



# Northern Planning Committee

## Update

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**Date:** Wednesday, 23rd March, 2022  
**Time:** 10.00 am  
**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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The information on the following pages was received following publication of the Committee agenda.

**Planning Update** (Pages 3 - 8)

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**Northern Planning Committee 23<sup>rd</sup> March 2022**

**UPDATE TO AGENDA**

**APPLICATION No.**

**21/2975M** – Part demolition of existing buildings, conversion and alteration of retained buildings for residential use (Use Class C3) and erection of residential development (Use Class C3) with associated open space, landscaping, access, car parking and infrastructure

**LOCATION**

The Swan Hotel, Chester Road, Bucklow Hill, Cheshire, WA16 6RD

**UPDATE PREPARED**

21st March 2022

**CONSULTATIONS (External to Planning)**

**Housing Officer (CEC)** – No objections, subject to £5,314.02 being provided towards off-site affordable housing provision

**REPRESENTATIONS**

On Friday 18<sup>th</sup> March 2022, since the drafting of the committee report, a further representation from Knights plc, on behalf of an objector/interested party was received. The points raised in this representation include:

- Details that the objector/interested party has now made an offer to purchase 'the front part of the site' (as highlighted below) from the landowner based on an independent valuation



- Details that the objector/interested party has commissioned an independent review of the marketing exercise undertaken by Gerald Eve
- The understanding that a submission has been made to the Council to list the premises as an Asset of Community Value – which should be a material planning consideration
- Request the application be adjourned to fully take account of the situation or recommend a split recommendation, permitting residential development to the rear of plots 3-12 only whilst refusing permission for plots 1-2 and 13-17 to allow further consideration for the retention of the public house

## **OFFICER APPRAISAL**

### **Loss of Public House**

Since the submission of the committee report, an application to list the Swan as an Asset of Community Value (ACV) has been received by Cheshire East Council.

The Localism Act 2011 introduced a new community right (through The Assets of Community Value Regulations 2012) which allows town and parish councils and community groups to ask for certain land and building assets to be listed as being of community value, Assets of Community Value (ACV). The purpose of this is to assist local community groups to preserve buildings or land of importance to community social well-being, by regulating that when a listed asset comes up for sale there is a delay in the sale process, giving the local community a chance to bid to buy the asset.

Now an ACV application has been received, there is a statutory process that the Council has to follow before a decision is made whether or not to list the Swan as an ACV. Such applications have a statutory 8-weeks determination period, and that timeframe only commences once all necessary information has been submitted.

However, as advised within the committee report, irrespective of whether or not the Swan is ultimately approved as an ACV, once listed, this simply pauses the sale process for six months, to allow community groups the opportunity to make an expression of interest to make a bid. This status only allows time for the community to put a bid together. After that window closes, it is entirely up to the landowner to sell to whoever they choose.

Evidence has now been received that an offer from an interested party looking to continue a community use on the site has been submitted on the 15<sup>th</sup> March 2022. However, the evidence shows that the offer only relates to part of the site, not all of it. The agent acting on behalf of the applicant has advised that this offer was rejected by the landowner.

The agent acting on behalf of the applicant has advised officers that the site is no longer for sale, re-iterating that the time for an offer to be made has long since passed. There is also no evidence before the Council, in the form of a business case, for example, that any proposed continuation of use would be viable in contrast to the evidence submitted by the applicant suggesting otherwise.

Although it is noted that the objector/interested party has commissioned a review of the submitted marketing for the site, the Council can only consider the information before them at this moment in time. The Council are satisfied that the marketing of the site did not expressly exclude interest and/or offers from interested parties looking for a continuation of the existing use.

To conclude, because the long marketing period yielded no (evidenced) offers for continued use, because the viability information submitted substantiates the applicant's reasoning as to why the business closed and equally, because there is no financial evidence to suggest a continuation of the use would be viable, irrespective of this late turn of events, the conclusions relating to the loss of the public house set out within the committee report, remain unchanged.

### **Affordable Housing**

The committee report set out that a commuted sum was required towards off-site affordable housing. However, the final sum was not agreed at that stage as it was reliant upon the applicant providing some recent sales data of nearby properties which in turn, would feed into the formula to determine the required contribution. Since the drafting of the Committee report, this information has been provided.

The applicant approached a local Estate Agents for 3 recent examples of sales on 2/3 bedroom cottages all located within 0.5 miles of the application site.

The sales were the following amounts:

- 3 New York Cottages, Bowden View Lane, Mere: £272,100
- The Crescent, Bucklow Hill: £270,000
- 1 Hope Cottage, Chapel Lane, Bucklow Hill £315,000

Based upon the above sales figures, the average sales amount is: **£285,700**

Using these figures, the below formula calculates the required affordable housing contribution:

- Property OMV - £285,700
- RP offer (typically around 70% of OMV) - £199,990
- Difference between offer and OMV - £85,710
- £85,710 x AH requirement of 0.062 = **£5,314.02**

The Council's Affordable Housing Officer is satisfied with these findings and conclusions.

Subject to this contribution, to be secured via a S106 in the event of approval, the development is deemed to adhere with the affordable housing policy of the development plan.

### **Procedural matters**

At the bottom of page 12 of the reports pack, at the end of the penultimate paragraph, the sentence is not completed correctly as it ends on the word 'and'. For clarity, the sentence should end before the word 'and', which should be disregarded.

Also, for clarity, the further objection to the application proposals, as reported within the committee report (pages 7 and 8) were received by the Council on the 18<sup>th</sup> February 2022, on behalf of the objector (also the interested party) by Knights plc. This objection was then supplemented by a further e-mail from Knights plc, dated 21<sup>st</sup> February 2022, which included an e-mail exchange between the same objector and the landowner of the application site, dated 13<sup>th</sup> September 2021.

In response to the suggestion of a split decision being an option as a decision, the Council needs to consider the acceptability of the proposals in full as this is what has been submitted to the Council for determination.

### **Heads of Terms**

If the application is approved, a Section 106 Agreement will be required to secure the following:

- Contribution of £5,314.02 towards off-site affordable housing provision
- Contribution of £68,000 towards off-site Public Open Space (POS) and Recreation and Outdoor Sports improvements (£51,000 towards off-site POS improvements & £17,000 towards off-site Recreation & Outdoor Sport improvements)
- Requirement to provide a private management plan to manage landscaping outside of domestic curtilages

### **CIL Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

A contribution of £5,314.02 is deemed necessary to ensure the required policy provision of affordable housing is provided in accordance with policy.

The total financial contribution of £68,000 is deemed necessary to ensure that the impact of the development upon nearby Public Open Space and Recreation and Outdoor Sports is mitigated.

The requirement to establish/hire a Management Company to manage the landscaping of the site outside of residential curtilages is required to ensure the

development remains well screened from the most public vantage points in perpetuity.

The requirements are therefore considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

### **Conclusions**

As in the original report, a recommendation of approval is made, with the amendment to the s106 agreement outlined above and conditions.

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