

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 6th October 2010
Report of: Head of Planning and Policy
Title: Report in Relation to (1) Amendments to Plans for the Outline Planning Application and Section 106 Agreement and (2) Amendments to Conditions 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 Strategic Planning Board for (1) alterations to the plans deposited for the determination of the outline planning application submitted for the redevelopment of Stapeley Water Gardens and related land which was the subject of planning application P06/1001 and for use in the related Section 106 Agreement, (2) minor alterations to the wording of condition 18 in relation to the draft outline planning permission for the development, and (3) the removal of condition 19 as recommended in the report on planning application P06/1001.

2.0 Decision Required

- 2.1 Members approve the alterations to the plans for the outline planning application and the Section 106 Agreement requirements together with the variation to the wording of the condition 18 and removal of condition 19 in the manner set out in paragraph 7 of this report.

3.0 Financial Implications for the Council

- 3.1 Costs for staff time to vary the Agreement.

4.0 Legal Implications for the Council

- 4.1 None

5.0 Risk Assessment

- 5.1 None.

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 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.

6.3A 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 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 continued and on 14th April 2010 a further report was presented to the Strategic Planning Board regarding changes to the following clauses in the Section 106 agreement:-

- Affordable Housing Requirements
- Phasing and Masterplan Requirements.
- Open Space, Play Space and Shared Recreational Space Requirements.
- Ecological Requirements

6.5 On 14th April 2010 the Strategic Planning Board resolved :-

To issue permission in respect of outline planning application P06/1001 for 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. A maintenance scheme for all areas of open space/ play equipment to be submitted,

(5) a maintenance scheme for ecological mitigation areas.

6.5 Since the outline application for the redevelopment of Stapeley Water Gardens has been submitted 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. Dane Housing has been identified as the preferred housing provider to take forward the affordable housing units.

6.6 This report now seeks approval for (1) minor alterations to the boundary to the planning application area for the outline planning permission (application P06/1001) and the related plans used for the S106 Agreement, (2) a minor revision to the proposed wording for condition 18 on the outline planning permission and (3) the removal of condition 19 from the outline planning permission. It should be noted that the applicant is not seeking to remove requirements of the section 106 agreement to but alter certain details.

Alterations to plans

6.7 Work has continued to progress the Section 106 agreement and in relation to this it has been necessary to ensure compatibility with the Section 106 agreement signed in relation to the Cronkinson Farm Development. That agreement includes provision for the establishment and maintenance of a number of areas of land for Landscape and Nature Conservation. One such area is situated between Peter Destaplegh Way and the development areas of land which presently fall within the Stapeley Water Gardens outline planning application. In addition other land to the west of the Stapeley Water Gardens application area also falls within the Landscape and Nature Conservation area.

6.8 At present the application area edged red which has been submitted with the Stapeley Water Gardens outline application includes an area of land which falls within the Landscape and Nature Conservation Areas of the Cronkinson Farm S106 Agreement. If this is to continue that then all

landowners of the area covered by Cronkinson Farm agreement will also need to sign the Stapeley Water Gardens agreement. That becomes an impractical exercise and it would be difficult to enforce the two agreements. It is considered that by redrawing the boundaries of the planning application area for the outline application for Stapeley Water Gardens the two agreements can be retained without overlap and each agreement enforced independently.

6.9 The land which the Council now wishes to remove from the outline planning application and the Stapeley Water Gardens S106 agreement is that area of land which falls within both S106 agreements at present.

6.10 This is a triangular shaped piece of land which lies behind the landscape planting on the south side of Peter Destapleigh Way and north of the area to be used for the relocated Water Gardens in the Master plan for the development of Stapeley Water Gardens. By removing this land from the planning application and the related S106 agreement the land will still be retained in accordance with the requirements of the Cronkinson Farm S106 agreement.

Variation to Condition 18

6.11 In approving the report on the outline application for the mixed use development, subject to conditions, the Development Control Committee approved condition number 18 which stated:-

“Additional tree survey for mitigation areas on land to the south west of the application area, to be submitted with planning application for Great Crested Newt pond works.”

6.12 The planning application for the Newt mitigation works was submitted under reference 09/4017N and was approved by the Strategic Planning Board on 14th April 2010. The additional tree survey for the land to the south west of the application area was not at that time submitted although the application did indicate that all trees would be retained. Trees around the site are located in the peripheral hedgerows. The condition was required because some but not all the trees were included in the submitted tree survey. It is therefore recommended that this tree survey should still be submitted but because the application for the pond work has been approved, that the survey should be submitted prior to the commencement of the development to which the outline permission relates.

Removal of Condition 19

6.13 In approving the report on the outline application for the mixed use development, subject to conditions, the Development Control Committee approved condition number 19 which stated:-

“Existing planting on the northern site boundary adjacent to Peter Destaplegh Way to be retained.”

- 6.14 With the submission of revised plans, as explained above, the land which was planted under the requirements of the S106 agreement for Cronkinson Farm and the related planning permission will be removed from the application area for Stapeley Water Gardens. Condition 19 as proposed in the original report to the Development Control Committee of the former Crewe and Nantwich Borough Council required the retention of this planting. Since the land will no longer be in the application area the condition is not relevant and should therefore be removed from the outline permission. The planting will be retained and maintained under the Cronkinson Farm S106 agreement.

7.0 Recommendation

Members approve the following amendments:-

(1) the alteration to the plans to remove an area of land on the north side of the Stapeley Water Gardens development site for use with the outline planning application and for the related S106 agreement.

(2) alterations to the wording of condition 18 on the outline planning permission to require the submission of the tree survey in relation to land to the south west of the outline planning application area (i.e. part of the ecological mitigation area) prior to the commencement of development of the outline permission.

(3) the removal of condition 19 from the outline planning permission to be issued which requires the retention of planting between the Stapeley Water Gardens development area and Peter Destaplegh Way.

8.0 Reasons for Recommendation

The alterations to the plans will ensure that the requirements under the Cronkinson Farm S106 Agreement for the use of that land for Landscape and Nature Conservation are still retained and enforceable.

There will be no adverse impact on the development of the Stapeley Water Gardens for a mixed use development in accordance with the principles agreed in previous reports to this Council and Crewe and Nantwich Borough Council resulting from the removal of this land from the planning application area.

The alteration to the timing for the submission of the tree survey in relation to land to the south west of the outline application area will ensure that this information is still submitted.

With the removal of land on the north side of the Stapeley Water Gardens site from the application area, Condition 19 which required the retention of planting on that land is no longer necessary.

For further information:

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Background Documents:

Planning File and correspondence reference P06/1001

*Documents are available for inspection at: Municipal Buildings, Earle Street, Crewe
CW1 2BJ*