

SOUTHERN PLANNING COMMITTEE – 8th August 2018

UPDATE TO AGENDA

APPLICATION NO.

18/0945N

LOCATION

LAND NORTH OF, CHOLMONDELEY ROAD, WRENBURY, CW5 8GZ

UPDATE PREPARED

Updated comments from Canal and Rivers Trust (C&RT)

Comments received from C&RT confirm that the requested contribution towards upgrading/maintain the canal footpath is £130,000.

The cost is for upgrading approximately 500m of towpath adjacent to the Shropshire Union Canal. The cost also includes a small section of piling along the canal which is essential to protecting the towpath from washout and would be integral to its long term stability. Without it the towpath would be too narrow and the upgraded towpath may well be liable to slippage into the canal.

Appraisal

Costings for the works have been provided and are considered both reasonable and necessary to address increased footfall over the canal footpath.

Public Open Space

Policy SE6 of the Cheshire East Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute to Children's Play Space, Amenity Green Space (AGS), Green Infrastructure Connectivity (GI) and Allotments.

Further details were requested from the applicant regarding the provision of POS on site however no response was received which makes it difficult to access the acceptability of the proposed provision.

However it can be confirmed that 4030m² of POS would be required for amenity space, children's play space and green connectivity.

The proposal would provide this. Therefore POS would be secured as part of a section 106.

Appraisal

The contribution is reasonable and necessary to address POS needs arising from the development and will be added to the heard of terms.

Correction in the report

Page 78 of the committee report has a title POS. This is an error and should read CIL Compliance. As this has now been updated it should be replaced as follows:

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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.

The development would result in increased demand for secondary school and SEN places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution of £208,927.00 towards secondary and SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in a requirement for the provision of 20 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

The suggested contribution to improve surfacing of the canal footpath is justified and would improve the sustainability of the site as well improving access via non-motorised transport options. On this basis the suggested contribution of £130,000 is necessary and fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010 and a Deed of Variation will be required to the original S106 Agreement.

Appraisal

Simply updates the report. No changes to recommendation.

Recommendation

No change to initial recommendation.

REFUSE AS PER THE MAIN REPORT BUT WITH UPDATED HEADS OF TERMS SHOULD THE APPLICATION BE SUBJECT TO APPEAL:

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

2. Provision of Public Open Space and a LEAP to be maintained by a private management company

3. Secondary School Education Contribution of £208,927.00

4. Contribution of £130,000 towards the surfacing and maintenance of the canal footpath to the north of the site