

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

Date:	27 th March 2019
Report of:	Adrian Crowther – Major Application Team Leader
Title:	Update following the resolution to approve application Land At, 16/2373N – Outline application for the construction of up to 400 dwellings
Site:	Land At, Flowers Lane, Leighton

1.0 Purpose of Report

- 1.1 Planning application 16/2373N was referred to Strategic Planning Board on 22 February 2017. This report is to consider an update to the agreed Heads of Terms for the S106 Agreement.
- 1.2 The minutes from the meeting are as follows:

RESOLVED

That for the reasons set out in the report, the application be delegated to the Head of Planning (Regulation), in consultation with the Chairman to approve subject to updated ecology reports and comments from the National Grid, and subject to the completion of a Section 106 securing the following:-

- 1. Dedication of land as public highway to enable the proposed four arm roundabout to be independently delivered if necessary. (Drawing B991/015A)*
- 2. A financial contribution of £220,000 for the construction of the four arm roundabout.*
- 3. A revised Travel Plan to include the provision of cycle or bus vouchers to the value of £60,000.*
- 4. A financial contribution of £1,985,185 towards the North West Crewe Highway Improvement package.*
- 5. A financial contribution of £100,000 toward the Leighton Hospital Cycle Link.*
- 6. A financial contribution of £1,030,125 towards local education provision to accommodate children expected from the development.*
- 7. 30% affordable housing provision.*
- 8. Provision of site for local shop.*
- 9. Provision of public open space and maintenance.*

And subject to the following conditions:-

- 1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.*
- 2. Reserved matters to be approved.*
- 3. Approved plans including the site parameters plan and access drawing*
- 4. Materials*
- 5. Landscaping*
- 6. Implementation of landscaping*
- 7. Tree retention/protection in accordance with agreed scheme*
- 8. Further ecological surveys for Great Crested Newts*
- 9. Surface water drainage/SUDS provision*
- 10. Separate systems for drainage*
- 11. Submission of a Phase II Contaminated Land Assessment & verification*
- 12. Submission / approval and implementation of a Construction Environmental Management Plan, including limiting the hours of construction. No construction traffic to access the site from Moss Lane. The Plan to also include wheel wash, details for access and unloading restrictions*
- 13. Dust control measures*
- 14. Details of Lighting to be submitted and agreed*
- 15. Travel Plan including agreement of a residents travel information pack*
- 16. Electric Vehicle Charging Points*
- 17. Provision of a minimum of 7 bungalows*
- 18. Provision of a site for a local shop and to be marketed for a minimum 2 years*
- 19. Approval of site access*
- 20. The access off Moss Lane shall only be used by emergency vehicles, and prior to the commencement of development, full details of the proposed vehicle control measures to prevent unauthorised access shall be submitted to and approved in writing by the Local Planning Authority. The access shall only be installed in accordance with these approved details and to be maintained as such in perpetuity.*
- 21. 2-way bus service provision*
- 22. Air pollution damage cost calculation*
- 23. Renewable energy*
- 24. Provision of Broadband*
- 25. Cycle parking*
- 26. Bin storage*
- 27. Bus shelters at Flowers Lane*

Informatives: National grid pylons and that a new school should be provided in accordance with the Local Plan.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

2.0 Decision Required

- 2.1 This report relates to the 1st clause of the Section 106 Agreement namely:

1. Dedication of land as public highway to enable the proposed four arm roundabout to be independently delivered if necessary. (Drawing B991/015A)

The Amendments to these clauses in the 106 sought are as follows:

- Amend the definition of Roundabout Works (which is very specific in the agreement) to allow for flexibility for the works to either comprise the works as shown on the Roundabout Plan or in the event that the Council steps in to deliver the Roundabout as part of the North West Crewe Package scheme (which it can post 30 March 2019), such design as is included in/approved by the highway application.
- Seek the resolution of Members to give authority for a variation to the S106 agreement pursuant to S106A of the TCPA 1990 to be negotiated and completed, as is necessary to ensure the ability to deliver the North West Crewe Package (NWCP).

3.0 Background

- 3.1 Planning permission was granted for this outline application for up to 400 dwellings following the signing of the Section 106 Agreement in January 2018. Since that date however no reserved matters application has been submitted, and as can be seen on this agenda Members are being asked to consider an application for highway works known as the North West Crewe Package under reference 18/6118N.
- 3.2 These highway works require a roundabout on Flowers Lane, which was to be provided under the provisions of the 106 associated with the housing development, or in the event that this not happen sooner (as is now the case), allows the Council the rights to step in and carry out the works in advance. In this case the Council can (as of the 30th March 2019) do these works and intends to do so as part of the NWCP.

4 Officer Comment

- 4.1 As it is looking increasingly likely that the Council will be carrying out the construction of the Flowers Lane roundabout, which form part of

the NWCP in advance of any housing developer, the proposed works – whilst being very similar, do vary slightly from the approved roundabout plans and to allow for this variation, the wording of the Section 106 needs to be varied to allow this to happen. In essence it would allow the roundabout to be constructed in the approved position on the housing application or the highways approval.

5 Conclusion

Members are asked to give authority for a variation to the Section 106 Agreement to allow for flexibility to either allow the roundabout works as set out in the approved plans, or as per the plans in the planning application for the NWCP.

6 Recommendation

- 6.1 The S106 Agreement be amended in accordance with the above with no changes to the other Terms of the Agreement.

7 Financial Implications

- 7.1 There are no financial implications.

8 Legal Implications

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

9 Risk Assessment

- 9.1 This allows for flexibility to help reduce risks in implementing the NWCP.

10 Reasons for Recommendation

- 10.1 To agree an amendment to the S106 Agreement.

For further information:

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Background Documents:

- *Application 16/2373N*