

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 9th January 2012

Report of: Steve Irvine – Development Management and Building Control Manager

Title: Deed of Variation to the Section 106 Agreement for Planning Permission 11/3956C

Site: The Former Fodens Factory, Land off Moss Lane, Sandbach CW11 3JN

1.0 Purpose of Report

- 1.1 To consider a Deed of Variation to the S106 Agreement in respect of planning permission 11/3956C. This application was approved on 13th July 2012.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board at the SPB meeting on 8th February 2012.

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 9ha of land, situated to the west side of the Crewe-Manchester Railway line within the Sandbach Settlement Boundary.
- 3.2 The site is bound by Moss Lane to the north, west and south. To the north-west of the site is an existing office building. To the north-east of the site are residential properties which front onto Mulberry Gardens and Clifton Road, these properties are of varying styles and types. The land on the opposite side of Moss Lane is mainly rural in character and includes a number of detached dwellings which are set within relatively

large plots. To the south of the site is the former test track. This site has a resolution to approve and is awaiting the completion of a S106 Agreement.

- 3.3 The site is relatively open and the former factory buildings which stood on the site have now been demolished and the residential development has commenced. The site has 2 vehicular access points, one to the south and one to the north. There is sporadic tree planting to the boundaries of the site but this is of mixed quality.

4 Previous Planning Permission

- 4.1 Members may recall that on 8th February 2012, the Strategic Planning Board resolved to grant planning permission for a residential development of the former Foden Truck Factory site. The development would comprise 269 dwellings at a density of 30 dwellings per hectare.
- 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 SPB were amended as part of a further report to the Strategic Planning Board on 2nd May 2012 to include the following:

'Affordable housing – the number and tenure split of the affordable housing will be no less than 19.7% (53 units in total) comprising at least 65% (34 units) affordable rent and 35% intermediate housing (19 units)'

- 4.3 The S106 was signed and the decision was issued with work now underway on the site. The S106 Agreement identifies which dwellings are the affordable housing units and cross reference is made to a plan attached to the S106 Agreement. The developer now wishes to vary the S106 Agreement to alter which plots are the intermediate units.

5 Officer Comment

- 5.1 The proposal will not alter the amount of intermediate units on this site which will remain at 20 it will just alter which units are the intermediate dwellings. The proposed affordable units would still be pepper-potted in clusters and the Affordable Housing Officer and the Registered Social Landlord are both happy with the amended plan.
- 5.2 In terms of the type of units the proposed plots change the property types by reducing the number of 2 bed apartments by 1, but increasing the number of 2 bed houses by 1 and again the Affordable Housing Officer and the Registered Social Landlord are happy with this minor change.

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 11/3956C to alter the location of the intermediate units on the site.

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 Les Gilbert
Officer: Daniel Evans – Principal Planning Officer
Tel No: 01270 686751
Email: daniel.evans@cheshireeast.gov.uk

Background Documents:

- *Application 11/3956C.*