

CHESHIRE EAST COUNCIL

Southern Planning Committee

Date of meeting: 16th October 2013

Report of: Steve Irvine – Planning and Place Shaping Manager

Title: Deed of Variation to the Section 106 Agreement for Planning Permission 10/4973C

Site: Canal Fields, Hall Lane, Moston, Sandbach

1.0 Purpose of Report

- 1.1 To consider a Deed of Variation to the S106 Agreement in respect of planning permission 10/4973C. This application was approved on 26th June 2012.
- 1.2 The report has been presented to Southern Planning Committee because the original application was approved by the Committee at the meeting on 24th August 2011.

2.0 Decision Required

- 2.1 To agree the Deed of Variation to the S106 Agreement.
- 2.2 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The application relates to a 3.76ha parcel of land known as Canal Fields located approximately 2.5km to the southwest of Sandbach Town Centre and within the defined Settlement Zone Line of the adopted Local Plan.
- 3.2 The site comprises a mix of previously developed and Greenfield land and is known to be contaminated as a result of the sites former industrial use
- 3.3 The former industrial buildings no longer remain and the approved residential development has now commenced. The site also contains a

large pond and a number of trees, particularly to the canal bank adjacent to the pond.

- 3.4 The site is enclosed to the east by the raised embankment of the West Coast Main Line and to the west by the Trent and Mersey Canal. The canal sits on a lower level within a shallow cutting before levels drop away further still into the open countryside, Red Lane and Sandbach Flashes. Fodens test track is located to the north and Hall Lane and United Phosphorus to the south.

4 Previous Planning Permission

- 4.1 Members may recall that on 24th August 2011, the Southern Planning Committee resolved to grant planning permission for a residential development on this site. The approved development relates to the construction of 101 dwellings.
- 4.2 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions. The Heads of Terms agreed by the Southern Planning Committee include the following:

‘Secure the precise details for a management company in respect of the on-site amenity green-space, SUDS systems and ponds’

- 4.3 The S106 was signed and the decision was issued with work now underway on the site. The S106 Agreement identifies the area of Public Open Space and cross reference is made to a plan attached to the S106 Agreement (This plan can be found at Appendix 1). The developer now wishes to vary the S106 Agreement to allow for a small utilities sub-station to be sited within the POS (This plan can be found at Appendix 2). The sub-station has been installed under Permitted Development.

5 Officer Comment

- 5.1 The approved development included a public open space over-provision of 340sq.m. This amendment would result in a minor reduction in the amount of POS. As a result there would still be an over-provision of POS on this site and the proposed variation to the S106 Plan is acceptable.

6 Conclusion

- 6.1 On the basis of the above, the proposed Deed of Variation to the S106 is considered to be acceptable.

7 Recommendation

- 7.1 That the Board resolve to approve to the Deed of Variation for the S106 Agreement attached to planning permission 10/4973C to alter the location and amount of Public Open Space.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To allow the variation of the S106 Agreement, to enable the development works to continue on site to assist in delivering the 5 year housing land supply for the Borough.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Daniel Evans – Principal Planning Officer
Tel No: 01270 686751
Email: daniel.evans@cheshireeast.gov.uk

Background Documents:

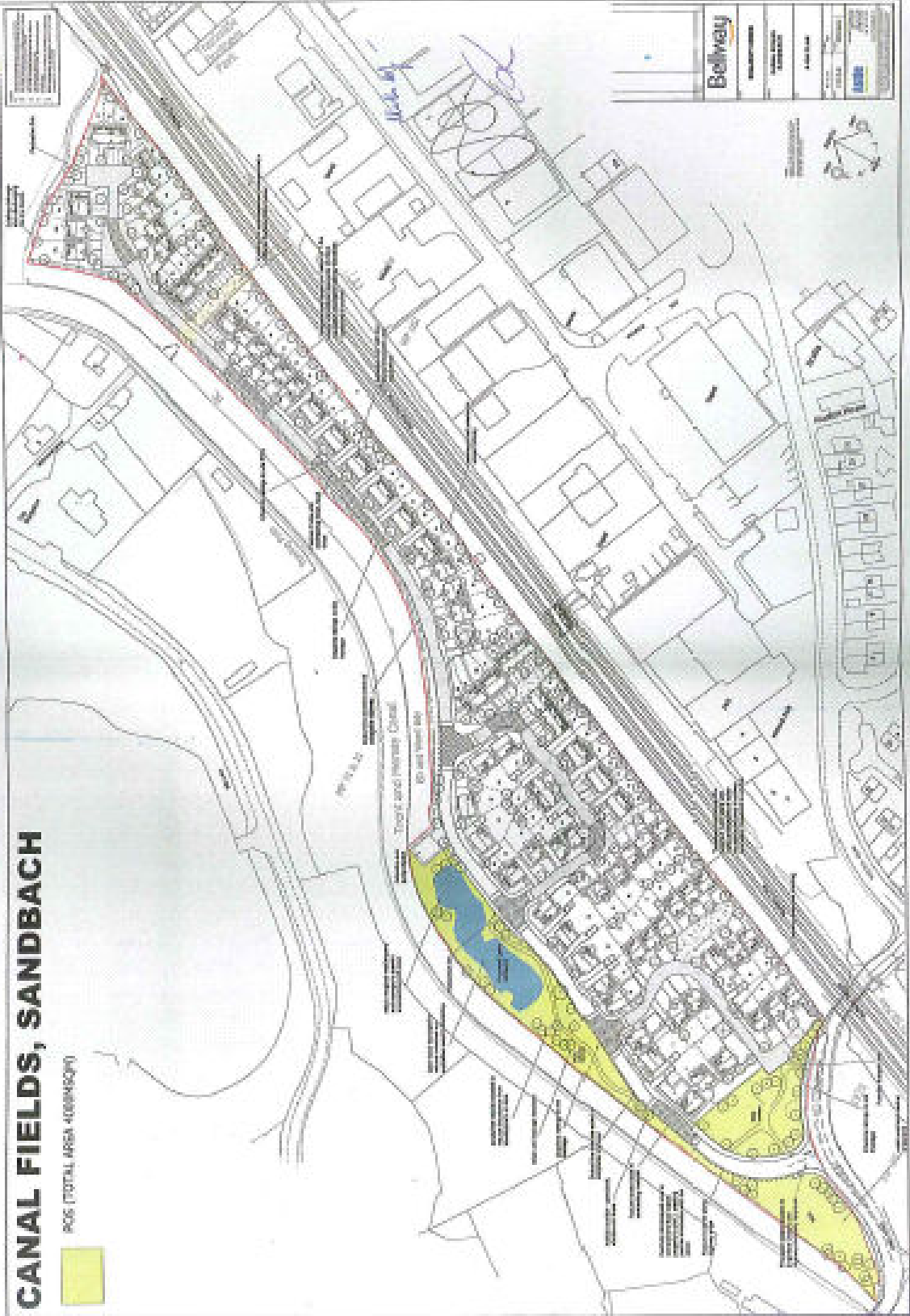
- *Application 10/4973C.*

Appendix 1 – the original POS plan

Plan 1

CANAL FIELDS, SANDBACH

POS (TOTAL AREA 4000SQM)



Belway

WINDMILL

WINDMILL

WINDMILL

WINDMILL

WINDMILL

WINDMILL

WINDMILL

Appendix 2 – the amended POS plan

