

# CHESHIRE EAST COUNCIL

## SOUTHERN PLANNING COMMITTEE

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**Date of meeting:** 21 July 2010  
**Report of:** Adrian Fisher, Head of Planning and Policy  
**Title:** Report in Relation to Amendments to Section 106 Agreement for Planning Application P08/0728 for planning permission for the erection of 6 enabling dwellings and the creation of 52 car parking spaces together with other renovation works at The Badger Inn, Over Road, Church Minshull

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### **1.0 Purpose of Report**

- 1.1 To seek the approval of the Board for alterations to the requirements for a Section 106 Agreement for the erection of 6 enabling dwellings and the creation of 52 car parking spaces together with other renovation works at The Badger Inn, Over Road, Church Minshull which were the subject of planning application P08/0728.

### **2.0 Decision Required**

- 2.1 Members approve the variations to the Section 106 Agreement requirements in the manner set out in paragraph 8 of this report.
- 2.2 The principle of the development was established by the resolution of the former Crewe and Nantwich Borough Council to approve the development and this report does not provide an opportunity to revisit that issue. This report relates solely to amendments to details of the Section 106 Agreement.

### **3.0 Financial Implications for the Council**

- 3.1 Costs for staff time to vary the Agreement will be paid for by the applicant.

### **4.0 Legal Implications for the Council**

- 4.1 The Borough Solicitor has been consulted on the proposed amendments to the Section 106 Agreement.

### **5.0 Risk Assessment**

- 5.1 There are no risks associated with this decision.

### **6.0 Background and Report**

- 6.1 A report on planning application P08/0728 for the refurbishment of the public house creating 6 bedrooms and a separate manager's flat, extension to restaurant and toilets, demolition of existing rear single storey extension and erection of 6 x 2/3 bedroomed enabling dwellings and creation of 52 car parking spaces was considered by Crewe and Nantwich Borough Council's special council on 4 February 2009. The application was 'approved as a departure from the Borough of Crewe and Nantwich Replacement Local Plan 2011, subject to a legal agreement including a performance bond and phasing of works to ensure the delivery of the heritage benefits of the scheme and subject to conditions...'
- 6.2 The Badger Inn is a listed building and the new dwellings are enabling development providing funding for its refurbishment. The performance bond was required in order to guarantee delivery of the restoration benefits where new development is to occur first.
- 6.3 The applicants have found it prohibitively expensive to obtain the performance bond required by the former Council's decision. They have therefore proposed that the s106 agreement should prohibit development of the 6 new houses until repairs to The Badger Inn have been completed.
- 6.4 The applicants' proposal will phase development to ensure the delivery of the heritage benefits of the scheme as it will require the refurbishment of the public house before any new development commences.

## **7.0 Conclusion**

The proposed variation to the terms of the Section 106 agreement will obviate the need for a performance bond as it prevents the new residential development commencing until the public house is refurbished. The performance bond would have ensured monies would be available to pay for the refurbishment if the new development did not progress sufficiently to pay for it. The applicants' phasing proposal will ensure that the public house is restored before any new residential development takes place.

## **8.0 Recommendation**

**To issue permission in respect of the planning application P08/0728 for the development at The Badger Inn subject to conditions as detailed in the decision by the special council of the former Crewe and Nantwich Borough Council on 4 February 2009 and subject to the applicant completing and signing a**

**Section 106 Agreement to secure that the repairs to The Badger Inn are completed before any new residential development is commenced on the application site.**

***For further information:***

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***Background Documents:***

*Planning File and correspondence reference P08/0728*

*Documents are available on the website and for inspection at: Municipal Buildings, Earle Street, Crewe CW1 2BJ*