

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 13th May 2009
Report of: Head of Planning and Policy
Title: Report in Relation to Section 106 Agreement for Reaseheath College, Nantwich for Planning Application P08/1126.

1.0 Purpose of Report

- 1.1 To seek confirmation from Members that the commuted payment of £30,000 for the Connect2 cycleway, to be secured under a Section 106 Agreement in relation to the planning application for the student hub at Reaseheath College is acceptable, on a technical detail.

2.0 Decision Required

- 2.1 Members confirm that:-

1. The commuted payment of £30,000 as a contribution towards the provision of the Connect2 cycleway (or other similar improvements between Crewe and Nantwich) is acceptable and is to be required by the Section 106 agreement referred to in the decision made by the former Crewe and Nantwich Borough Council, Development Control Committee on 4th December 2008,

and

2. there is no necessity for any further report (other than this report) to be considered by them.

3.0 Financial Implications

- 3.1 The payment is required as a contribution to the delivery of the Connect 2 cycleway or other cycle links in the locality. In the event that the commuted payment is not secured funding will need to be secured from other sources.
- 3.2 Costs for staff time to vary the Agreement.

4.0 Legal Implications

- 4.1 The decision will ensure that there is authority for the Section 106 Agreement to be completed.

5.0 Risk Assessment

- 5.1 The earlier delivery of the Connect2 cycleway or other improvements between Crewe and Nantwich and Nantwich and Reaseheath will improve safety for cyclists and encourage greater use of cycling as a means of transport.

6.0 Background and Report

- 6.1 Planning application P08/1126 for the construction of new buildings for student accommodation (hub) and new facilities was considered by the Development Control Committee of the former Crewe and Nantwich Borough Council on 4th December 2009. For clarification the student accommodation includes separate dining halls and lounges for different ages, coffee shop, entrance hall, kitchens and related facilities. It is not an application for halls for residence. The application was approved subject to the applicant signing a Section 106 agreement and subject to conditions. The Section 106 Agreement was required to secure a contribution to the cost of delivering the Connect2 Cycle Route between Crewe and Nantwich and also for the cost of signage related to the route. In the event that the Connect2 Cycle Route is not provided the recommendation of the Additional Information Report was for the contribution to be used for cycle/ pedestrian links between Crewe and Nantwich and Nantwich and Reaseheath.
- 6.2 At the time the report was considered by the Committee the sum for the contribution had not been agreed. Members asked that in the event that no agreement on the amount of the contribution was reached by 28th February 2009, the matter be referred back to the Development Control Committee for further consideration.
- 6.3 By 28th February 2009 officers had agreed verbally with the applicant's agent that the sum of £30,000 would be paid but this had not been confirmed in writing. Written confirmation of this offer was received in writing on 4th March 2009.
- 6.4 The requirement to report to members in the event that no agreement had been reached by 28th February was satisfied by a verbal report to the Development Control Committee meeting on 5th March 2009. The Minutes of the meeting record that it was reported to Members that the sum of £30,000 was secured. What is not recorded is that this agreement was only confirmed in writing on 4th March 2009.
- 6.5 Members are asked to verify that the agreement to pay a contribution of £30,000 for cycle works be accepted even though the written agreement was received after 28th February. Members are also asked to confirm that there is no necessity of them to consider any further issues. What members are being asked to do is simply to overcome a technical matter so that the Section 106 Agreement can be completed.

7.0 Reasons for Recommendation

- 7.1 A number of planning applications have been submitted for Phase 3 of the expansion of Reaseheath College which will collectively result in an increase in student numbers at the College. The provision of a commuted payment towards the cost of the cycleway is consistent with policy L1 of the North West of England Regional Spatial Strategy to 2021 which states that proposals for new educational development “should ensure that accessibility by public transport, walking and cycling is a central consideration”. It is also consistent with policy BE.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 which states that the Local Planning Authority will negotiate with developers for access and infrastructure requirements. This may include the payment of a commuted sum.
- 7.2 The Connect2 Cycleway is proposed to link Crewe and Nantwich. This commuted payment will help to provide funding for the scheme. It is required to assist with the delivery of sustainable transport to and from Reaseheath College.
- 7.3 Reaseheath College Travel Plan also proposes that a separate link from the main Crewe to Nantwich cycle route be provided to the College. However this cannot be secured until the main cycle route itself is provided.

For further information:

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Background Documents:

Planning File and correspondence reference P08/1126

Documents are available for inspection at:

Municipal Buildings, Earle Street, Crewe CW1 2BJ