consider the above application.

7. **Amendments to Section 106 Agreement for Planning Application P06/1001 for Outline Application for Redevelopment and Relocation of Existing Garden Centre Facilities, A1 and A3 Retail Units, Construction of Class C3 Residential Development, B1 Office Development, Car Parking, Ancillary Facilities and Associated Infrastructure at Stapeley Water Gardens, London Road, Stapeley (Pages 71 - 80)**

To consider the above report.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 24th March, 2010 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor H Gaddum (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, D Brown, M Hollins, D Hough, B Moran, C Thorley,
S Wilkinson and J Wray

OFFICERS PRESENT

Mr S Boone (Development Control Officer), Mr D Cleary (Planning Officer), Mr
A Fisher (Head of Planning and Policy), Mrs N Folan (Planning Solicitor), Mr B
Haywood (Principal Planning Officer), Mr C Kearney (Principal Regeneration
Officer) and Ms P Lowe (Development Control Manager)

186 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors W J A Arnold, P
Edwards, W J Macrae and G M Walton.

187 **DECLARATIONS OF INTEREST**

Councillors Mrs M Hollins and C Thorley declared a personal interest in
application P07/0639-Outline application for Mixed Use Development
Comprising Residential, Retail (Food and Non Food Uses), New
Pedestrian/Cycle Link and Associated Car Parking, Landscaping,
Servicing and Access, Land at Lockitt Street/Mill Street Crewe, Cheshire
for Clowes Developments (North West) Ltd by virtue of the fact that they
were Members of the Planning Committee that approved the original
application and in accordance with the Code of Conduct they remained in
the meeting during consideration of the application.

Councillor S Wilkinson declared a personal interest in Minute no 193-
Manchester Airport Section 106 Agreement Annual report by virtue of the
fact that he was the Chairman of the Consultative Committee of the airport
and in accordance with the Code of Conduct he remained in the meeting
during consideration of the application.

188 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

189 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

190 **P07/0639-OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL, RETAIL (FOOD AND NON FOOD USES), NEW PEDESTRIAN/CYCLE LINK AND ASSOCIATED CAR PARKING, LANDSCAPING, SERVICING AND ACCESS, LAND AT LOCKITT STREET/MILL STREET CREWE, CHESHIRE FOR CLOWES DEVELOPMENTS (NORTH WEST) LTD**

Consideration was given to the above application.

(Mr I Melville attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to a legal agreement to secure:

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

The affordable housing provision, to include a requirement that 35% of the total provision shall be affordable, 23% shall be social rented housing and 12% shall be shared ownership.

Details of phasing of development to include, inter alia, provision of the pedestrian / cycle link within the first phase of development.

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

and subject to the following conditions:-

1-3 Standard Outline

4 Maximum floor area for retail food development 1,329sqm

5 Maximum food area for retail non-food comparison 2,787sqm and remainder bulky goods

6 Footway/cycleway details as part of first reserved matters application

7 Noise mitigation measures to dwellings to include glazing

- 8 No Development within 8m of side walls of culvert
- 9 Flood Risk Assessment Mitigation Measures
- 10 Air Quality Assessment Mitigation Measures
- 11 Provision of Right Turn off Mill Street – timing to be agreed
- 12 Design Concept to be high quality and inclusive design, and shall have regard to the principles set out in the adopted SPD and shall include an element of Traditional 19th Century Railway Housing
- 13 No further sub-division of retail units.
- 14 Contaminated Land
- 15 Sustainable Urban Drainage Systems as part of Reserved Matters
- 16 Incorporation of sustainable features as part of Reserved Matters
- 17 Waste Management Plan to be submitted
- 18 Signage to Town Centre and Heritage Centre
- 19 Scheme of CCTV to be submitted and agreed
- 20 Speed humps to car park
- 21 Boundary treatment
- 22 Scheme of management of open space - to include cutting
- 23 Scheme of lighting to be submitted and agreed
- 24 Scheme of street furniture to be submitted and agreed
- 25 Materials – to include surfacing materials

It was requested that a letter be sent to regeneration to ask them to investigate further the possibility of opening up the closed archway under the railway line to improve connectivity from the railway station to the town centre for pedestrians and cyclists.

- 191 **10/0366N-INSTALL A 14.8 METRE HIGH STREET POLE INSTALLATION & 2 NO. EQUIPMENT CABINETS, GRASS VERGE ON SOUTHERN SIDE OF, PETER DE STAPLEIGH WAY, STAPELEY, NANTWICH FOR VODAFONE**

Consideration was given to the above application.

It was noted that the description for the application should refer to 3 No. Equipment Cabinets and not 2.

(The Ward Councillor Rodney Walker, Mr S Holland, an objector and Mr K Johnson, the agent for the applicant attended the meeting and spoke in respect of the application).

(The meeting was adjourned twice in order to seek legal advice. After the first adjournment, the information was not readily available and the meeting was reopened with the remaining items on the agenda being dealt with prior to final consideration of the application. A further adjournment took place before a final decision was made).

RESOLVED

That the application be refused for the following reason:

1. Proliferation of telephone masts in the area and their impact on the visual amenity.

(The recommendation had changed from one of approval to refusal).

192 **SAINSBURY'S, NANTWICH**

Consideration was given to the above report.

RESOLVED

1. That the section 106 requirements of the previous resolution in respect of application P09/0126 be amended as follows:

Prior to the first occupation of the site:

- a scheme of Public Art to be located in the area identified on Site Plan ARCH / 2004-030/P12/E to be prepared and agreed by the Local Planning Authority
- The agreement of the scheme to take into account the views of Stakeholders through a consultation exercise, the scope of which is to be agreed with the Local Planning Authority

The Public Art was to be commissioned and delivered on site in accordance with a timescale to be set out within the agreed scheme.

2. That the appropriate Town/Parish Councils be informed of the change to the resolution agreed at a previous meeting of the Board.

193 **MANCHESTER AIRPORT SECTION 106 AGREEMENT ANNUAL REPORT**

Consideration was given to the above application.

RESOLVED

1. That the report be noted.
2. That future reports be referred to the Portfolio Holder for Prosperity for his consideration.

The meeting commenced at 2.00 pm and concluded at 4.20 pm

Councillor H Gaddum (Chairman)

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Strategic Planning Board Report

Planning Reference No:	09/4017N
Application Address:	92 London Road, Stapeley, Nantwich
Proposal:	Construction of Two Newt Mitigation Areas and Associated Corridors
Applicant:	Mr R Adams, NJL Consulting, Adamson House, Towers Business Park, Wilmslow Road, Didsbury, Manchester
Application Type:	Full Application
Grid Reference:	366316 351258
Ward:	Doddington
Earliest Determination Date:	24 th February 2010
Expiry Dated:	8 th April 2010
Date Report Prepared:	9 th March 2010
Constraints:	Open Countryside

SUMMARY RECOMMENDATION:

1. Approve alterations to recommendation for outline application P06/1001 in relation to a variation to the section 106 agreement.
2. Approve with conditions.

MAIN ISSUES:

Appropriateness of the proposed ecological mitigation works in relation to the development of Stapeley Water Gardens for a mixed use development. Impact on the character and appearance of the open countryside.

1. REASON FOR REFERRAL

The application is referred to the Strategic Planning Board because the size of the application area is approximately 5 hectares.

2. DESCRIPTION OF SITE AND CONTEXT

An outline planning application for the redevelopment of the Stapeley Water Gardens and associated land was submitted under reference P06/1001 in August 2006 and was approved subject to the completion of a Section 106

agreement in September 2007. An Ecological Mitigation Design Strategy (EMDS) was submitted and approved in principle as part of the outline submission. That Strategy requires a number of measures to be implemented to mitigate the effects of the development on wildlife in the area. This application seeks full planning permission for these ecological mitigation works.

The Stapeley Water Gardens development site (outline application area) is located to the south of Peter Destapleigh Way and west of London Road, Stapeley and includes the land and buildings which form Stapeley Water Gardens, the site of the former Stapeley Manor which was demolished following a fire, and adjacent fields.

The newt mitigation application area consists of two parcels of land to the south east and south west of the outline application area, identified as Area A to the south west and Area B to the south east. In addition areas of wildlife corridor/ green link are also included in the application area. The site for the ecological mitigation works is therefore located largely in open countryside outside of the area allocated for the redevelopment of the Stapeley Water Gardens in the Borough of Crewe and Nantwich Replacement Local Plan, although certain corridor areas are within the allocation. The parcels of land which form Areas A and B are level grass fields. A number of the mature trees around the site of Stapeley Manor are included in a Tree Preservation Order.

3. DETAILS OF PROPOSAL

The application is for the construction of ponds to create Great Crested Newt mitigation ponds, related terrestrial and aquatic habitats and the provision of bat and bird nest boxes.

Following receipt of the original plans negotiations resulted in the submission of amended plans and information which provide for 11 ponds (seven in Area A and four in Area B) each one including two areas of shallows within the ponds to separate the deeper water areas. The ponds are set within areas of damp neutral grassland. Around the edges of each mitigation area and outside of the grassland will be native understorey with tree planting. Where hedges and trees are present these will be retained and the retained trees and hedges combined with the new planting will form habitat corridors on average 15m wide.

Areas A and B will be linked by a 15m wide habitat linkage. There is a raised reservoir within this land at present which will be removed and replaced with a similar water body in a modified position to provide a pond between the main areas of ponds.

To the north of the Stapeley Water Gardens development area land on the south side of Peter Destapleigh Way has been planted as a requirement for the Cronkinson Farm development and this will be retained but will also serve to provide wildlife linkages between the two areas. The land on the south side of Peter Destapleigh Way is excluded from this planning application area for the newt mitigation. However the newt mitigation planning application area does include existing mature trees on the east, south and west sides of the

land previously occupied by Stapeley Manor. These trees will form linkages between the planting on the south side of Peter Destapleigh Way and Area B. In addition a 10m corridor will be provided to link from the retained trees on the south side of Stapeley Manor to Area B.

These areas extend as follows:

Area A	2.055 ha
Area B	1.570 ha
Southern link between Areas A and B	0.388 ha
Areas to the east, south and west of Stapeley Manor	1.059 ha
Linkage between Stapeley Manor and Area B	0.070 ha
TOTAL	5.142 ha

The proposals also include three amphibian tunnels to provide links for wildlife under roads. These will be provided at the point where the corridor linking Area B and Stapeley Manor crosses the access road to Stapeley Water Gardens, at the point where vehicular access will be provided for the future residential development through the trees on the southern side of Stapeley Manor and a further tunnel (outside of this application area) to be provided where vehicular access is taken from Peter Destapleigh Way. (The outline application includes access from Peter Destapleigh Way to serve the relocated Water Gardens and new B1 office development and a second access from London Road on the line of the existing Stapeley Water Gardens will provide the new access to the residential development.) There is an existing amphibian tunnel under Peter Destapleigh Way which is unaffected by the Stapeley development.

Amphibian refugia (habitat areas) will be provided in Areas A and B.

4. RELEVANT HISTORY

P06/1001 Outline application for redevelopment and relocation of the existing garden centre facilities, A1 and A3 retail units, construction of Class C3 residential development, B1 office development, car parking, and ancillary facilities and infrastructure. Approved subject to signing of S106 agreement and with conditions. Note: Section 106 agreement not yet signed and therefore the outline permission has not yet been issued (as at March 2010).

5. POLICIES

North West of England Plan Regional Spatial Strategy to 2021

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP7 Promote Environmental Quality

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets especially policy EM1(B) Natural Environment

EM3 Green Infrastructure

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.9 Protected Species

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

S.12.5 Mixed Use Regeneration Sites – Stapeley Water Gardens (adjacent to the mitigation application area).

Other Material Considerations

Borough of Crewe and Nantwich LDF Supplementary Planning Document
Stapeley Water Gardens Adopted Development Brief, adopted 27th July 2006

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS4: Planning for Sustainable Economic Growth

PPS9: Biodiversity and Geological Conservation.

6. CONSULTATIONS

Environment Agency: No objections but request an informative to explain that a licence may be required. Pond construction should not compromise existing areas of biodiversity interest.

Environmental Health: No objections to this application.

Ecology: The revised submission adequately addresses the following previously raised concerns:

- The provision of a 15m habitat/landscape buffer linking ecological mitigation areas A and B.
- The reduction in size and increased separation of the proposed ponds by means of wetland scrape areas.
- The provision of ponds in the north west of Area A.
- The provision of an additional pond within the 15m habitat/landscape buffer to increase connectivity between areas A and B.
- The indicative locations of the proposed hibernacula.
- The retention of the 'casting pond'.
- Location of the required amphibian tunnels.
- The submission of acceptable indicative cross sections for the ponds and bunds.

It is advised that the following additional information is required in respect of this application, which could be secured by means of condition:

- Provision for nesting birds particularly those BAP species recorded on site.
- Details of an increased level of bat box provision including; number, type and location of proposed boxes.

The issue of the total area of habitat proposed is also raised. The Ecological Mitigation Design Statement (EMDS) submitted with the outline application specified 3.9 ha. The current scheme, which does not include the 'green link' (habitat corridor) adjacent to the proposed access road or the 'green link' between the housing and

²¹Water Gardens shown on the EMDS, appears to offer 3.77 ha. In addition the further mitigation details provided by PC Associates Ltd appears to indicate that only a 10m habitat/landscape strip will be provided which is contradictory to the revised plans submitted.

It should be noted that since a European Protected Species (Great Crested Newts) has been recorded on site and is likely to be adversely affected by the proposed development, in addition to agreeing appropriate mitigation/compensation the planning authority must consider the tests prescribed by the Habitat Regulations.

In the absence of mitigation the proposed development would result in a substantial adverse impact upon a significant population of Great Crested Newts through the loss of terrestrial habitat breeding habitat and would also pose a significant risk of killing/injuring a significant number of individual animals. However an acceptable methodology has been proposed to reduce the risk of killing and injuring animals during the demolition/construction phase and subject to the resolution of the outstanding issues detailed above, the proposed habitat creation scheme is likely to maintain the existing population.

Conditions in relation to the protection of breeding birds and the submission of a management plan are also recommended.

Landscape: Offer the following comments:

- The pond sections submitted are indicative but do give a reasonable representation of the pond sides. There should be no trees planted closer than 5m from the pond edges in order to limit the amount of leaf litter falling into the ponds.
- Recommend conditions regarding no felling or works to trees within corridors or Areas A and B without the prior written approval of the LPA, and for a landscape scheme to be submitted.
- Previous comments about the lack of information regarding the removal of banked land on the southern boundary to facilitate the removal of the reservoir and creation of the 15m buffer together with a new pond is still not addressed. Any change of levels should be noted on plan and cross sections submitted to show proposed ground levels and pond. There should also be a clarification of where spoil will be sited.
- Previous comments included for management plans to state a schedule for removal of self-set tree and shrub saplings from within the 5m margin of any pond. A phasing plan and timetable for implementation is also required.
- Bat boxes sited in mature trees within the hedge line of Area A would be successful in increasing the bat roosting opportunities in the local area.

SUSTRANS: Would like to see the ponds and habitat creation to the north of the south western mitigation area to link with that mitigation provided for the Cronkinson Farm development.

Natural England: While previously Natural England has been involved with the ecological mitigation strategy for this scheme, they are not now in a position to provide such advice at the application stage. It is therefore considered that the Council's Ecologist should lead on any negotiations.

Cheshire Wildlife Trust: Wish to offer support to the objections raised in a representation by Mark Williams. As Mr Williams points out, if an Ecological Mitigation Design Strategy has already been approved, then it is reasonable to expect

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that plans submitted with the application take this design into account and make provision for its implementation.

7. VIEWS OF THE PARISH COUNCIL:

No objections.

8. OTHER REPRESENTATIONS:

Letters of objection to the original details from 8 Mill Way, 1, 16, 19 Bishops Wood, Nantwich; 118, 128, 144, 146, 148, 150, 152 London Road Stapeley; Cranfield University Bedfordshire

Grounds of objection in relation to the development of the mixed use site for housing, the relocated Water Gardens and offices are not relevant to this application and not included here.

The grounds of objection in relation to the original plans and details, where relevant to the newt mitigation application can be summarised as follows:-

- The proposals do not comply with the Ecological Mitigation Design Strategy submitted with the outline application previously.
- The green buffer around the western and southern mitigation areas shown in the Ecological Mitigation Strategy is not proposed in the application.
- The edges of the field includes hedges ditches woodland and cluster ponds but none of these are included in the submitted drawings
- There is a lack of ponds in the northern part of Area A. This would enhance connectivity between the proposed mitigation and the existing mitigation provided in relation to the Cronkinson Farm development site.
- Inadequate configuration of the 10m wide landscaped corridor. This was not what Natural England originally asked for. Natural England sought a corridor of 15m width.
- The existing reservoir on the southern site boundary occupies most of the linking corridor for its extent on the southern site boundary between areas A and B and in its existing form does not allow these two areas to be linked.
- Further the reservoir banks are steep and cannot be planted.
- The corridor should be diverted around the reservoir to compensate for the area lost.
- The landscaped corridor should be 15m wide to assist with screening the development from existing dwellings as well as for habitat connectivity.
- There is no planting schedule to show what is proposed and quantities.
- There is no tree survey.
- There are no proposals for native tree and shrub planting.
- The ponds do not comply with the Drainage strategy submitted with the outline application which included reed beds and ponds/ wetlands within the south eastern mitigation area. The applicant should be required to demonstrate how the surface water drainage scheme will work.
- The development should also ensure that the Great Crested Newt Mitigation works provided in relation to the Cronkinson Farm development are safeguarded.

Further objections have been received in relation to the amended plans and details from:- 114, 128, 134, 144, 146, 148, 150 London Road, Stapeley, Cranfield University Bedfordshire.

The grounds of objection to the revised plan are summarised below:-

- Object to the lack of habitat corridor/ green buffer/ landscape strip between Area A and Peter Destapleigh Way. This is present in the Ecological Design Strategy and also the zone plan for the outline application and should be included in the submission. It is essential to provide connectivity with the Cronkinson Farm mitigation area to the west. Without this the connectivity is nil.
- If there is a problem with the width of this habitat corridor it could be tapered at the northern end to allow for construction of the road.
- The amended plans for Area A do not specify that the widths of the habitat corridors on the western and southern boundary are 15m wide.
- Object to the lack of information in relation to quantities and numbers of trees and shrubs to be provided. Full details should be submitted prior to the determination of the application.
- Object to the fact that the mature trees on the western boundary of Area A (shown on tree survey submitted with application P06/1001) are not shown on the amended plans.
- Revised plans to show the spread of the tree canopies and protective fencing to both Areas A and B should be included.

9. APPLICANT'S SUPPORTING INFORMATION:

Great Crested Newt Mitigation Supplementary details in relation to the Proposed Mitigation and Enhancement Scheme: (Paul Chester Associates Ltd updated February 2010)

This document commences by taking the issues which the local authority had identified in the original submission as conflicting with the requirements of the Ecological Mitigation Design Strategy (EMDS) and explaining why a number of assumptions made at that time are now considered to limit or inhibit the success of the scheme. The following text is taken from the submission and the words underlined by the applicant's ecologist explain his reasoning:-

Pond Size – The EMDS refers to ponds being a minimum of 100m². Whilst this size of pond can be used by great crested newt, the species favours much larger ponds. This approach would therefore limit the size of the local great crested newt population in the future.

Pond Number – The EMDS refers to a target number of ponds based upon those lost i.e. a ratio of 3 ponds for every 2 lost. This is erroneous in that it is not the number of ponds which dictates the size and viability of a great crested newt population but the quality of the ponds as a breeding habitat (as well as the surrounding quality of terrestrial habitat).

Pond Area – The EMDS refers to a target area of water to be double that which is lost. Whilst a target area may be a useful indicator, it is again something of an arbitrary and erroneous statement. As with pond number, it is the quality of habitat which is available to great crested newts which is critical.

Pond Depth – The EMDS refers to a pond depth range of 1-1.5m. Whilst this may be an appropriate maximum depth target, optimum ponds need to have extensive shallower margins to support abundant egg-laying material.

Pond Connectivity – The EMDS refers to a maximum distance of 100m between clusters of ponds. There is no scientific basis for this requirement and the critical consideration in relation to the connectivity of aquatic habitats at this scale is the quality and connectivity of terrestrial habitats. Ponds are only relevant to this as stepping zones over large distances in habitats which support few ponds.

Sustainable Drainage Systems (SuDS) – The EMDS refers to SuDS being incorporated into the dedicated great crested newt mitigation areas. Whilst SuDS is an important development consideration, given the potential conflict between the use of ponds for SuDS and aquatic habitat creation for great crested newts, the newly created ponds should be dedicated conservation ponds.

Incorporation of great crested newt ponds into the new Stapeley Water Gardens – Whilst, it would seem inevitable that great crested newts will utilise habitats within the relocated garden centre, the most successful mitigation schemes for great crested newt provide dedicated conservation areas which do not serve dual purposes. Irrespective of any such use, it is considered essential that any mitigation strategy delivers maximum conservation benefits without any such reliance on the relocated Garden Centre to deliver such benefits.

Ponds within Habitat Corridors – The EMDS incorporates pond clusters along the 15m wide habitat corridor. Such ponds would serve little purpose. They would be too small in size and would inevitably quickly become totally shaded within the proposed woodland habitats.

15m wide corridor – The EMDS specifies a minimum 15m wide corridor in the south of the development. This is an erroneous figure and the functionality of any corridor for great crested newts or terrestrial habitat provision which such a corridor provides is a factor of the quality of the habitat as opposed to the width. That the EMDS acknowledges this is demonstrated in the use of a 10m wide corridor for the “Green Link”.

²¹ In addition the following points are made:

- Amphibian surveys were completed in 2006 and 2009.
- In the 2009 survey 30 ponds were surveyed in the site and 3 ponds provided under the Cronkinson Farm mitigation were also surveyed.
- The 17 ponds in the display gardens show an atypical habitat with little or no vegetation, concrete linings and provide little or no breeding potential.
- The surveys showed that 17 ponds in the display gardens often found only a single Great Crested Newt in a pond.
 - In the 2009 survey the majority of GCN (81%) were found in four ponds; the highest population was found in the one pond located close to the access road (pond 23) to the existing Water Gardens. Two other ponds on land to the west of the Stapeley Development site (ie the Cronkinson Farm mitigation ponds) yielded higher counts as did the casting pond which will be retained.
 - Pond 23 was considered to have a higher population because of the diverse marginal planting around the edge compared with other ponds and the fact that it receives less disturbance.
- Whilst the EMDS requires an increase in number of ponds provided, it is the quality of the habitat which will influence the success of the mitigation not the outright number of ponds.
- Stapeley Water Gardens is an atypical habitat and the majority of ponds have little or no value to Great Crested Newts.
- It is not therefore considered necessary to replace ponds on a number basis. As a species Great Crested Newts favour medium to larger ponds not smaller ponds and this is demonstrated in the research on Habitat Suitability Index (HSI) by Oldham, Keeble Swan and Jeffcote in 2000.
- The HSI is now a mandatory requirement for Great Crested Newt licence applications and measures the quality of the habitat where 0 is of poor habitat and 1 is the optimal habitat.
- The HSI shows the optimal size for ponds to be 500-800 sq m not the sizes specified in the EMDS. Ponds of 100 sq m as specified in the EMDS would only score 0.2 on the HSI.
- National research also supports the larger sized ponds for habitats for Great Crested Newts. All the large populations of Great Crested Newts on Special Areas of Conservation found nationally occupied in large sized ponds.
- The mitigation scheme has been drawn up with reference to the need to balance the amount of aquatic habitats with terrestrial habitat and also with regard to areas of aquatic habitat being lost.
- The proposal is therefore for two large clusters of ponds connected by a corridor with one larger pond in it.
- There will be a loss of 0.23 ha of aquatic habitat and 0.77 ha of new habitat provided which represents a ratio of 3.34:1.
- The HSI has been used to design the new ponds so that all ponds will have an HSI of 0.8 or more.
- Maintenance will be in perpetuity as required by the licence.
- Whilst there will be other ponds provided in due course in the relocated Water Gardens the use by Great Crested Newts should not be encouraged since the desire to design these ponds to suit display needs is not necessarily amphibian friendly.
- The relocated Water Gardens will also include large areas of environments hostile to Newts whereas the mitigation ponds include planting specifically for a Newt friendly habitat.

²¹ Some 1.56 ha of terrestrial habitat will be provided in Area A and 1.29 ha in Area B.

- Terrestrial habitat will include planting with native species; top soil will be removed to the development site so that nutrient rich soils do not lead to inappropriate species.
- Newly created scrub and woodland planting will be provided immediately following the formation of ponds.
- All planting will use native species including ground flora and aquatics.
- 25 refugia will be established.

Stapeley Water Garden further detail in Relation to the Design of Great Crested Newt Mitigation (Paul Chester Associates dated March 2010)

- Each pond will be created to the optimum size as defined by the HSI i.e. c. 700m².
- Pond shape will be varied to maximise the shallow marginal habitats.
- Underwater bars and shoals will be included to benefit aquatic plants.
- The sloping edges of the pond will be shallow and always <1:5 in order to maximise marginal vegetation.
- Whilst natural generation in terms of vegetation establishment is often favoured, some plantings of aquatic species are proposed to speed establishment.
- All plantings will be of locally sourced native aquatic and marginal species favoured by great crested newts as egg-laying species and characteristic of high quality aquatic habitats generally.
- The plantings will be diverse so as to maximise the invertebrate assemblage and the foraging value to Great Crested Newts and other amphibians.
- Shading will be avoided.
- There will be no fish introduction.
- All pond creation measures will be completed under the ecological supervision.
- The ponds will not form part of any SuDS strategy.
- The ponds will be provided with two shallow bars which will create three interconnected ponds varying between 100 and 300 sq m with the overall ponds size being in the order of 700 sq m.
- The bars will provide additional egg laying opportunities in wetter years and maintain the optimum pond design required by the HSI.
- Area A is closer to the mitigation area provided for Cronkinson Farm and will therefore form links to that area
- It is considered that the formation of groups of small ponds to link Areas A and B would be impractical and lead to small sized ponds however one larger sized pond will still be provided in the linking corridor.
- Planting around the mitigation areas will bolster connectivity.
- Corridors will be planted to provide optimum habitats for Great Crested Newts and include native species with the retention of existing trees where present.
- It is not considered that the width of the corridor is critical to its success but the quality of habitat provided in it.

10. OFFICER APPRAISAL

Relationship to the Outline Planning Application

²¹This application for ecological mitigation works is submitted at this time prior to completion of the S106 Agreement and the grant of outline planning permission for the mixed use development including the redevelopment of Stapeley Water Gardens because the Great Crested Newt ponds will have to stand for 12 months, to acclimatise, before the Newts can be translocated from existing ponds to the new ones. The application is submitted without prejudice to the continuing discussions in relation to the legal agreement although amendments to the drafting of the current agreement will be required as detailed towards the end of this report.

A similar process was completed in relation to the provision of the Great Crested Newt ponds at Basford West, Crewe. In that case the application for the ponds was approved before consideration of the outline application for the employment development by any committee of the former Crewe and Nantwich Borough Council.

Principle of Development

Areas A and B are in land designated as open countryside under policy NE.2 in the Borough of Crewe and Nantwich Replacement Local Plan. Other areas, which comprise the 15m corridor linking Areas A and B, the 10m wide corridor linking Area B to the habitat areas around Stapeley Manor site and those areas of habitat round the former Stapeley Manor are within the Stapeley allocation in the Replacement Local Plan under policy S.12.5. The use of land in the open countryside for ecological mitigation purposes is not considered to conflict with policy NE.2 which allows for essential development for "other uses appropriate to the rural area". The Development Brief for the site did not specifically identify land to be used for ecological mitigation purposes.

The formation of the ponds and provision of native tree and shrub planting is not considered to create features which would be out of character with the appearance of the countryside around about.

The proposal is therefore in accordance with policies NE.2 and S.12.5 of the Borough of Crewe and Nantwich Replacement Local Plan. Policies NE.5 and NE.9 require that development which destroys wildlife habitats should be compensated for by appropriate mitigation.

Ecology

The Ecological Mitigation Design Strategy (EMDS) identified the principles for the design of the mitigation scheme. A number of those requirements are not met by this submission and this is summarised in the table attached at appendix 1 and addressed further below.

The EMDS requires the highest priority to be given to the retention of habitats where appropriate in the new development. It is noted that some tree removal has taken place within the main development site but not on land which is the subject of this application. However this tree removal did not affect trees protected by the Tree Preservation Order. Existing trees and hedgerows around Areas A and B and also the mature trees around the site of Stapeley

²¹Manor will be retained. In addition the casting pond which is outside the main development area but within this application area for mitigation works is also retained. Details of the loss of ponds within the Water Gardens site are discussed below.

Great Crested Newts – Aquatic and Terrestrial Habitats

The amended plans show that ponds in Area A will be distributed throughout the area and the omission of ponds from the northern end on the original plans submitted has now been rectified. The EMDS required the scheme to achieve replacement ponds on the basis of three ponds provided for every two lost and to “attempt to achieve” a two for one replacement. The submission made now shows that the Habitat Suitability Index (HSI) which is used for determining mitigation under the Natural England licensing scheme identifies optimum conditions for replacement and that replacement is not determined solely on numerical factors. The requirement for attempting two new ponds for one lost is not attained. Similarly the requirements for providing three new ponds for every two lost is not achieved. Thirty ponds are present in the Stapeley development site of which only one (the casing pond) will be retained. Pond 23 adjacent to the access and the pond which had the highest number of Great Crested Newts will not be retained because it is too close to the access for the residential development. It is also a highly artificial environment for Great Crested Newts and the earlier information submitted in relation to the outline application accepted that such ponds would not be retained. However the casting pond which is in Area A is retained. All other 29 ponds will be removed and replaced by 11 new ponds which will have variable profiles including the formation of shallows to create separate linked water areas. This therefore represents 33 smaller linked water bodies equating more closely to a one for one replacement.

However the total area of water area lost is 0.23 ha and this will be replaced by 0.77 ha of new water area which represents a 3.34:1 ratio which does attain a higher area of water than required by the EMDS.

The sections submitted show the ponds will achieve a variety of sizes and depth as required by the EMDS and measures to maximise protection from drought. The increase in size of water bodies substantially supports this requirement.

Whilst there is only one pond provided in the corridor linking Areas A and B in view of the need to meet the HSI for the Great Crested Newt licence application this is considered acceptable. The majority of ponds are grouped into Areas A and B and the corridor is required to provide a variety of habitats between these areas. As well as the pond it will be planted with native species. The pond to be formed is in a similar position but not exactly the same as the existing reservoir but no details are supplied in relation to the removal of the reservoir and formation of the new pond at ground level. This should be subject to a condition.

The corridor linking Areas A and B is to be 15 metres wide as required by the EMDS. The corridor linking Area B to the retained mature trees around Stapeley Manor is 10m. In negotiation under the outline application it was

²¹accepted that this linkage would be used for both pedestrian and ecological links and would be 10m wide. In the current position at the edge of the site it is less likely to be used for pedestrian linkages. At this point in time, although no planning application has been submitted for the residential layout it is intended that the retained trees around the former Stapeley Manor will serve for both public open space and also ecological linkages.

The details of the various ecological areas are given at the beginning of this report. The total areas of habitats resulting from the combination of Area A, Area B and the corridor linking these two areas is 4.013 ha including the one pond in the southern link corridor. When the additional linkage from Area B to the Manor site and areas around the east, south and west of Stapeley Manor are included this figure rises to 5.142 ha.

The EMDS requires a minimum provision of 3.9 ha of terrestrial habitat to be provided through green links and safeguarded nature zones. The terrestrial habitat provided in Areas A and B is 2.86 ha (1.56 ha for Area A and 1.29 ha for Area B). With the addition of the retained habitat around Stapeley Manor, the link to Area B and the link between Areas A and B this figure rises to 3.82 ha. This is slightly short of the minimum of 3.9 ha required by the EMDS. Bearing in mind the fact that it is short the applicant has agreed to accept a condition on any planning permission that when the planning application is submitted for the access road to serve the B1 office development and the relocated Water Gardens additional terrestrial planting will be provided on the edge of the road to link Area A to the Cronkinson Farm mitigation areas to the west of the Stapeley development site. This would then exceed the minimum figure.

There is no green buffer or nature zone provided to the west of the road shown on the Masterplan submitted with the application. The EMDS requires that a 15m habitat corridor be provided here to provide connectivity. The applicant's agent does not accept this as good practice. He considers that the Cronkinson Farm mitigation area immediately west of this part of the Stapeley Development site provides better quality mitigation and that to provide native planting to encourage the Great Crested Newts away from the existing provision to the west and along side a road would potentially encourage them into a dangerous location. Further the relocated Water Gardens will not provide an optimal habitat for the Great Crested Newts. He considers that the preferable approach is to use the existing tree planting around the site of Stapeley Manor and provide for the appropriate linkages on that side of the site. Further he considers that the provision of high quality habitats in Areas A and B and the linkage along the south side of the development offer a preferable habitat for successful mitigation. He points to a number of defects in the Cronkinson Farm mitigation including regular public access. The proposed Mitigation in Areas A and B will not be available for public access. If the habitat corridor to the west of the site is not to be provided it is necessary to look at what alternative linking habitats are proposed in the submission.

The illustrative plan in the EMDS did not show the existing tree and shrub planting on the north side of Stapeley Manor (south of Peter Destapleigh Way) as providing habitat corridors. The proposal is therefore to replace the linkage on the western side of the site with those around the Stapeley Manor

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Site. There are two habitat corridors one on the west of Stapeley Manor and one on the east. It is intended that the corridor on the west will form the “green link” which is shown on the zone plan submitted with the outline application. On the zone plan this was shown as a 10m wide corridor to be used for wildlife connections and serve as a pedestrian link being on or close to the right of way through the site. This will also form part of the open space for the development site. In consideration of the outline application it was accepted that the green link through the site would have a dual use of ecological linkage and pedestrian access.

There is also a narrow green link habitat shown on the illustrative plan in the EMDS, linking the northern and southern development site boundaries centrally through the outline application area. The northern section of this is provided as the “green link” but not the central and southern sections, where it runs between residential development on the east and the combined relocated Water Gardens and B1 office development on the west. The reason for this is that both sides of that linkage will be developed under the outline application. It is considered better to enhance the mitigation under areas A and B and the related linkage. To encourage wildlife through the developed area when other alternatives offer a better habitat is not good practice.

Whilst the illustrative layout in the EMDS showed planting on the south and west sides of Area A it did not include planting on the north and east sides of Area A. That is to be provided, but not so as to overshadow the ponds. Except for the area around the retained casting pond, these planted margins vary in width from an average of 12m on the north and east sides of Area A, a variable width from 12 m to 23m on the southern boundary, and variable width of 11m -16m on the western side. Whilst the southern and western boundaries do not achieve the 15m width required by the EMDS at all points, there is also a need to ensure that planting does not overhand the water areas and adversely affect the ponds. There is therefore enhancement of this area to compensate for the loss of the planting on the west side of the access road to the new Water Gardens and B1 office development.

The EMDS requires linking habitats to include terrestrial and aquatic habitats and provide connectivity between retained habitats, new habitats and existing mitigation areas. The terrestrial linkages will achieve this, linking the retained habitats on the south side of Peter Destapleigh Way with Areas A and B and also linking Area A to the retained Cronkinson Farm habitat to the west of the Stapeley development site. This latter connection will be improved by the condition referred to above for additional planting adjacent to the access to the B1 office development.

The EMDS requires that the “green link” be a minimum of 10m wide. It is noted that the retained planting area around the west side of the former Stapeley Manor includes 3 pinch points where this is not achieved but this is more than compensated for by the locations where the corridor exceeds this width and it is therefore considered that this is acceptable. Whilst the 15m habitat corridor is not provided on the northern part of the western boundary for the outline application it is considered that this is compensated for by the habitat created on the east side of the Stapeley Manor site and the proposed planting through Area A.

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan requires that development should facilitate survival of individual members of the species, reduce disturbance to a minimum and provide adequate alternative habitats to maintain the level of the population.

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

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

²¹ In this case the Stapeley development site was considered at the Local Plan Inquiry for the current adopted Local Plan. The Inspector concluded that the site should be developed as a mixed use regeneration site. There are no other similar mixed use allocated sites available in this area. The site is to be developed to allow the redevelopment of Stapeley Water Gardens with an up to date modern garden centre facility. Further whilst the Core Strategy for the Cheshire East has still to be developed nevertheless government advice notes the need to ensure affordable housing in all areas and this site will deliver affordable housing. This application proposes suitable mitigation for the habitats which will be lost as a result of the development. In the case of Great Crested Newts the existing habitats are largely in the display ponds in the Water Gardens and are not ideal habitats for the species. The proposed mitigation provides replacement habitats which are designed with optimum habitat creation. It is therefore considered that the proposals represent quality mitigation which will ensure the maintenance of the existing population and maintain the favourable conservation status of the species. The ecological mitigation proposed was given full consideration when the outline application was considered by the Development Control Committee of the former Crewe and Nantwich Borough Council and resulted in the proposal for mitigation works and the requirements for the submission of a maintenance scheme.

Bats

At the time of survey in 2006 Stapeley Manor was present and bats were found in the roof as well as Great Crested Newts in the basement. A fire in the Manor resulted in the structure being considered dangerous and the owner was required to demolish it for safety reasons. There is therefore now no bat habitat on site. The EMDS required replacement roosts to be provided to reflect the existing character and features of the roost. Since there are no existing habitats it is not considered reasonable to require a roost to be provided but the proposals do include the provision of bat boxes to one mature tree on Area B, one tree north of Area B, one in the retained trees around the Stapeley Manor site and one tree to be identified in the mature trees around Area A. In each case three bat boxes will be provided on each tree facing different directions to provide optimum enhancement.

There is no requirement for a Natural England licence now that the Manor has been removed and the measures to encourage bats to roost in the area will enhance biodiversity. Details of appropriate bats boxes were included in the EMDS. The applicant has agreed to accept a condition for full details of which boxes and to identify which tree in Area A to be attached to any permission. In addition biodiversity will be enhanced by the proposed landscaping.

In conclusion although the requirements of the EMDS are not fully met it is not considered that the proposed mitigation works will have an adverse impact on any bats using the area but will enhance their habitats through the provision of new landscaping using native species and the provision of bat boxes.

Nesting Birds

The Ecological Surveys for the outline application found a colony of House Sparrows nesting in the former Manor but there was no evidence of other birds nesting in buildings at the Water Gardens. In addition Song Thrush and

²¹ Dunnock were found in the grounds around Stapeley Manor. These species are red list species and a Cheshire Priority Biodiversity Action Plan Species. A number of nesting birds which are also protected was also found in the outline application area.

The EMDS requires that no site clearance, demolition of buildings supporting nesting birds, vegetation removal etc take place during the nesting season. A condition should be imposed for buildings, hedgerows and trees to be checked if they are to be removed during the nesting season (1st March and 31st August in any year). If nesting birds are found no works to take place until the birds have fledged.

A further condition should provide for bird nest boxes to be provided for BAP species recorded on the site. However in the case of the House Sparrows these nesting boxes will need to be located in the residential areas because of the habits of this species. This will therefore need to be attached as a condition to this permission for details to be submitted with each phase of residential development.

Timing of Works

The EMDS was prepared on the basis that the first phase of development of the full development site would be the residential development of Stapeley Manor. This is no longer the case. It is anticipated that the relocated Water Gardens and the residential development at Stapeley Manor together will form the first phase of development but the priority of these two events has less significance to the current application under consideration. The important factor is that all appropriate mitigation takes place before any valued habitat is removed. The ponds must be formed, allowed to stand and Great Crested Newts translocated before any development of Stapeley Water Gardens takes place. The timing of the provision of nest and bat boxes also needs clarification. It is therefore recommended that a condition be attached to any permission for a revised phasing plan for the implementation of the works to be submitted within two months of the date of the decision notice. Nevertheless the phasing plan can still achieve the requirement of the EMDS that the phasing should be completed to avoid disturbance, damage and isolation to existing habitats prior to the formation of new habitats.

Landscaping

Tree surveys (including plans) were submitted with the outline application for the mixed use development. Letters of objection wish to see the full extent of retained trees around Areas A and B shown on the submitted plans. It is considered that a condition can be attached to any permission requiring the details of protective fencing to be submitted prior to the commencement of site works. Any such plan showing the position of protective fencing will need to include the crown spread of retained trees.

The landscaping proposals now submitted include schedules of suitable native species of trees, scrub, grasses, wildflowers, aquatic and marginal plants and indicative landscaping layouts but no detailed landscaping plans. It is considered that the details submitted demonstrate that the landscaping

²¹ proposed will provide the appropriate habitat and enhancement required and a condition can be attached to any permission for full details to be submitted and agreed. It is recommended that this be submitted within 4 months of the date of the decision notice so as not to delay the construction of the ponds. A condition can also be imposed to require the provision of the landscaping in the 2010-2011 planting season.

Conditions should also be attached to any permission to prohibit the felling of trees within Areas A and B and all linking corridors (i.e. this application area) without the prior approval of the local planning authority. A condition should also be attached for details of tree and hedgerow protection measures to be submitted and approved prior to the commencement of any development or site works in relation to this application.

Mounding will take place using some of the excavated material. A condition should be attached to any permission to ensure that the formation of mounds does not cover any existing tree roots.

Relationship with the Proposed S106 Agreement for the Stapeley Water Gardens Development

The outline planning application for the redevelopment of Stapeley Water Gardens was approved by the Development Control Committee of the former Crewe and Nantwich Borough Council in September 2007 subject to the completion of a Section 106 agreement. Negotiations are still continuing in relation to the S106 agreement and a separate report in relation to detailed alterations to the agreement is also included on this agenda. However there is within the S106 agreement a requirement for the submission and approval of a management scheme in relation to the ecological mitigation areas.

The draft agreement requires the developer to submit a comprehensive ecological mitigation strategy including a phasing plan, timetable for its implementation and a future maintenance and management plan at the same time as the first reserved matters application for the Stapeley development site is submitted to the Council. The developer is not permitted to commence development until the details are agreed. The agreement allows the mitigation strategy to be amended from time to time. It shall be implemented in accordance with the agreed scheme.

The submitted application is based on the EMDS but does not meet all its requirements. However as explained above it is considered that the mitigation proposed provides appropriate measures to ensure the protection and enhancement required by the principles of the EMDS. The Section 106 agreement will need to be amended prior to completion and signing to refer to the ecological mitigation works submitted under application 09/4017N.

A report in relation to various other alterations to the S106 agreement for the outline application is included on this agenda. However that agreement is not yet signed and in order to ensure that the construction of the ponds can commence as soon as possible it is recommended that a condition be imposed, that in the event that the S106 agreement is not completed and signed within 6 months of the date of the newt mitigation decision notice, a

²¹ Maintenance scheme be submitted for approval in writing in accordance with the requirements of the EMDS in relation to the maintenance of the site. Monitoring is a requirement of the Natural England licence and this should also be included in the maintenance scheme.

Separate ecological surveys were submitted relating to the part of the site known as Stapeley Manor and Stapeley Water Gardens 2006. Although these two areas were treated separately for survey purposes, a single ecological mitigation strategy was produced for the full development site. This was subject to negotiation and alteration, with Natural England taking an important role in those negotiations because Crewe and Nantwich Borough Council did not have any in-house ecological expertise. However since the formation of Cheshire East Borough Council, Natural England have now stated that they do not wish to be included as a consultee for sites such as this which they consider can be adequately addressed by Cheshire East's Ecologist.

CONCLUSIONS

The proposed mitigation works do not fully provide all the requirements of the Ecological Mitigation Design Strategy. However it is considered that the provision of the 11 ponds with enhanced habitat in Areas A and B and the provision of a linking corridor between the two areas with a variety of habitats will provide appropriate mitigation to allow the development of Stapeley Water Gardens and maintain the favourable conservation status of the Great Crested Newts. It is noted that the area of water to be provided in the new ponds will triple the area of water in the existing ponds. Further the retention of mature trees and development of linkages around the site for the proposed residential development on Stapeley Manor will create appropriate linkages to the Cronkinson Farm planting on the south side of Peter Destapleigh Way improving connectivity. A condition will also be imposed for additional planting to be provided to link the western area of mitigation provided under the Cronkinson Farm development to Area A. The condition will require this to be submitted as part of the reserved matters application for the access road. The details proposed in the current planning application will also enhance the biodiversity of the area.

The formation of the ponds and landscaping of the area with bat and bird boxes will not adversely impact on the character and appearance of the open countryside or the area aroundabout.

The application is therefore considered to comply with policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species) and S.12. 5 (Mixed Use Regeneration Sites) of the Borough of Crew and Nantwich Replacement Local Plan 2011.

11. RECOMMENDATIONS

It is recommended that the Section 106 agreement in relation to application P06/1001 which includes a requirement for the submission of an ecological mitigation strategy shall be modified to ensure that (1) reference is made to the Ecological Mitigation Design Strategy prepared

²¹ by TEP and dated August 2007 as modified by planning application 09/4017N and (2) the wording reflects the fact that this application has already been submitted.

APPROVE subject to the following conditions:-

1. Standard
2. Amended plans
3. Phasing plan and timetable for implementation of works.
4. If the S106 for Stapeley Water Gardens development site is not completed and signed within 6 months of the date of the planning permission for the newt mitigation, a fully detailed maintenance scheme, identifying parties responsible for the maintenance and provision for maintenance in the event that the original party is no longer able to meet the requirements, shall be submitted to the Local Planning Authority within one month of the expiry of the 6 month period for approval in writing. The maintenance plan shall provide for maintenance in perpetuity and be implemented in accordance with the approved scheme.
5. Fully detailed landscaping scheme to be submitted within four months of the date of the newt mitigation decision notice.
6. Implementation of the landscaping scheme within the 2010-2011 planting season.
7. Ponds and habitat areas in Areas A and B and the linking corridor between these two areas to be used solely for wildlife mitigation and not for any other purpose and no ponds to be stocked with fish at any time. No ponds to be used for any SUDS scheme. No public access to Areas A and B and the linking habitat corridor between these two areas.
8. Application for the access road to serve the relocated Water Gardens and the B1 office development to include planting to form linkages to Area A and compensate for the short fall of terrestrial habitat requirements of the EMDS and provide additional planting to link Area A and the Cronkinson Farm mitigation land.
9. Full details of bat boxes to be submitted, location of appropriate tree in area. Implementation.
10. Prior to the completion of the development hereby approved and implementation of landscaping scheme no tree felling or other works to trees within the application area for this application without the prior written approval of the Local Planning Authority
11. Scheme for the submission of tree and hedgerow protection and implementation.
12. The formation of mounds using excavated material shall not take place within the root zone of any retained trees.
13. Scheme for the removal of the reservoir and repositioned at ground level in the southern linking corridor to be submitted approved and implemented.
14. Scheme for the provision of nest boxes for BAP species (Dunnock and Song Thrush).

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- 15. All phases of residential development to include details of bird nest boxes for house sparrows and implementation.**
- 16. Details of provision of amphibian tunnels to be provided in the appropriate applications for the construction of the roads and provided as the roads are constructed.**
- 17. Masterplan submitted with the application shall be purely illustrative and not binding on the future development of Stapeley Water Gardens.**

Informative

Need for Great Crested Newt Licence from Natural England prior to any site works.

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Application 09/4017N – Two Mitigation Area and Associated Corridors - Appendix 1

Comparison of the main requirements of the Ecological Mitigation Design Strategy (submitted under outline planning application P06/1001) for Stapeley Water Gardens with the details of the planning application for the Construction of two Newt Mitigation Areas (ref: 09/4017N).

Order of Priority	Summary of main Ecological Mitigation Design Strategy requirements.	Proposal in Mitigation Planning Application or details required by condition in report 09/4017N
Habitat retention	- Highest priority to feature supporting protected species and priority species eg breeding GCN, roosting bats, nesting birds, especially where this links/protects with existing mitigation/ habitats	Large number of ponds to be lost. Survey shows pond 23 had highest GCN count and will be removed due to its location on line of access. Casting pond had high count of GCN and this is retained. 2 other off site ponds had high counts and these 4 ponds account for 81% of all recorded GCN.
	-Priority to retaining connecting habitats such has hedges, trees, waterways	Achieved.
	-Habitats retained to provide connectivity shall be minimum 10m wide	Achieved. Does not include linkage/ corridor on northwest side of development site but other links provided around Stapeley Manor site.
Habitat protection	- Tree /hedge protective fencing	To be conditioned
	- Amphibian exclusion fencing	Details of amphibian exclusion fencing, internal drift fencing and pit falls shown on plan.
	- Appropriate timing and phasing of works.	Phasing plan and timetable to be conditioned.
Habitat replacement	-Replacement including new pond creation within the relocated water gardens shall attempt a net provision of 2 ponds per GCN pond lost.	No ponds for ecological purposes to be provided in relocated water gardens. This application does not detail proposals for water gardens. 11 new water bodies to be provided but separate by shallow areas to give effect of 33 new water areas.
	- Replacement shall achieve at least a net doubling of GCN ponds lost and water area, and shall achieve a net provision of 3 ponds for 2 lost.	11 new ponds provided subdivided with shallows to form 33 water areas. Does not achieve numbers required. However area of ponds to be destroyed 0.23 ha. Area of replacement ponds 0.77 ha. This equates to a ratio of 3.34:1.
	- Ponds to be replaced in clusters not less than 3 and within 100m of other ponds where feasible	One replacement water body on site of existing reservoir to be provided at ground level approximately 70m from closest pond in Area A and 130m from pond in Area B. Ponds grouped in Areas A and B.
	- Ponds shall provide variety of sizes and depths, and mix online and offline networks to maximise protection from drought and introduction of invasive species eg fish and plants.	This is achieved and detailed in sections. Ponds not to be used for SUDS and not to be stocked with fish.
	Sufficient terrestrial habitat to provide adequate carrying capacity	3.82 ha of terrestrial habitat to be provided in this application and condition for

	for the GCN population. Minimum provision of 3.9ha terrestrial habitat within green links and safeguarded nature zones.	additional habitat to be include in application for road access from Peter Destapleigh Way.
	Terrestrial habitats to incorporate aquatic habitats and provide connectivity between retained habitats, new habitats and existing mitigation habitats.	One pond provided in link between areas A & B.
	Replacement bat roosts to reflect existing roost characteristics and features.	No bats roosting on site so no replacement feature required.
	Replacement bat boxes, bat roosts and / or dedicated bat roost building	Bat boxes will be provided on mature trees.
	Replacements roosts to be located to minimise disturbance, close to foraging habits and commuting corridors.	Not applicable.
	Green Link networks minimum 10m wide wildlife corridor across the site to provide connectivity between retained new and neighbouring habitats.	Green links between planting on south side of Peter Destapaleigh Way to Area B 10m wide.
	Habitat corridors to be a minimum of 15m wide	Habitats corridor along the south side of the site 15m wide.
	Habitat corridors to connect islands of habitat mosaic to create stepping stones within the corridors	Landscaping plans to provide for details of planting to create various habitats within corridors.
	Replacement habitats to be provided prior to existing features being disturbed due to redevelopment	Principle established in EMDS and this application. Condition needed to confirm dates for provision of bat boxes and nest boxes.
	Replacement habitats to be provided sufficiently in advance of translocation / exclusion of species	Ponds to be provided 12 months prior to translocation.
	Natural England licence required for GCN and bats	GCN licence application submitted.
	Amphibians to be excluded, trapped, and translocated prior to commencement of development	Will take place. Plan showing details submitted.
	Exclusion and trapping to use most appropriate specifications	Details supplied.
	Landscape design to sensitively integrate with built development and use appropriate road crossing measures for GCN where necessary.	Amphibian tunnels provided to roads. Reserved matters application(s) for built development to be submitted in due course.
	Site clearance demolition of buildings to avoid bird nesting season	Stapeley Manor demolished for health and safety reasons. Bird boxes required prior to demolition of other buildings. Condition to be attached to permission.

Application No: 10/0552M
Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD, SK10 3BL
Proposal: PROPOSED ERECTION OF A 3 STOREY 75 ONE BED CARE HOME
For CANNON CAPITAL PARTNERSHIP
Registered 18-Feb-2010
Policy Item Yes
Grid Reference 390962 373850

Planning Reference No:	10/0552M
Application Address:	Macclesfield District Hospital, Victoria Road, Macclesfield SK10 3BL
Proposal:	Proposed erection of a three storey, 75no. one bed care home
Applicant:	Cannon Capital Partnership
Application Type:	Reserved Matters
Grid Reference:	39062 37850
Ward:	Broken Cross
Earliest Determination Date:	14 th April 2010
Expiry Date:	19 th May 2010
Date of Officer's Site Visit:	5 th March 2010
Date Report prepared:	30 th March 2010
Constraints:	Manchester Airport Safeguarding Woodford Safeguarding Proposed Community Use Tree Preservation Order Grade 2 Listed Building

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES

- Whether the details submitted for the reserved matters to application 09/1300M for the care home part of the scheme are acceptable. The outstanding reserved matters are 'appearance' and 'landscaping'.

REASON FOR REPORT

The Outline planning application for the site known as the Blue Zone at Macclesfield District General Hospital was considered by the Strategic Planning Board last summer. This resulted in permission being granted (subject to a Section 106 Agreement) in December 2009. It is therefore considered that it would be logical for each individual building of the reserved matters scheme to come back before the Strategic Board for consideration.

DESCRIPTION OF SITE AND CONTEXT

The site lies 1km to the west of Macclesfield Town Centre and is a site which has up until the time of writing this report been owned by East Cheshire NHS Trust, and used for medical purposes. It is understood that the land will be transferred to the applicants over the next few weeks.

Copies of the committee reports which were considered by the Strategic Planning Board for the outline application 09/1300M (from 29th July 2009 and 21st October 2009) are attached as background papers. These reports highlight the existing characteristics of the site, including its historic past, the East Cheshire NHS Trusts necessity to dispose of the site, and planning issues (which includes: - the impact on the Listed Buildings, trees, landscape, highways and access, local environment, scale, impact on protected species, impact on residential amenity etc). In total 5 applications were submitted. The outline approval was for a care home, an apartment/retail block, an office block, 15 dwellings and a car park deck. Planning and Listed Building Consent applications were approved for the conversion of the Clocktower building – to affordable housing; and Planning and Listed Building Consent applications were approved for Building 6 – which was to be converted to a D1 use.

DETAILS OF PROPOSAL

This proposal is a reserved matters application for the care home element of the site, which was approved under 09/1300M. The building would be three storeys high, which is the scale that was approved under the outline application. The scheme has been designed to meet and exceed the requirements of the Care Home Standards Act 2000, which introduced statutory standards of accommodation and care provision within care homes. All rooms are single bedrooms, have en-suite facilities and comprise almost 20m² of floor area. Approximately 20% are larger rooms with a floor area of 24m². There would be 25 bedrooms on each floor, and each floor would include various spaces for daily activities e.g disabled access bathroom, communal lounge and dining rooms, in addition to store rooms, linen stores, a nurse station and a medication store. A hair salon would be sited on the first floor.

The building has been designed with reference to the constraints of the site which includes the location of trees, which has resulted in a 'U' shaped building. The elevation onto Cumberland Street was set back under the outline application in order to ensure an acceptable impact on both the streetscene and residents opposite in Millers Court. It is suggested in the Design and Access Statement that residents use the external landscaped space predominantly as a visual amenity from dayrooms, bedrooms, and from the external patio areas, however the proposals also include approximately 18m² per resident of communal external amenity space.

RELEVANT HISTORY

The sections titled Historic Background and Relevant History within the attached background papers review the history up to application 09/1300M.

More recently the following applications were approved: -

09/1300M - Proposed erection of: - a 3 storey 75 one bed care home; a 3 storey building incorporating a total of 542 sq m of retail in 3 ground floor units with 16 apartments (8 one bed & 8 two bed) on the upper 2 floors; a 3 storey office building of 3,599 sq m (to be divided up into 2 400 sq m of B1 on the first and second floors and 1 199 sq m of D1 use on the ground floor); 15no. 2.5 storey townhouses in 7 blocks; associated car parking areas, access roads & open space; additional hospital related car parking at proposed first floor deck. (Outline Application) – Approved 18.12.09

It should be noted that the developer (Keyworker Homes) has submitted a package of information to discharge the pre-commencement conditions attached to the outline application. These details are currently being considered.

09/1296M - Change of use and alterations to Grade II Listed clocktower building to provide 36 affordable for rent apartments, 161 sq m coffee shop, 183 sq m gym and ancillary accommodation; associated car parking and external site works; demolition of 2 curtilage buildings (Buildings 2 and 9) to enable the associated mixed use development within the overall application site and which is the subject of a separate outline planning application. (Full Planning) – Approved 18.12.09

09/1295M - Change of use and alterations to Grade II Listed clocktower building to provide 36 affordable for rent apartments, 161 sq m coffee shop, 183 sq m gym and ancillary accommodation; associated car parking and external site works; demolition of 2 curtilage buildings (buildings 2 and 9) to enable the associated mixed use development within the overall application site and which is the subject of a separate outline planning application. (Listed Building Consent) – Approved 18.12.09

09/1613M - Proposed conversion of and 420sq m extension to curtilage building 6 to accommodate a change of use from C2 to D1 together with associated car parking. (Listed Building Consent) – Approved 18.12.09

09/1577M - Proposed conversion of and 420sq m extension to curtilage building 6 to accommodate a change of use from C2 to D1 together with associated car parking (full planning) – Approved 18.12.09

POLICIES

Regional Spatial Strategy

DP2, DP3, DP5, DP6, DP7, L2, L5, RT2, EM1, EM18

Local Plan Policy

NE2, BE1, BE2, BE3, BE15 - BE19, H1, H2, H8, RT7, T1, IMP1, IMP4, C2, DC1-DC6, DC8, DC17-DC18, DC20, DC35-DC39, DC40, DC63.

Other Material Considerations

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPG15: Planning and the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG25: Development and Flood Risk

The newly published PPS4: Planning for Sustainable Economic Growth is also of some relevance to this proposal. The guidance does not relate to housing proposals, and as a predominantly residential scheme this guidance is not considered to be a significant material consideration in relation to this proposal. However, as a scheme that provides employment opportunities the principles of achieving sustainable economic development are still relevant.

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

In addition, the Supplementary Planning Guidance documents relating to Section 106 Agreements and the 'Blue Zone Planning Brief' is of particular relevance to the whole development of the Blue Zone.

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objections

Environmental Health: Raise no objections subject to the remedial/protection measures included in the submitted report (which has been submitted to comply with a contaminated land condition attached to the outline application) have been fully implemented and completed. Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the extension will be required to be submitted for approval prior to the first occupation and use of this building.

Manchester Airport: Raise no safeguarding objections to the proposal.

Defence Estates Safeguarding: Raise no MOD safeguarding objections in relation to Woodford Aerodrome.

United Utilities: Raise no objections subject to conditions. In accordance with PPS25, surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. Foul drainage should be connected to the existing 750mm diameter public foul sewer crossing Victoria Road. It will be necessary for the applicant to provide water storage of 24 hours capacity to guarantee an adequate and constant supply.

OTHER REPRESENTATIONS

None received to date. It is noted that the publicity expiry date for this application is 31.03.10. An update report will be prepared prior to the meeting should any representations be received.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted to accompany the reserved matters application: -

A Design and Access Statement – This includes details in relation to the design principles for the development, including the use, layout, appearance, landscaping and materials. In summary, the document highlights that the proposal would redevelop brownfield land, and provide opportunities for approximately 80 full-time and part-time staff. The design has evolved from the previous outline application and follows discussions with Council Officers. It has been formulated in response to the topography of the site and its constraints, consideration of the surrounding massing, land use and practicalities of operation. The design responds to the character of the local area and has been designed to enhance and complement the existing streetscape and massing for the proposed development. The building promotes inclusiveness in terms of access and has been designed to suite elderly residents who may suffer from physical, visual or hearing impairments. The proposal accords with the relevant planning policy guidance.

An Energy Statement – which includes information in relation to how the building would be heated, and how a Heat Recovery Ventilation system would be used to reduce the load on the heating system. The lighting within and outside the building would be controlled to maximise energy efficiency. All wc's would be fitted with outlet flow limiters to ensure low water consumption.

A Schedule of Materials – reference is made to the external materials. It is proposed to use buff brick for the upper two floors, an Ashlar (sand effect) render on the ground floor, stone decorative banding and cills, some timber effect cladding, an aluminium finish to the balconies, and aluminium windows and floors.

OFFICER APPRAISAL

Principle of Development

The principle of using this area of the site (adjacent to Cumberland Street) for a care home was established under the outline scheme, which considered the access, layout and scale as being acceptable, having regard to the impact on the character and appearance of the area, the Listed Buildings on the site, trees and highway safety. This reserved matters application is for appearance and landscaping.

Policy

The policy considerations for the whole Blue Zone development are highlighted in detail in the background papers. The Local Plan policies which relate to design and appearance (including those which relate to the listed buildings) and landscape are considered to be particularly relevant to this reserved matters application.

Highways

The Strategic Highways Engineer makes no highways objections to the development. The application follows on from the outline application where all highway matters were addressed and accepted. The impact of this development in highway terms (including parking provision) was considered as part of the overall Transport Assessment for the Blue Zone development. This was submitted with the outline application and was found to be acceptable. The development is supported with a travel plan and sustainable transport initiatives. If the development were to be approved, conditions will be required which relate to: - the construction of the access and visibility splays; no gates should be erected at the entrance to the site; parking should be provided for 20 cars; and, long stay cycle parking should also be provided.

Design

The proposal follows discussions between officers and the developer (Cannon Capital). The Council's Conservation Officer has been consulted and raises no objections to the scheme. The care home building will occupy a prominent location on the Blue Zone site, adjacent to the A537, the principal east-west route through Macclesfield. The scale, mass and footprint of the building were considered under the outline scheme and these are not thought to be excessive, despite the close proximity to the boundary.

A reasonable effort has been made to break-down the massing of the building, with various vertical subdivisions which will punctuate the elevations. The proposed materials will also be used to add a degree of visual interest, without compromising the overall coherence of the design.

The main contention is the use of buff brick for substantial areas of facing brick. Macclesfield does not exhibit buff brick, historically, and mellow, brown multi bricks would be more appropriate in conforming to the historic palette of materials used in the town. This will add contrast to the other facing materials proposed, buff-coloured Ashlar effect render and limited panels of timber cladding.

The roof is pitched and would be covered with artificial slates in a dark blue colour. It is considered that Spanish natural slate would be a better material, which would be more on keeping with the local area.

The comments on the choice of materials have been forwarded to the applicants' agent and their response to this will follow in an update report.

Amenity

This issue was considered under the outline scheme, and it was considered that the impact on the amenity on the residents in the vicinity (at Millers Court and the Regency Hospital) was acceptable.

Landscape

The landscape submission follows the criteria contained for the care home, which was previously submitted within the Landscape Masterplan for the whole site. It also follows discussions with the Council's Landscape Officer in relation to the plant and tree species. No toxic or thorned plants would be included. Fragrant planting would be included in the courtyard area.

The Council's Landscape Officer considers the landscape proposals to be acceptable. It is considered that conditions should be attached, which require the details of the design and materials for the walls and railings along the Cumberland Street boundary and the boundary between the care home and retail/residential block to be submitted. A sample of block pavements for the road and footpaths will be required. The bin storage compound is located in an accessible location and is considered of an appropriate design – timber fencing with a pitched roof on steel trusses.

Ecology

The Nature Conservation Officer makes no comments on this application.

BACKGROUND PAPERS

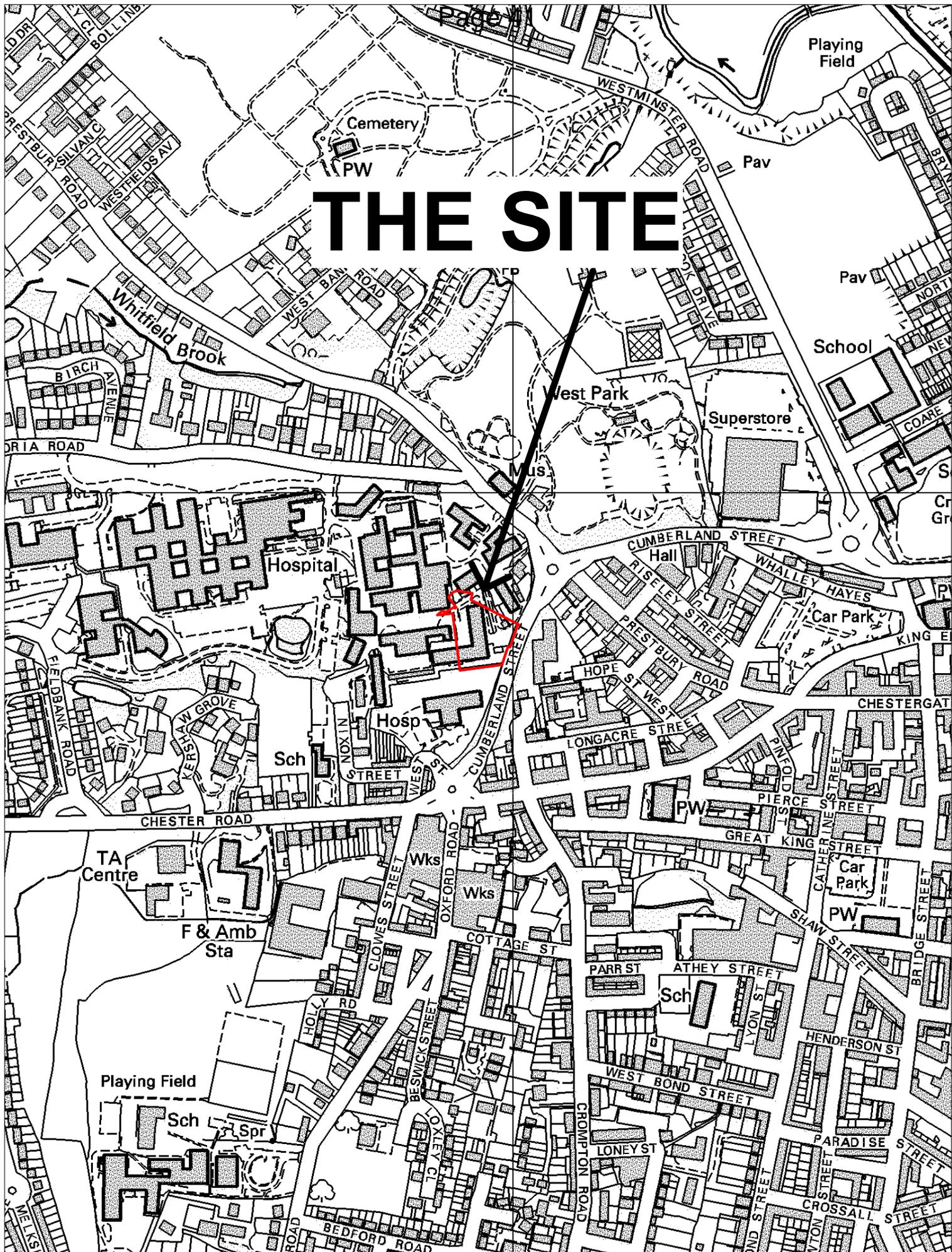
Appendix One and Two-Application 09/1300M which went to Strategic Planning Board on 29 July 2009 and 21 October 2009

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the landscape and appearance are acceptable, subject to conditions and reconsideration of the proposed materials to ensure a more appropriate facing brick is used and roofing materials. The comments of the Contaminated Land Officer and United Utilities are noted, and appropriate conditions can be attached. A recommendation of approval is therefore made.

SUBJECT TO

Comments are awaited from the Council's Conservation Officer, Forestry Officer and Strategic Highways Engineer. Comments are also awaited from the Environment Agency.



THE SITE

10/052M MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD, SK10 3BL
NGR: 390,970m - 373,860m

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Scale 1:5150

Application for **Reserved Matters**

RECOMMENDATION : Approve subject to following conditions

1. A02RM - To comply with outline permission
2. A05RM - Time limit following approval of reserved matters
3. A01AP - Development in accord with approved plans
4. A06EX - Materials as application
5. A07EX - Sample panel of brickwork to be made available
6. A12LS - Landscaping to include details of boundary treatment
7. A15LS - Submission of type and colour of block pavements
8. A02HA - Construction of access
9. A07HA - No gates - new access
10. A01HP - Provision of car parking
11. Contaminated land
12. Surface water should not be allowed to discharge to foul/combined sewer
13. Submission of materials

Appendix One

Application No: 09/1300M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD,
MACCLESFIELD, CHESHIRE, SK10 3BL

Proposal: PROPOSED ERECTION OF :- A 3 STOREY 75 ONE BED CARE HOME;
A 3 STOREY BUILDING INCORPORATING A TOTAL OF 542 SQ M OF
RETAIL IN 3 GROUND FLOOR UNITS WITH 16 APARTMENTS (8 ONE
BED & 8 TWO BED) ON THE UPPER 2 FLOORS; A 3 STOREY OFFICE
BUILDING OF 3,599 SQ M; 15NO. 2.5 STOREY TOWNHOUSES IN 7
BLOCKS; ASSOCIATED CAR PARKING AREAS, ACCESS ROADS &
OPEN SPACE; ADDITIONAL HOSPITAL RELATED CAR PARKING AT
PROPOSED FIRST FLOOR DECK. (OUTLINE APPLICATION)

Applicant: KEYWORKER HOMES (MACCLESFIELD) LTD &, EAST CHESHIRE
NHS TRUST

Expiry Date: 01-Sep-2009

**Date report
Prepared:** 16 July 2009

SUMMARY RECOMMENDATION

Approve with conditions, subject to the views of outstanding consultees

MAIN ISSUES

- Five applications have been received for the redevelopment of the area at Macclesfield Hospital known as the Blue Zone – consideration needs to be given as to whether these applications are in accordance with the Development Brief for the site and whether the applicant has addressed the reasons for refusal which were attached to applications which were considered by Macclesfield Borough Council on 26.01.09.
- Whether the principle of housing, a care home, 3 retail units, an office building, car parking is acceptable for this outline scheme and if so, whether the scale proposed is appropriate;
- Whether the reserved matters for which approval is sought; namely the access, layout and scale is acceptable having regard to the impact on the character and appearance of the area, the Listed Buildings on the site and trees;
- Whether the proposed new access onto the Cumberland Street/Prestbury Road roundabout and parking facilities are adequate and acceptable;
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided;
- Whether there is any impact on flooding on the site or within the locality ;
- Whether the proposal has any adverse impact on the residential amenity of nearby residents;
- Whether there are any other material considerations
- Whether any permission granted should be accompanied by a Section 106 Agreement, and what these heads of Terms would comprise

REASON FOR REPORT

The application has been referred to the Strategic Planning Board as the proposal is for a large scale major development (the site area is 3.3 hectares, including the Clocktower building).

DESCRIPTION OF SITE AND CONTEXT

The site is bounded by Cumberland Street, the main road leading into Macclesfield town centre from the west, Prestbury Road and Victoria Road, which provides the main access to the hospital. The site is within 1km of the town centre. Adjoining land uses include the Macclesfield District General Hospital, the Regency Hospital, and West Park. The residential areas surrounding the hospital site include the 18th and 19th century Prestbury Road Conservation Area.

The site is located in an sustainable location in relation to the town centre, recreation facilities, community and health facilities and primary and secondary education establishments.

HISTORIC BACKGROUND

The site was developed between 1843 (on what was pasture land) to the late 20th century. The later additions (1960's onwards) are considered to have little architectural merit. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse. This moved the centre of gravity of the hospital away from the site, which has continued to house hospital functions until approximately 18 months ago.

The Clocktower building is a Grade II Listed Building. The curtilage of the listed building can be interpreted to be the original extent of the planned workhouse development, including early buildings, boundary walls, roads and landscape.

This application is an opportunity to regenerate the site by way of a sensitive refurbishment of the Clocktower building and Building 6, whilst combining this with new development within an attractive landscaped public realm. Trees should be retained wherever possible.

The East Cheshire Trust wish to follow Department of Health advice and achieve Foundation Trust status as soon as realistically possible. To achieve this goal the Trust has to demonstrate several attributes, one of which is to demonstrate sound financial management. With this in mind, the Trust decided 2-3 years ago to sell the land, which is known locally as the 'Blue Zone'. A Planning Brief was put forward, which was given recognition by Macclesfield Borough Council in November 2007. The Trust marketed the site during the Spring of 2008 and it became evident that the bids would not clear the debts which the hospital has accrued over time. The Trust has been working with Keyworker Homes since the summer of 2008, and held a public consultation event during the autumn and as joint applicants submitted 3 planning applications in early December 2008.

All 3 applications were refused by the former Macclesfield Borough Council on the following grounds: -

- The scale, density and layout would result in a cramped and intrusive form of development
- Direct loss of existing trees and threat to the continued well being of existing trees, which are the subject of the Macclesfield - West Park Hospital Site Tree Preservation Order 1996 and other trees worthy of protection

- The scale of retail development was considered to jeopardise the vitality and viability of nearby retail developments.
- The development would have resulted in the unjustified demolition of buildings of architectural and historic merit within the curtilage of a Grade 2 Listed Building, and would adversely affect the character, appearance and historic interest of this site and the setting of the Grade 2 Listed Building.
- The balance of uses conflicted with the aims of Macclesfield Borough Local Plan Policy C2.

In addition to this current application, four additional applications have been submitted. Two relate to the 'Clocktower' building and two relate to what is commonly known as 'Building 6'. Although the applications are separate submissions, the schemes are intrinsically interlinked. They are reported elsewhere on the Agenda. From the Trusts perspective they aim to realise a financial payment as soon as possible following the granting of planning consent and they have a contract with a care home provider, for that element of the scheme.

This outline application seeks permission for access, site layout and the scale of development with matters relating to detailed building design and landscaping reserved for subsequent approvals. It comprises of the following:

- care home
- offices
- retail / apartments
- town houses
- decked car park

DETAILS OF PROPOSAL

This proposal is for an outline application. A site layout plan has been submitted. Proposed floor plans and elevation drawings for each building has been submitted for illustrative purposes only at this stage.

Care Home

This would be a three-storey building incorporating 75 single bedrooms, all with en-suite facilities within a total internal floor area of 3,699m². The scheme would consist of 25 rooms on each floor with shared lounges, a dining room and bathroom on each floor. A reception, kitchen, hair salon and laundry would also be incorporated within the scheme. 18 parking spaces would be provided for this building. This building would be adjacent to Cumberland Road.

It is considered that this has adequately addressed the previous reasons for refusal of application 08/2634P, in that the care home has been re-sited, building 6 has been retained and the proposed sheltered housing block has now been removed from the development.

Retail and apartments

This would comprise a three-storey block containing, 4no. retail units on the ground floor, and 16 no. one and two bedroom apartments (8 two bed and 8 one bed) on the upper 2 floors.

The retail units would have floor areas of approximately 90m², 88m² and 364m² (totalling 542m² of retail). 13 parking spaces for the retail use and 16 spaces for the apartments would be provided. This block is an 'L'- shaped block. It incorporates approximately 6m of landscaping between the building and Cumberland Street.

The applicants suggest that the retail units would accommodate outlets which would be beneficial to the hospital, its occupants and visitors e.g. a pharmacy, florists and small convenience store. The main retail window elements would present themselves into the development, rather than onto Cumberland Street.

On the previous application (08/2634P), the retail/apartment block was four-storeys high, and incorporated 4no. retail units, with 36 apartments above.

Offices

This building would be a three-storey block located to the west of the Clocktower building. This building would benefit from parking provided in the proposed parking deck. A total gross floor area of 3,561m² is proposed with overall dedicated parking for 100 cars. The offices are intended to provide accommodation for the hospital, NHS staff and related health facilities and services.

On the previous application (08/2634P), the office block was four-storeys and had a floor area of 3,772m².

Townhouses

Six townhouses are proposed fronting onto Victoria Road in two blocks (one of 4no. dwellings and one of 2 no. dwellings). These dwellings would be set back approximately 5m from Victoria Road and the existing holly hedge on the road-side boundary would be retained. The dwellings would be two storey, with a third bedroom incorporated into the roof space. The dormers which were originally proposed as part of application 08/2634P have been removed from the proposals.

Nine additional houses are proposed between Building 6 and the northern wing of the Clocktower building. These dwellings would include a three-storey gable element and would have four bedrooms. The majority of these dwellings would overlook the open space area to the north of the site adjacent to where Victoria Road and Prestbury Road meet, and inwards into a courtyard area. 25 parking spaces would be provided for these dwellings. This design approach is quite different to that offered for consideration under application 08/2634P.

Car parking deck

The proposed car parking deck would be located to the west and southwest of the office block, over what is currently a surface level car park. This car park is accessed off Victoria Road and currently provides 119 spaces. The two-storey deck will provide around 220 spaces, 55 of which would form part of the dedicated spaces for the proposed office building. The remaining spaces (165) will provide an increase of 46 spaces over current hospital car parking provision.

Other matters

Clocktower

The Grade II Listed Clock Tower building would be converted into 36no. apartments available for rent. This proposal includes a coffee shop and gym and other ancillary accommodation and car parking. The Clocktower conversion is being considered elsewhere on this agenda under application 09/1296M. Some of the attached structures would be removed and these fall to be considered under the application for Listed Building Consent for the Clocktower 09/1295M.

Building 6

The proposal includes the retention of Building 6. This would involve the removal of the modern additions, which would be replaced by an extension. The use would fall within use class D1 and such uses within this class include: - clinic, health centre, crèche or gallery. The Listed Building Consent application for the alterations proposed to this building is application 09/1613M.

RELEVANT HISTORY

08/2634P - Erection of 3 storey 75 x 1 bed care home, age restricted 4 storey sheltered retirement block, with 58 apartments, with ancillary accommodation, 4 storey building including retail units & 36 apartments, 4 storey office building, 14 no three storey townhouses & associated car parking, access roads and open space; and additional hospital parking deck (Outline Planning) - Refused 09.02.09

08/2722P - Change of use to Grade II Listed Clocktower building to provide 44 keyworker apartments, coffee shop, gym, laundry & ancillary accommodation, car parking & associated works, proposed demolition of curtilage buildings (2,6 & 9) to enable mixed use (Listed Building Consent) – Refused 09.02.09

08/2621P - Change of use and alterations to Grade II Listed Clocktower building (including partial demolition) to provide 44 keyworker apartments, 182 sq m coffee shop, 167 sq m gym, 24 sq m laundry & other ancillary accommodation, associated car parking and external site works (Full Planning) – Refused 09.02.09

There have been numerous other applications relating to the hospital use of the site, none of which are directly relevant to this application.

The site on Prestbury Road was undeveloped pastureland, until it was purchased for the construction of the New Union Workhouse. Construction started in 1843 and the buildings were completed in 1845. In the period between 1843 and 1871 further buildings were added in a similar architectural style but these are outside the site. In 1929 the Macclesfield Union Workhouse came under control of the newly established Public Assistance Authority. It later became Macclesfield General Hospital, West Park Branch. During the mid-to-late 20th century new buildings and extensions were constructed. The earliest of these buildings, built in the 1960's and 70's, are typically one or two storey, framed, system buildings common for the period. Some are freestanding; others are connected to the historic building by enclosed corridors, or built as extensions to the earlier buildings. Whilst these more recent additions have served an important practical function in providing health services, they are not fit for

purpose for the future health service, and are not considered to have architectural or historic merit. They detract from the character and appearance of the historic buildings. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse and hospital buildings. This moved the centre of gravity of the hospital away from the site that, nevertheless, has continued to house hospital functions until now.

POLICIES

Regional Spatial Strategy

DP2, DP3, DP5, DP6, DP7, L2, L5, RT2, EM1, EM18

Local Plan Policy

NE2, BE1, BE2, BE3, BE15 - BE19, H1, H2, H8, RT7, T1, IMP1, IMP4, C2, DC1-DC6, DC8, DC17-DC18, DC20, DC35-DC39, DC40, DC63.

Other Material Considerations

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPG15: Planning and the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG25: Development and Flood Risk

Circulars of most relevance include: **ODPM 06/2005 Biodiversity and Geological Conservation**; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

In addition, the Supplementary Planning Guidance documents relating to Section 106 Agreements and the 'Blue Zone Planning Brief' is of particular relevance.

CONSULTATIONS (External to Planning)

United Utilities : No objection to the proposal providing that if possible, the site should be drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. It will be necessary to provide pumps and storage for those buildings above two storeys' high to ensure an adequate supply of water.

Manchester Airport comment that the proposal does not conflict with any safeguarding criteria.

Ministry of Defence (Airport Safeguarding): No safeguarding objection to the proposal.

The Environment Agency : No objection to the development, subject to a condition being attached to any planning permission, which requires a preliminary risk assessment to be carried out, in order to prevent the pollution of controlled waters, which identifies: - all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site. This should be followed by a site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should be followed by an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

English Heritage comment that their specialist staff do not wish to offer any comments in relation to this application. It is recommended that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Contamination Land Officer: No objection to the application. The site is currently a hospital and so there is the potential for contamination of the site and the wider environment to have occurred. The application includes new residential properties, which are a sensitive end use that could be affected by any contamination present. The report submitted in support of the planning application recommends that further site investigations be carried out. It is therefore suggested that a report is submitted which requires an assessment to be made of the actual/potential contamination risks on the site. If contaminants are found then a remediation statement will be required followed by a site Completion Report that details the conclusions and actions taken at each stage.

The application area has a history of use as a hospital, which may have included the use and storage/disposal of radioactive material, and therefore radioactive materials may affect the land. A radiological survey report will be required to assess the actual/potential radiological contamination risks at the site. This may be followed by a Radiological Remediation Statement, which if approved shall be carried out.

Environmental Health Officer: No objection to this application, however concerns are raised in relation to amenity caused by noise, in particular: -

- Noise generated during the demolition and construction phase of the development
- Noise from fixed plant and equipment on the site affecting surrounding future residents
- Impact of road traffic noise on the development
- Impact of noise from non-residential uses in close proximity to residential uses (retail development)
- Noise transmission between dwellings

It is acknowledged that in any development of this scale, there is potential for a deterioration in local air quality caused by road traffic, generated both as a result of the development and changes to traffic on patterns resulting in increased congestion phase of the development.

In addition, there is potential for dust generation during the demolition and construction phase of the development.

In order to mitigate these concerns and safeguard the amenity of existing and future occupants it is recommended that a condition requiring an Environmental Management Plan be submitted prior to the development commencing and its recommendations implemented during the construction phase. Conditions relating to the locations of fixed plant and equipment, to control deliveries and to control the hours of use of non-residential uses should be attached.

Comments are awaited from the Highways Authority, Cheshire Constabulary, Leisure Services, and the Housing Strategy and Development Officer. These will be provided in the form of an update report.

OTHER REPRESENTATIONS

One letter of objection has been received to date. A copy of the letter is available on the web site however, in précis, the objection is summarised as follows: -

- This application and applications 09/1296M and 09/1577M relate to the redevelopment of the hospital site which is presently zoned for health and related development uses. The mixed-use development proposed for this site is still not appropriate for the location.
- There is no justification for providing retail development at the site when you consider the proximity of Sainsburys, the town centre and the limited offer in place at the hospital already. The Council should be limiting any future development to promote the vitality of the town centre. Furthermore, the developer has failed to show an adequate need for the retail units other than for economic grounds to make the scheme 'stack-up.'
- The location, height and scale of the proposed houses are totally inappropriate for Victoria Road. They will have a significant adverse impact on the streetscape and on the setting and amenity of existing buildings in the vicinity. Despite the developer's proposal to retain the existing stonewall and hedge, the houses will have a detrimental impact on the privacy that the existing residents enjoy.
- The houses should be set further back within the development with the rear gardens facing the road.
- As the existing houses backing onto Victoria Road were constructed at the turn of the last century it will be impossible for the new proposed housing to remain in keeping with the style and format of the houses in situ.
- The council should not have permitted the developer to submit yet another outline planning application when it is quite evident that the scale of the proposed scheme would warrant a full application.

APPLICANT'S SUPPORTING INFORMATION

Various supporting information has been submitted to accompany the applications for the future development of this site. These include: -

- Planning Policy Statement
- Design and Access Statement

- Heritage Impact Statement
- Flood Risk and Surface Water Assessment
- Geo-Environmental Interpretative Report
- Building Surveys
- Asbestos Reports
- Transport Assessments
- Tree Surveys and Arboricultural Assessments
- Ecological Reports
- Air Quality Assessments
- Noise Quality Assessments

All of these documents are available in full on the planning file and Council's website.

In addition, there is a letter from the East Cheshire NHS Trust, which is available for inspection on the application file. This letter states that the East Cheshire NHS Trust has been working to remove its historic debt. A key element of the financial strategy remains the sale of the land. If this were not successful the Trust would need to find other ways of repaying the debt, which would have to be generated through additional efficiency savings with the Trust. The Trust has responded to comments made by Councillors and the public during the original submission which has led to changes to the plans. These changes have reduced the value of the land significantly, but the Trust remain confident that the scheme will deliver a sustainable development for the town and its residents. The reduced sale proceeds enable financial recovery for the Trust although further impositions such as Section 106 costs will further challenge that recovery. It is hoped that Cheshire East will see the benefit of the plans in terms of an asset to the community and also in terms of sustaining clinical services in Macclesfield for the public.

A letter has been submitted by Keyworker Homes (the developer), which explains that since the previous refusal, the applicants and their advisors have sought to address the areas of concern which were publicly expressed regarding the previous scheme. This has resulted in a scheme which will provide a viable solution to the re-use of the visually important buildings on site and create a development which generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

A copy of the exhibition boards from a 4-day public exhibition illustrate that significant changes have been made to the scheme. Further comments from the exhibition have informed the application, especially in relation to the position and form of housing on Victoria Road.

The scheme would see the retention and enhancement of the site's historic buildings of merit. The setting would be enhanced through the retention of more of the trees which would provide visual amenity and the addition of suitably designed buildings.

It is important to note that the scheme stands or falls as a whole and any further significant changes to any of the constituent elements may threaten the overall viability of the scheme.

A letter of support has been submitted from the Plus Dane Group, a registered Social Landlord. This confirms that there is a high demand for one and two bedroom affordable apartments within walking distance of Macclesfield's town centre. Dane are supportive of

Keyworker's proposals for the Clocktower building and should the planning application be approved, would be most willing to work in partnership with Keyworker Homes to undertake responsibility for the Affordable housing to be provided within the existing Clocktower building.

OFFICER APPRAISAL

Principle of Development

This is an outline scheme with the layout, scale of development and means of access provided. The mix of uses applied for: - care home, offices, retail, apartments, townhouses and a decked car park would contribute to the regeneration of the hospital complex. It is considered in principle that the nature of the development proposed, within the context of its surroundings would raise no strategic issues in planning terms. Improving the health of the area's population should be promoted as should enabling developments which allow for such improvements to be achieved.

The case put forward in support of the application by the NHS Trust is that by assisting the East Cheshire NHS Trust to achieve Foundation Status by reducing its debt, this development would bring wider community benefits. Although improving the health of the region's population by reducing present inequalities is referred to under RSS policy DP2, it is not to be considered of strategic importance when considering the merits of this application.

The Planning Brief for the Blue Zone (attached as a background paper) highlighted and recognised the unique opportunity at this site to regenerate the site by a combination of sensitive refurbishment and conversion of the listed buildings, and new development, combined with the recreation of an attractive landscaped public realm, and sensitive retention of trees and new tree planting, to create an attractive built and natural environment. The Brief (as compiled and submitted by the Trust) highlighted the key development guidelines, which should be followed, and constraints to the site. The Brief was a document prepared by a partnership of East Cheshire NHS Trust, Drivers Jonas, BDP, Faber Maunsell and WHR in conjunction with Macclesfield Borough Council..

The aim of the Brief was to provide information on the opportunities, acceptable land uses and general development principles to be taken into account by developers in bringing forward proposals for the part refurbishment and part redevelopment of the Blue Zone. It should be noted that although the document does not form Supplementary Planning Guidance, the Hospital did present the document to the Council as way of establishing the development criteria for the site. Some weight can therefore be attached to the document as a material consideration.

It stated that any new development should respect the setting of the listed building and character of the area, that important buildings of merit should be retained, an Arboricultural Impact Study and Landscape Strategy should be submitted with any application. The Brief stated that the Council would seek contributions towards Play and Amenity Open Space; Recreation/outdoor sports facilities, and affordable housing. Any affordable housing should be justified in accordance with the 2004 Macclesfield Housing Needs Survey. Housing was considered to be the most appropriate use for the site. Other uses that were considered within the Brief as being acceptable were a hotel (within the Clocktower building), and community uses.

Following meetings with the Hospital and developer (Keyworker Homes) over the last 10 months and through consideration of the previous applications (determined in January 2009), it has become clear that a flexible approach is required to achieve a development which does not adversely impact on buildings of merit, or result in the loss of significant trees.

During the course of the previous application(s) the Hospital Trust considered that the negative impact on the historic and natural environment should be weighed up in relation to the benefits of the scheme, which would essentially result in the reuse and refurbishment of the listed Clocktower building and an opportunity for the Hospital to gain Foundation Trust status. However, although maximising the value of the site is the motivation behind the project for the Trust, it would appear that the applicants and developer have concentrated far more effort on achieving a more sustainable, sensitive development, which follows the Brief for the site more closely.

Four major differences between the refused scheme and the current one are:

- 1) That the scale of the development has been reduced to 3 storeys
- 1) The reference to the Clocktower being for key workers has been deleted. The accommodation in the Clocktower is now proposed to be housing for affordable rent.
- 2) This scheme provides a greater emphasis on incorporating open space within the site for the individual uses.
- 3) The amount of retail floor area has been significantly reduced

The proposed layout respects the setting of the buildings of merit (i.e. the Clocktower and Building 6) and trees of high amenity value. It is considered that the scale and massing is more appropriate and that the impact on the street scene adjacent to Cumberland Street is now acceptable. The landscape officer is examining the issue of boundary treatment in more detail.

This application is considered to accord with the principles put forward in the Planning Brief for the Blue Zone.

The previously refused scheme, proposed approximately 700m² of retail floorspace, whereas the proposed scheme proposes 540m². It is considered that this is far more appropriate with the likely local need of the development and existing hospital, and that the viability and vitality of the town centre shops would not be under threat from the scale of development proposed. It is also considered that the level of shopping provision will not impact on the residential amenity of the surrounding properties.

It is concluded that in general, the uses proposed accord with those of the Planning Brief as the emphasis is clearly focused on residential development. The office accommodation would largely replace existing provision within the site and would be for hospital related uses, and as a result would accord with local policy C2.

Policy

The most relevant policies in the Local Plan relate to Built Environment Policies BE15 - BE18, Transport Policies, Housing Policies and Policy C2, the latter of which sets out the criteria for all proposals, which fall within the Hospital site. Where appropriate these criteria will be referred to under the subject headings in this report.

Similarly to application 08/2634P and following discussions with the Local Plans section, it is concluded that some of the proposals at the Blue Zone are contrary to the Local Plan policy C2. Under this policy, the site "is allocated for health purposes". Although it is not explicitly stated that development for alternative uses will not normally be permitted, the allocation is for health purposes and therefore other uses are not in accordance with the policy. This assertion is supported by paragraph 3.31 of the Blue Zone Planning Brief: "any development for land uses outside of this designation would represent a departure from the Statutory Development Plan and therefore needs to be fully justified".

It is considered that there is a need for affordable housing in Macclesfield, and therefore the proposed residential reuse of the Clocktower building is welcomed. A legal agreement would be required to ensure that this is secured appropriately.

Policies S2 and S7 relate to the retail element of the scheme.

Consideration needs to be given to policies relating to highway safety and transport (T1, T2 and DC6). Policies DC8 and DC9 are particularly relevant when considering landscape and tree issues. Housing policies H1, H2, H8 and H9 are also relevant, especially when relating to the provision of affordable housing.

Any residential development will need to adhere to Development Control policies particularly policy DC38, which outlines standards relating to space, light and privacy in new housing development. New developments should adhere to the LPA's set guidelines on space between buildings (Table 4) unless the design and layout of the scheme and its relationship to the site provide a commensurate degree of light and privacy between buildings.

LANDSCAPING AND TREE IMPLICATIONS

The existing site is characterised by its parkland setting. The Planning Brief put forward by the Trust for the Blue Zone highlighted the requirement for development proposals to be supported by a Landscape Strategy which would include surveys of the trees and provide a sound basis for the retention, removal any new planting as this would inform any new development within the site to ensure that the character of the parkland landscaping is retained. The overall landscape character and parkland setting of the site should be enhanced.

Although no formal Landscape Strategy has been submitted to accompany the application, a section within the Design and Access Statement does cover the landscape design principles, which would inform the landscaping proposals in detailed submissions, should approval be granted for this outline application. In general, it would appear that the level of open space within the site has increased over that previously proposed. In addition, it is understood that the Councils Landscape Officer is liaising with the developers' landscape consultant, with a view to drawing up a 'Masterplan' for the site, to ensure continuity of the design principles for the reserved matters applications should approval be granted. The interface between

Cumberland Street and the development would appear to have been improved, however, the boundary treatment is still being considered further. The retention of the holly hedge to Victoria Road (in front of the dwellings) is considered to be beneficial. Formal comments from the Landscape Officer will follow in due course.

Although no comments have yet been received from the Arboricultural Officer, it is understood that the Arboricultural Officer has had several meetings with the developer and the arboricultural consultant prior to the application being submitted, in an effort to resolve tree related issues. It is considered initially, that the submitted scheme seeks to retain more trees and that there is a greater emphasis on creating a stronger landscaped character from the outset. The plans indicate that the trees to the northeastern part of the site (adjacent to the Prestbury Road/Victoria Road junction) are to be retained, as to is the row of Limes which would be between Building 6 and the courtyard residential area. It is expected that the Arboricultural Officer will comment further on the relationship between the proposed courtyard housing block and the amenity of future occupiers of the dwellings. An Arboricultural Impact Assessment has been submitted which states the following:

- 15 trees with preservation orders will be retained
- 1 tree with a preservation order will be removed due to the proposal
- 2 trees and 1 group with preservation orders will be removed due to their condition
- 11 trees and 1 group of high amenity value (A/B category), but without preservation orders, will be retained
- 5 trees of high amenity value, but without preservation orders, will be removed due to the proposal
- 9 trees of low amenity value (c) and 1 group will be removed due to the proposal.

- New tree planting will aim not only to replace any losses at a ratio of 2 to 1, but will further extend tree cover throughout the site.

IMPACT ON LISTED BUILDINGS

Comments from the Conservation Officer were awaited at the time of report preparation. The Conservation Officer has had many discussions and site visits with the developer since the refusal of the applications in January 2009, in order to consider alternative options for Building 6 and to inform the design of the new office block, (in place of Building 2).

Consideration of development of the Clocktower building and Building 6 will be made under applications 09/1296M, 09/1295M, 09/1577M and 09/1613M elsewhere on the Agenda. These two buildings are recognised by all parties as being the most significant buildings on the site and these are largely to be retained.

As the buildings on the site remain largely complete, it is considered that the curtilage buildings, although not listed in their own right, are of particular interest and historic core value. They therefore constitute a legitimate and fundamental site constraint.

There have been many additions to the site since 1843, many have been added in more recent times, have no historic significance and are harmful to the character of the site. There is no objection to the removal of many of the buildings on site, however, there are three buildings, which require special mention.

The building known as Building 2 was constructed in 1843, and is the former hospital block at the back, behind the courtyard. This is a three-storey building and has a relatively austere appearance, however, it does have very strong historic character and encloses and gives form to the rear of the historic complex. Its interior is likely to be extremely plain and retention of this building was considered under application 08/2634P. However, a conversion scheme with two extensions (modern office pavilions) each side was discussed with the Developer, and subsequently discounted, as they would not have been viable due to the cost of the works. The Conservation Officer has reluctantly accepted that a replacement building is the only viable option for this part of the site.

One other building which is of significance is the 'Gawsworth' building (known also as Block 9). This building is not original. English Heritage do regard post-1870 workhouse buildings in a different light to their earlier counterparts and although it is a stone-built building of some merit, its retention would have a fairly critical impact on site planning and as a result the Conservation Officer has reluctantly conceded its loss.

Further comments will follow from the Conservation Officer in due course.

Cheshire Archaeology Planning Advisory Service notes that archaeological mitigation is not advised .

LAYOUT AND IMPACT ON THE CONSERVATION AREA AND NEIGHBOURING BUILDINGS/USES

The site is prominent from the surrounding road network and it is important that a sensitive design is achieved in street scene terms. The external design of buildings is a matter reserved for a detailed application, however, siting, mass and bulk is required to be considered as part of this application. The site is bound to the north by Victoria Road, Prestbury Road to the east and Cumberland Street to the southeast. Prestbury Road is the boundary to the Prestbury Road Conservation Area.

The Conservation Officer's formal comments will be presented in an update report, however, he has informally indicated that he considers that the relationship with the conservation area and general approach to scale and mass of development is a significant improvement on the previously refused scheme.

As with the previous scheme, it is important that the trees in the northeast quadrant are retained as they provide an important contribution to the character of the adjacent Conservation Area. There is no objection to the principle of the dwellings facing Victoria Road, which would be set back approximately 5m back from the pavement. The dwellings would be divided into two blocks, which follows the advice of officers made previously. It is noted that the designs put forward are indicative elevation plans, however, overall the design is considered to be an improvement over that submitted under the previous applications.

The mass and design of the proposed blocks facing Cumberland Street is considered to be acceptable. The scheme submitted previously, proposed four storey buildings with a hefty pitched roof. The three storey buildings now proposed incorporate well proportioned pitched roofs, which compliment the overall fabric of the town. This is considered to be a significant

improvement. The buildings also are subservient to the principal building on the site - the Clocktower building. Good quality materials will be required to ensure that the buildings are sympathetic and complimentary to the local area.

The proposal has been assessed in relation to both the existing buildings on the site, and the scheme for the Clocktower building (09/1296M and 09/ 1577M), which are found elsewhere on this agenda. In relation to the Clocktower scheme, the closest part of the proposed dwellings would remain at least 9m apart away from Clocktower buildings, which is considered sufficient in this instance (due to orientation and relationship) to comply with the critical space standard requirements with respect to the siting of windows. The proposal would therefore comply with Local Plan Policy DC38.

The impact on the dwellings on Victoria Road opposite the proposed new open-market housing is considered to be acceptable by virtue of the distance between the dwellings and their orientation. The distance between these dwellings is approximately 25+m.

It is considered that the relationship between the care home and adjacent buildings is acceptable in residential amenity terms.

The retail and apartment block and retirement apartments would each be three storeys. The Local Plan distances required by DC38 would require a space separation distance of 28m between these blocks and Millers Court on the opposite side of Cumberland Street. The distance between these buildings ranges from approximately 28m to 40m, which would fully comply with Local Plan Policy DC38.

The relationship between the proposed buildings and remaining hospital buildings has been considered and this aspect of the proposal is considered on balance, to be acceptable.

NATURE CONSERVATION FEATURES AND IMPLICATIONS

The Nature Conservation Officer has commented on the ecological assessment submitted to accompany the application(s). Two species of bats have been recorded roosting within the Clocktower building at the hospital site. The ecological assessment states that as a precaution all the buildings on the hospital site should be treated as supporting bat roosts until evidence, as a result of further survey work, is shown to the contrary. Therefore, the buildings to be demolished in respect of this specific application must also be treated as bat roosts and although there is clearly a willingness to incorporate mitigation proposals for the adverse impact of the development upon bats, these details are required and must be submitted to and agreed prior to the determination of the application. Given the nature of the development proposed it is considered that on the basis of a worst case scenario, there would be sufficient scope to incorporate the necessary mitigation measures into the proposed buildings.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license once permission has been granted.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The applicants’ various statements submitted to accompany this application and the ‘Blue Zone Planning Brief’ provide a clear case for the requirements for developing the site. The benefits of the scheme have been well documented in terms of the provision of affordable housing, a care home, and the sustainable re-use of buildings on the site will guarantee the future protection of the Listed Building on the site. Given the constraints on the site, it would appear that there is no alternative way of establishing a care home, office and housing accommodation on the site without having an impact on the bats. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

As the proposal is contributing to the provision of affordable housing and the specialist housing / a care need for the Borough’s ageing population it would also be reasonable to conclude that the proposal is helping to address an important social need. In addition, it is important that the development generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

Mitigation

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. Willingness to provide a comprehensive mitigation scheme has been provided within the applicant’s ecological survey, which essentially would incorporate replacement roosts within the application site to improve the bat habitat in this area. The Council’s Nature Conservation Officer is satisfied that there is an opportunity to provide the mitigation on the site subject to appropriate conditions.

On the basis of the above it is considered reasonably likely that the requirements of the Habitats Directive would be met.

Bats and Trees

The bat survey submitted in respect of the Clocktower application contains a reference to undertaking a survey of mature trees on the site. However, no results for the bat survey of the trees has been provided. Clarification has been sought as to whether any trees will be lost to this part of the development and if so whether a bat survey has been undertaken of them.

Breeding Birds

No specific survey for breeding birds has been undertaken of the hospital site, however it appears likely that breeding birds will be present, associated with both the buildings and any landscaped areas. Conditions are required to ensure that the works associated with the development are carried out sensitively during the nesting season.

Landscaping

In accordance with PPS9 developments must now aim to achieve an overall gain for nature conservation. Opportunities in respect of the hospital site are perhaps limited, however the use of appropriate native species as part of the landscaping scheme and the incorporation of features for breeding birds as required by the above condition would make a contribution towards meeting this objective.

In summary, as the buildings on the site, other than the Clocktower, are not confirmed as supporting bat roosts and are only assumed to be so, it has been recommended that a further survey is undertaken (during early July) to allow the status of bats within all of the buildings to be more accurately assessed and allow protected species interests and mitigation to be more fully considered during the determination of the application. This will be reported within an update report.

HIGHWAY AND TRANSPORT IMPLICATIONS

Comments from the Highway Engineer in relation to the outline proposal are awaited. The main vehicular access serving the majority of the outline mixed use development is to be from a new access road from Prestbury Road/Cumberland Street roundabout to the east, with a secondary access from the existing hospital estate road. The layout of the access has not changed since the previous application, and it is noted that the Highways Engineer previously raised no objections to the access. It is thought that the Highways Engineer will comment on the internal configuration of the development, relationship between the existing Travel Plan of the Hospital to ensure that the proposed Travel Plan is effective, and parking allocation.

FLOOD RISK

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. The Environment Agency requires a preliminary risk assessment to be carried out and investigation scheme, to be followed by an options appraisal and remediation strategy. On this basis the Environment Agency raises no objections and it is considered that the proposal adequately addresses Flood Risk.

OTHER MATERIAL PLANNING CONSIDERATIONS

The Council's current housing advice is based on PPG3, which lists the following criteria: -

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives (*does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration*)
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (*does the application meet the housing needs of the area and/or provide affordable housing*)
3. The suitability of a site for housing, including its environmental sustainability (*is the site in a suitable and sustainable location, is it previously developed land, what constraints exist*)
4. Using land effectively and efficiently (*is the density at least 30 dwellings per hectare*)
5. Achieving high quality housing (*is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity*)

The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves high quality housing in a town centre location.

Paragraphs 5.27 and 5.2.8 of the Agents Planning Statement refer to the provision of Specialist Housing, and the intention for the Plus Dane Housing group to undertake the responsibility for the provision and management of the affordable housing in partnership with the applicants. It should be noted the Outline application, which essentially includes 15 dwellings and 16 apartments, does not include any affordable provision. The applicants however, suggest that the 36 apartments to be provided in the Clocktower (under application 09/1296M) more than compensate for this, and when taken as a whole, the proposed provision of 36 affordable units amounts to 116%, which is much greater than the 25% provision which is afforded under the Council's Local Plan policy H8 and PPS3.

At the time of report preparation comments are awaited from the Housing Strategy and Development Officer, however, it is anticipated that the officer will comment on the number of units, the size of the units, the buildings layout and that a recommendation will be made that the applicants enter into a Section 106 Agreement to secure the proposals.

OTHER RELEVANT INFORMATION

Members of the committee visited the site on 21st July 2009.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that this application represents a considerable improvement over the previously refused scheme. The proposal integrates more positively with the historic setting of the site and it is thought (subject to comments from the Arboricultural Officer) that the impact of the development on trees has significantly improved also. The scale, density and layout are considered to be far more sympathetic to the local environment and streetscape. The scale of retail development now proposed is not thought to cause conflict with the vitality and viability of nearby retail developments. It is considered that the applicant has addressed the reasons for refusal of application 08/2634P and has presented a proposal which reflects the Planning Brief for the Blue Zone more closely.

Given the nature of the development proposed and the loss of buildings within the curtilage of a Listed Building, it is important to ensure that the works are carried out to the Clocktower building and Building 6 before works on the residential elements and office block are commenced. However, it will be necessary for the access road (from this outline proposal) to be in place prior to the first occupation of the Clocktower building. It is therefore considered that a condition should be attached which requires a phasing and management plan to be submitted prior to works commencing on site.

The comments from the neighbour are noted, however it is considered that the nature of the objections have been covered in the report above. The applicants have made substantial changes to the scheme following public consultation and have every right to submit an outline proposal.

SUBJECT TO

Comments are awaited from the Housing Strategy and Development Officer regarding the provision of affordable housing and Leisure Services Officer in relation to contributions towards open space and detailed comments are awaited from the Conservation Officer, Landscape Officer, Arboricultural Officer, Cheshire Constabulary and Highways Engineer. It is however, anticipated that the proposal will necessitate the satisfactory completion of a S106 Legal Agreement comprising:

HEADS OF TERMS

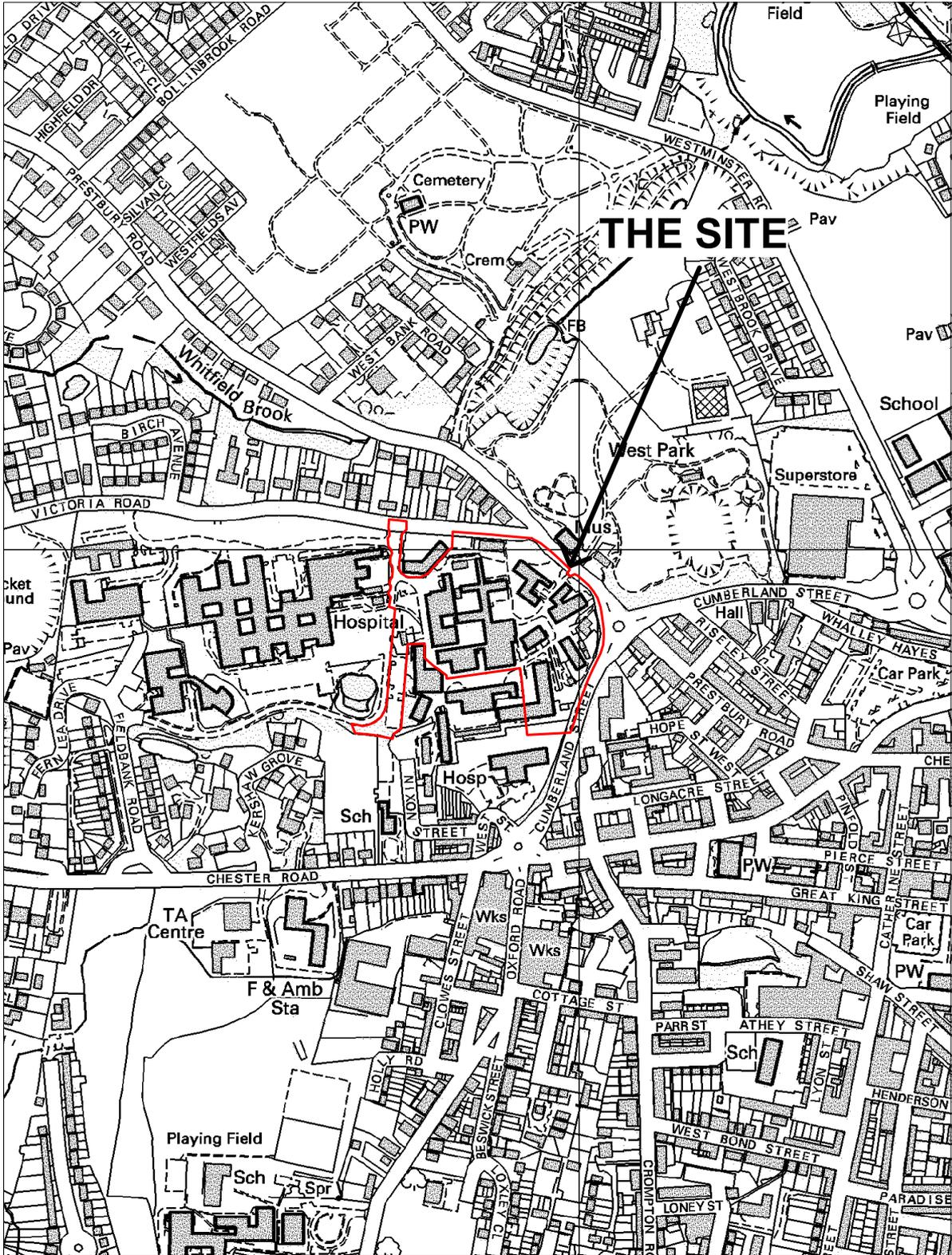
- Commuted sum payments in respect of amenity and playspace
- Provision of a Travel Plan and associated monitoring charges
- Highways matters including travel plan modifications/monitoring
- Monitoring costs

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A01OP - Submission of reserved matters

3. A05EX - Details of materials to be submitted
4. A06OP - Commencement of development
5. A08MC - Lighting details to be approved
6. A08OP - Ground levels to be submitted with reserved matters application
7. A09LS - Landscaping submitted with application for reserved matters
8. A19MC - Refuse storage facilities to be approved
9. A22GR - Protection from noise during construction (hours of construction)
10. A23GR - Pile Driving
11. A landscape management plan is required
12. A landscape management plan (for an appropriate period) including long-term design objectives, management responsibilities and maintenance schedules
13. Phasing plan for the implementation of landscape works (including opportunities for advance planting)
14. Highways conditions
15. Requirement for a Phasing/Management Plan to be submitted
16. Incorporation of features into the scheme suitable for use by breeding birds
17. Survey required to check for nesting birds between 1st March and 31st August
18. Tree conditions
19. Environment Agency requirements
20. Contaminated land
21. Environment Management Plan required
22. No burning of waste
23. Acoustic impact assessment to be submitted
24. Hours of deliveries
25. Hours of operation



09/1300M - MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD
N.G.R. - 390,920 - 373,940

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Appendix Two

Application 09/1300M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD, CHESHIRE, SK10 3BL

Proposal: PROPOSED ERECTION OF :- A 3 STOREY 75 ONE BED CARE HOME; A 3 STOREY BUILDING INCORPORATING A TOTAL OF 542 SQ M OF RETAIL IN 3 GROUND FLOOR UNITS WITH 16 APARTMENTS (8 ONE BED & 8 TWO BED) ON THE UPPER 2 FLOORS; A 3 STOREY OFFICE BUILDING OF 3,599 SQ M; 15NO. 2.5 STOREY TOWNHOUSES IN 7 BLOCKS; ASSOCIATED CAR PARKING AREAS, ACCESS ROADS & OPEN SPACE; ADDITIONAL HOSPITAL RELATED CAR PARKING AT PROPOSED FIRST FLOOR DECK. (OUTLINE APPLICATION).

Applicant: KEYWORKER HOMES (MACCLESFIELD) LTD and EAST CHESHIRE NHS TRUST

Expiry Date: 01-Sep-2009

Date Report Prepared: 09 October 2009

SUMMARY RECOMMENDATION

Approve the amendment to the description to include a D1 use on the ground floor of the office block, subject to further discussion on the delivery of commuted sum payments in respect of amenity and playspace, which are to be included within the legal agreement.

MAIN ISSUES

- Whether the minor alteration to include a D1 use on the ground floor of the office block raise any further planning issues;
- Whether the proposal has any adverse impact on the residential amenity of nearby residents, or raise any highways issues;
- Whether there are any other material considerations; and
- How the commuted sum payment in respect of amenity and playspace is delivered.

REASON FOR REPORT AND CONTEXT

This application was originally referred to the Strategic Planning Board as the proposal relates to a large scale major development (the site area is 3.3 hectares, including the Clocktower building).

It has been recently ascertained that a reference to a D1 use on the ground floor of the B1 office block building was omitted from the application description, although the submitted plan has not changed as this previously identified treatment and consultation rooms. D1 uses are effectively non residential institutions and would be the same as that approved for Building 6 under application 09/1577M.

In addition, when the application was considered by the Strategic Board, Members granted permission for the development subject to a legal agreement. One of the clauses of that agreement related to a contribution towards public open space. Keyworker Homes (the developer), Leisure Services and Planning Officers have been discussing this matter and officers consider that it is appropriate to update Members on this issue. At the Strategic Board meeting in July it was resolved that this matter was to be resolved between the Chairman of the Strategic Board, Ward Member and Head of Planning and Policy; however, there appears to be a large difference between the commuted sum payment requested by Leisure Services and that offered by the developer and this is why the matter had some back before the Strategic Board.

DESCRIPTION OF SITE AND CONTEXT

The report and subsequent update report which was considered by the Strategic Board at its meeting on 29.07.09 is attached as background papers to this report. The attached reports set out the historical background, planning history, context and details of the proposed outline application, in addition to the policies, which are considered relevant when determining this application. Permission was granted for 5 interconnected applications (subject to condition and a legal agreement) at the Strategic Board meeting on 29.07.09.

ALTERATIONS TO THE PROPOSAL

Reference was made in the previous report under the heading 'Proposal' to the office block as follows: -

Offices

This building would be a three-storey block located to the west of the Clocktower building. This building would benefit from parking provided in the proposed parking deck. A total gross floor area of 3,561m² is proposed with overall dedicated parking for 100 cars. The offices are intended to provide accommodation for the hospital, NHS staff and related health facilities and services.

The Planning Statement which accompanied the application referred to the offices being intended to provide accommodation for the hospital, NHS staff and related health facilities and services and this was indicated on the floor plans which were submitted with the application. Whilst the submitted application form for the office block sought approval for 3 599 sq m of use class B1, the developer had assumed that the element of D1 use could be

used as being ancillary to the main use. Negotiations have advanced with the Health Trust and it is now evident that the likely use of the ground floor of the office block will now be predominantly for hospital related uses falling under the use class D1 and as a result the developer would like this to be formalised.

This building would remain exactly the same as before externally and would be served by parking provided by the proposed parking deck. The total floor area would remain as 3 599m², which would be divided into 2 400m² of B1 (office) use on the first and second floors and 1 199m² of D1 use on the ground floor. Some of the ground floor would incorporate communal public floor space serving both uses.

RECONSULTATION

Renotification letters have been sent out to consultees and neighbours.

OFFICER APPRAISAL

On the basis that the building which currently exists on site is used for hospital related uses, it is considered that the D1 use proposed for the ground floor of the office block building is entirely appropriate. It is not considered that this use would have any greater impact on existing residents or proposed residents than the B1 use previously granted approval by the Council. This D1 use would also accord with the uses included within the Planning Brief for the site. This change of use will raise no further landscape, nature conservation, conservation area or listed building issues.

LEGAL AGREEMENT

The minutes of the Strategic Board meeting held on 29.07.09 refer to this application being subject to the satisfactory completion of a S106 Legal Agreement which would comprise the following Heads of Terms:-

- Commuted sum payments in respect of amenity and playspace
- Provision of a Travel Plan and associated monitoring charges
- Highways matters including funding for parking study and any Traffic Regulation Order
- Monitoring costs

Discussions have been held between the developer and officers from both Leisure Services and Development Management in relation to both the way that the commuted sum payments in respect of amenity and playspace are to be delivered and the cost to the developer. These discussions are on going, however it would appear that a different solution may be offered to that put forward to members at the previous meeting (Strategic Board - 29.07.09). One option is for the developer to make a payment to the Council to cover various works which would then be carried out in West Park. An alternative solution would be for the developer to carry out works within the park within a time scale to be agreed.

It is anticipated that further details will be provided to Members by way of an update report prior to the Committee meeting on 21.10.09.

CONCLUSIONS AND REASON(S) FOR THE DECISION

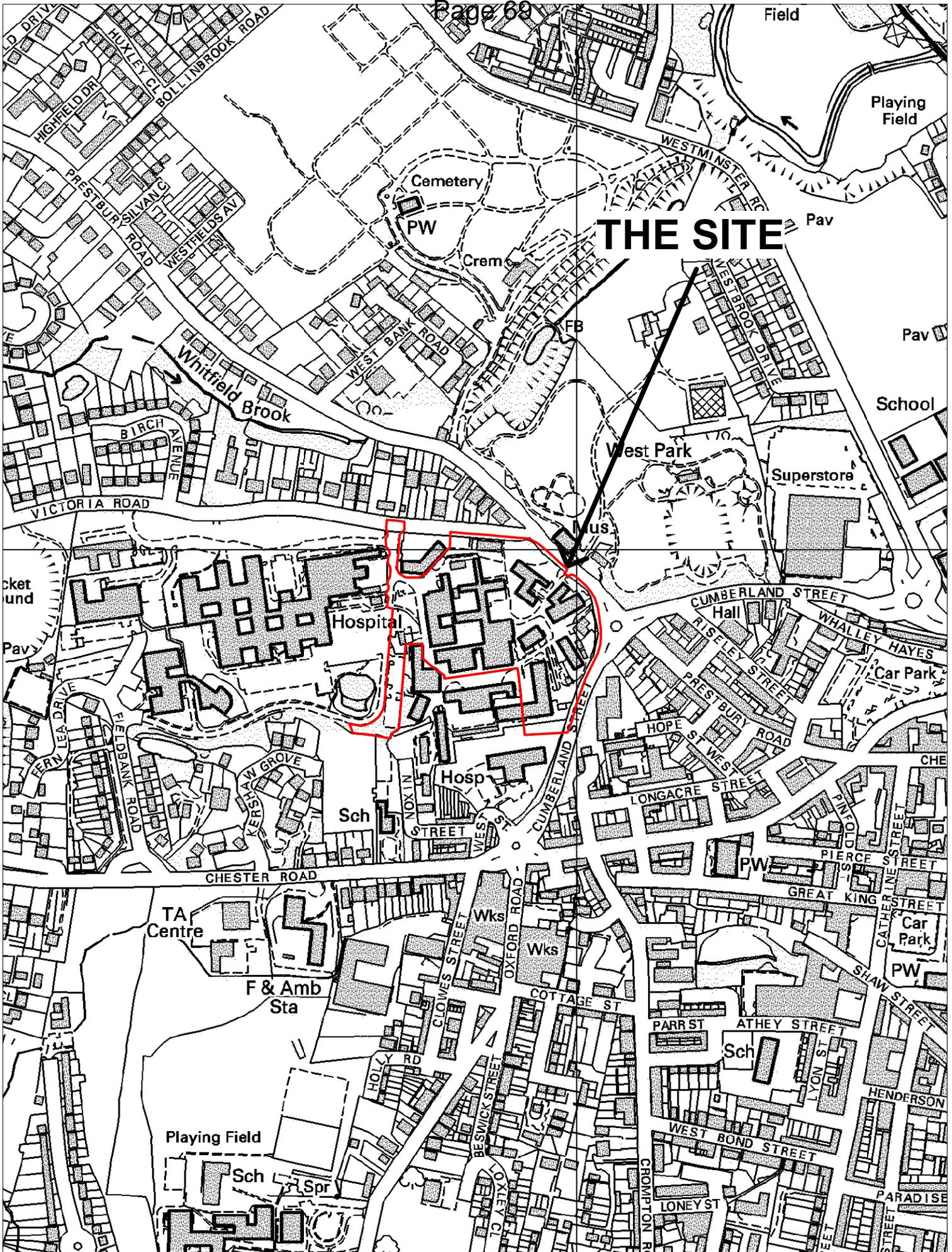
It is considered that the amended description to include a D1 use is acceptable. Further details will be provided to Member's prior to the meeting in relation to the commuted sum payments in respect of amenity and playspace issue.

SUBJECT TO

Comments are awaited from consultees who have been made aware of the proposed alteration to the description. Conditions should be attached in accordance with those recommended in earlier reports and further discussions with the developer.

HEADS OF TERMS

- Commuted sum payments in respect of amenity and playspace
- Provision of a Travel Plan and associated monitoring charges
- Highways matters including travel plan modifications/monitoring
- Monitoring costs



THE SITE

09/1300M - MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD

N.G.R. - 390,920 - 373,940

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 14th April 2010
Report of: Adrian Fisher, Head of Planning and Policy
Title: Report in Relation to Amendments to Section 106 Agreement for Planning Application P06/1001 for Outline Application for Redevelopment and Relocation of Existing Garden Centre Facilities, A1 and A3 Retail Units, Construction of Class C3 Residential Development, B1 Office Development, Car Parking, Ancillary Facilities and Associated Infrastructure at Stapeley Water Gardens, London Road, Stapeley.

1.0 Purpose of Report

- 1.1 To seek the approval of the Board for alterations to the requirements for a Section 106 Agreement for the redevelopment of Stapeley Water Gardens and related land which was the subject of planning application P06/1001.

2.0 Decision Required

- 2.1 Members approve the variations to the Section 106 Agreement requirements in the manner set out in paragraph 7 of this report.
- 2.2 The principle of the development was established by the resolution of the former Crewe and Nantwich Borough Council to approve the development and this report does not provide an opportunity to revisit that issue. This report relates solely to amendments to details of the Section 106 Agreement.

3.0 Financial Implications for the Council

- 3.1 Costs for staff time to vary the Agreement will be paid for by the applicant.

4.0 Legal Implications for the Council

- 4.1 The Borough Solicitor has been consulted on the proposed amendments to the Section 106 Agreement.

5.0 Risk Assessment

- 5.1 There are no risks associated with this decision.

6.0 Background and Report

- 6.1 A report on planning application P06/1001 for redevelopment of 13 ha of land at Stapeley Water Gardens was considered by the Development Control Committee of the former Crewe and Nantwich Borough Council on 20th September 2007. The application was recommended for approval subject to the applicant completing and signing a Section 106 Agreement in relation to affordable housing, phasing of the development and the provision of a master plan for the mixed use development, commuted payments for off-site highway works, the provision of an equipped play space and shared recreational open space, and a maintenance scheme for the ecological mitigation areas.
- 6.2 More specifically the recommendation which was approved, as amended by the Additional Information Report, stated:-

The application is recommended for approval with conditions subject to the applicant entering a Section 106 Agreement to secure:-

- (1) the provision of 33% affordable housing on the site with:-**
- (a) a minimum provision of 26% for the development of Stapeley Manor site (Phase 1) and minimum provision of 37% on all subsequent phase(s) on the basis that the level of provision for each phase will be identified in the first reserved matters application and that the overall provision will be 33%, and**
 - (b) one third 1-bed units, one third 2-bed units and one third 3-bed units across the whole site and 50% social rented and 50% shared ownership in all phases of residential development,**
- (2) phasing of development and submission of a master plan to ensure that the site is brought forward as a mixed use development together with the provision and continuity of the relocated Water Gardens,**
- (3) commuted payments for off site highways works (to include signage to direct traffic away from Nantwich town centre, contributions to the Willaston to Nantwich cycle link, contributions to works for the signalised junction at Wellington Road/ Park Road junction, contributions to traffic calming in London Road and Wellington Road, a sum for completion of a cycle link on South Crofts/ Monks Lane),**
- (4) the provision of an equipped play space to be provided in the early stages of phase 2, and shared recreational open space and play space in all phases of development. A maintenance scheme for all areas of open space/ play equipment to be submitted,**
- (5) a maintenance scheme for ecological mitigation areas,**

Should the Section 106 Agreement not be completed within a period of six months from the date of the Committee meeting a further updating report will be presented to the Committee to explain the position at that time and consider any outstanding issues which may be delaying completion of the Agreement.

- 6.3 A subsequent report was presented to the Development Control Committee on 29th April 2008 which recommended that the report be received. Members received the report which noted that the developer at that time had still to confirm ownership of all the land which was the subject of the S106. Following that confirmation drafting of the Agreement would commence. The report recommended that no further action be taken by the Committee.
- 6.4 Drafting commenced and a number of meetings have been held between the Council officers and representatives of the applicant. The drafting work has continued and the applicant now wishes to make changes to the S106 agreement which is contrary to the original committee resolution by the former Crewe and Nantwich Borough Council. It is therefore necessary to consider these matters further.
- 6.5 Since the outline application for the redevelopment of Stapeley Water Gardens has been considered by the Committee, Dobbies Garden Centre has been secured to relocate the Water Garden facility, David Wilson Homes (DWH) has been secured to deliver the open market and affordable housing and Dane Housing has been identified as the preferred housing provider to take forward the affordable housing units. In addition the down turn in the economy and the detailed design of the ecological mitigation measures have led to a need to reconsider how certain aspects of the S106 requirements will be delivered.
- 6.6 It should be noted that the applicant is not seeking to remove requirements of the section 106 agreement to but alter certain details.
- 6.7 The issues which the applicant now wishes to amend relate to:-
- the provision of affordable housing,
 - the submission of the master plan and phasing of the development to deliver a mixed use site
 - the provision of open space and play space
 - the requirements of the Ecological Mitigation Strategy which formed the basis of the application.

Affordable Housing Requirements

- 6.8 In relation to the affordable housing provision, the original recommendation was for the affordable units to be split to provide one third 1-bed units, one third 2-bed units, one third 3-bed units with a total provision of 33% which equates to 50 dwellings.
- 6.9 David Wilson Homes and Dane Housing have indicated in discussion that they wish to have a choice between house types for

affordable dwellings to allow the original split of dwellings or as an alternative twelve 1-bed units, nineteen 2-bed units and nineteen 3-bed units. This will allow for a higher percentage of 2 and 3 bed units and would still achieve a 33% provision on site. In discussion with the Council's Housing department it has been accepted that the proposed mix of 1, 2 and 3 bed units will allow for greater flexibility when finding occupiers. There are therefore no objections to this mix. Policy requires the Local Authority to have regard to, inter alia whether the existing affordable housing stock meets the identified need, targets derived from the Housing Needs Survey and economics of provision.

- 6.10 The original recommendation for application P06/1001 required that 50% of the affordable dwellings to be provided should be for shared ownership and 50% for social rented housing.
- 6.11 A number of reports have been submitted to the Planning Committees recently where the affordable housing provision has been varied to allow the inclusion of Rent to Homebuy Units. These are units made available for persons who are unable to obtain a mortgage at present but expect to be in a financial position to do so in the next 5 years. The Rent to Homebuy scheme allows a person to take a property for rent with a view to buying part of it on a shared ownership basis in due course and as such is intermediate housing. The Rent to Homebuy Scheme has been introduced by the Homes & Communities Agency as a response to the situation whereby persons who might have afforded a shared ownership unit a few years ago are unable to do so now, as a result of the economic situation.
- 6.12 There are therefore no objections to alterations to the S106 agreement to allow the provision of 50% of the units for shared ownership/ Rent to Homebuy and 50% for social rented housing.
- 6.13 The recommendation in relation to outline application required the provision of 33% affordable housing over the whole site of which 26% would be in the first phase (the residential development of Stapeley manor site) and 37% in all subsequent phases. At that time it was undecided whether there would be two or three phases of housing development. The applicant has now sought to remove the requirement for 37% on all subsequent phases. The lower provision in phase 1 is required to reduce the cost to the developer because of the need to meet infrastructure requirements, ecological works etc at the outset. At that time it was undecided whether there would be one or more housing developers at the site. However since that time DWH have been appointed to provide all the housing development. The proposed revision to the S106 Agreement will remove any specified percentage for phase 2 of the housing. However this is not considered material as the overall provision of 33% is retained for the whole site.

- 6.14 The officer report on application P06/1001 explained that the financial information submitted demonstrated that the units would be affordable. Negotiations are still continuing regarding the wording of the agreement to ensure that the price paid for the affordable dwellings by the RSL to the developer will be affordable by people in need of housing in the area. Further information on this will be provided in the Updates Report.
- 6.15 The former Crewe and Nantwich Borough Council has previously sought to restrict staircasing of the shared ownership units to 80%. Staircasing is the ability of a person occupying a shared ownership unit to acquire an increasingly larger proportion of the dwelling. Normally CNBC sought to restrict staircasing to a maximum of 80% to ensure that the dwelling remained available as affordable housing for future persons in need in the area. Where staircasing is permitted to 100% the unit may be acquired by a specific owner and taken out of the affordable housing supply. However where the HCA fund affordable housing developments then it is a requirement that residents should be able to staircase to 100%. RSLs frequently use funding from the HCA to deliver affordable dwellings built by a housing developer. Whilst the Council would have sought to limit staircasing to 80% for Rent to Homebuy this is not allowed by the HCA in funding such units. Further where HCA funding is used for the provision of shared ownership dwellings the restriction to 80% cannot be applied.
- 6.16 Whilst the agents are seeking these alterations to the terms of the Section 106 Agreement it should be noted that they still intend to deliver the full 33% affordable housing as agreed at the time that the outline application was determined by the former Crewe and Nantwich Borough Council. The revisions discussed here are minor alterations which will ensure that the affordable housing provision is delivered. It is therefore recommended that these alterations be approved.

Phasing and Masterplan Requirements.

- 6.17 The report on the outline application required the submission of a scheme for phasing of the development and a Masterplan under the Section 106 Agreement to ensure the delivery of a mixed use development site together with the continuity of the existing Water Gardens and the relocated facility. This is taken into account in the detailed requirements of the S106 Agreement.
- 6.18 When the report on the outline application was prepared it was stated that the residential development on the site of Stapeley Manor would be the first phase of development for the whole site. It is now confirmed that the first phase of development will include both the residential development on Stapeley Manor and the

relocation of the Water Gardens facility. There are no objections to the delivery of these two elements at much the same time. This alteration does not change the recommendation but members' attention is drawn to the fact that the first phase of development has been expanded since the original report was considered.

Open Space, Play Space and Shared Recreational Space Requirements.

- 6.19 The original report on the outline application required the delivery of an equipped play space to be provided in the early stage of phase 2 and shared recreation open space and play space in all phases of the development. In addition a maintenance scheme for all areas of open space and play equipment is required to be submitted.
- 6.20 The intention is now to provide the play space with play equipment and the shared recreational open space in phase 1 of the development. The original Section 106 Agreement required shared recreational open space and play space (equipped or unequipped) to be provided in all phases of development.
- 6.21 The areas of land to be provided will be based on the calculations of Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan. This requires 15 sq m of shared recreational open space per dwelling for development of more than 20 dwellings and in addition 20 sq m of shared play space for family dwellings (i.e. those with two or more bedrooms). The policy refers to the need to calculate the areas based on the whole development and also for the provision to be made in a structured manner and play space should be accessible on foot from all the dwellings. There is no policy requirement for each phase of residential development to be provided with either form of open space.
- 6.22 It is proposed that the equipped play area and shared recreational open space will be based on the tree lined frontage to London Road and other areas where trees are to be retained. The play area will however not be so close to trees as to adversely impact on their retention but set back using the trees to frame the open space. There are no objections to the alteration to deliver the equipped play space at an earlier date. Whilst the provision of all shared recreational open space/ play space requirements in the earliest phase of residential development will mean that residents in the phase 2 developments will have further to walk to such areas, that journey can be made without the need to use London Road (the main road on the eastern site frontage). The furthest dwellings are likely to be about 300m away from the main area of play space/ open space. It is also noted that in the proposed location existing residents of Stapeley will be able to gain easy access to the play equipment without the need to pass through the new residential areas. There are therefore no objections to the provision of all the

open space requirements within the first phase of the residential development.

Ecological Requirements

- 6.23 The changes to the ecological requirements are detailed in the report on planning application 09/4017N on this agenda. That submission is a full application for the ecological works and it is considered that the minor changes to wording of the Section 106 agreement as proposed are more appropriately considered with that application.

7.0 Conclusion

The proposed variation to the Section 106 agreement will ensure the delivery of the mixed use development site at Stapeley Water Gardens allocated under policy S.12.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is also subject to the Stapeley Water Gardens adopted Development Brief.

Further it will still retain the requirement to provide 33% affordable housing provision within the residential development of the mixed use development at Stapeley and that the provision meets identified needs in the locality.

The variation to provide all play space, including the equipped play space, and shared recreational open space in the first phase of residential development will deliver this element at an earlier time than envisaged previously and still retain the provision as required by policy RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

8.0 Recommendation

To issue permission in respect of outline planning application P06/1001 for the redevelopment of Stapeley Water Gardens subject to conditions as detailed in the decision by the Development Control Committee of the former Crewe and Nantwich Borough Council on 20th September 2007 and subject to the applicant completing and signing a Section 106 Agreement to secure:-

- (1) the provision of 33% affordable housing on the site with:-**
- (a) a minimum provision of 26% for the development of Stapeley Manor site (Phase 1) on the basis that the level of provision for each phase will be identified in the first reserved matters application and that the overall provision will be 33% and**
- (b) one third 1-bed units, one third 2-bed units and one third 3-bed units across the whole site or the option for the provision of twelve 1-bed units, nineteen 2-bed units and nineteen 3-bed units and 50% social rented dwellings and 50% shared**

- ownership/ Rent to Homebuy dwellings in all phases of residential development,
- (2) phasing of the development and submission of a master plan to ensure that the site is brought forward as a mixed use development together with the provision and continuity of the relocated Water Gardens,
- (3) commuted payments for off site highways works as per report P06/1001 (to include signage to direct traffic away from Nantwich town centre, contributions to the Willaston to Nantwich cycle link, contributions to works for the signalised junction at Wellington Road/ Park Road junction, contributions to traffic calming in London Road and Wellington Road, a sum for completion of a cycle link on South Crofts/ Monks Lane),
- (4) the provision of an equipped play space to be provided in phase 1 of the residential development, and shared recreational open space and play space in all phases of development. A maintenance scheme for all areas of open space/ play equipment to be submitted,
- (5) a maintenance scheme for ecological mitigation areas.

For further information:

Portfolio Holder: Councillor J Macrae

Officers: Rachel Goddard Senior Lawyer Tel: 01270 685839

Email: rachel.goddard@cheshireeast.gov.uk

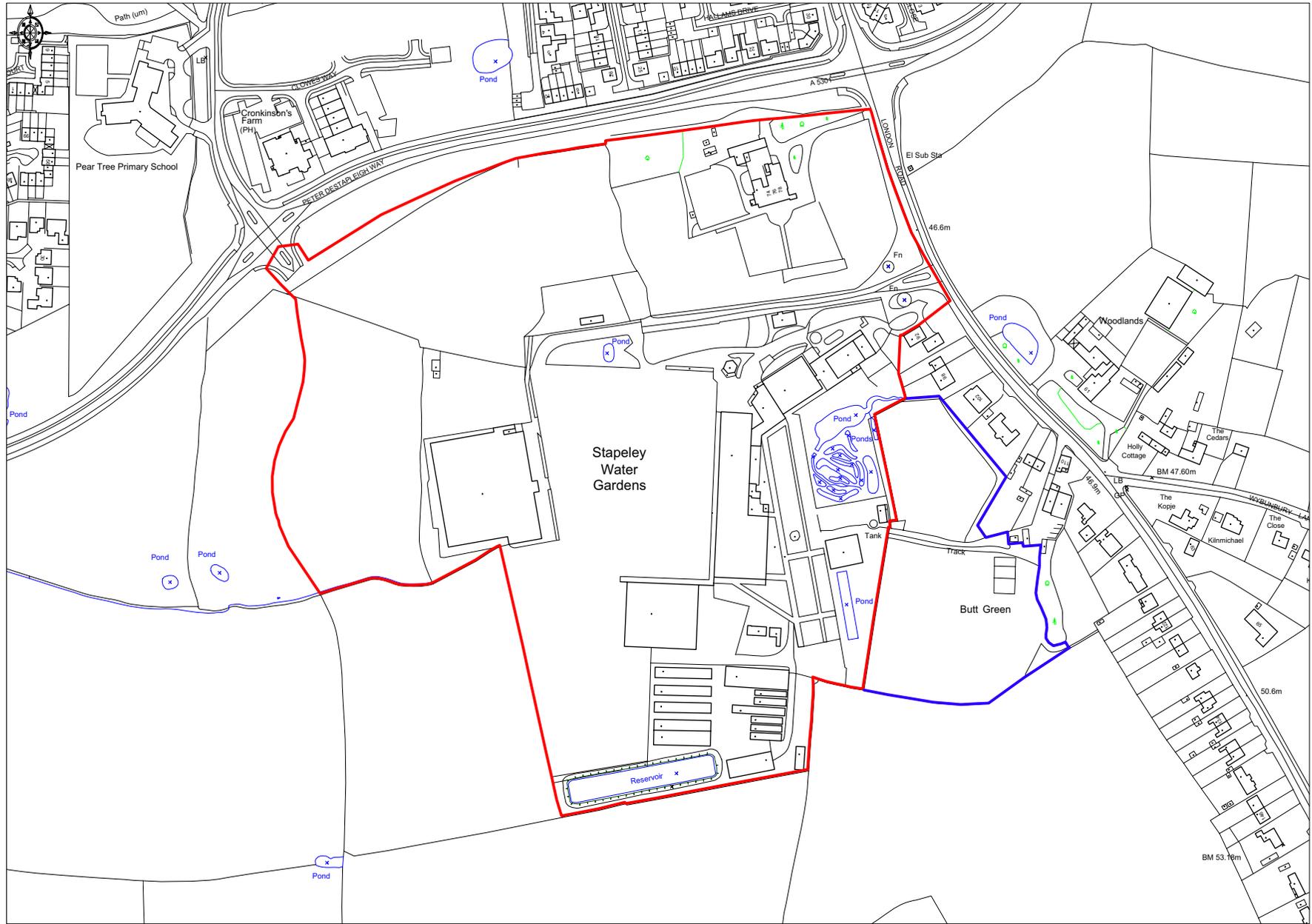
Rosamund Ellison Principal Planning Officer Tel No: 01270-537482

Email: ros.ellison@cheshireeast.gov.uk

Background Documents:

Planning File and correspondence reference P06/1001

Documents are available on the website and for inspection at: Municipal Buildings, Earle Street, Crewe CW1 2BJ



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