

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 11th July 2012
Report of: Steve Irvine – Development Management and Building Control Manager
Title: Proposed Alterations to the Section 106 Agreement to allow money to be used for the construction of a layby at Leighton Primary School.

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of application 11/1879N.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board in October 2011.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 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 site comprises 15.1ha of agricultural land (plus highway land – Parker's Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.
- 3.2 Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pym's Lane and the village of Bradfield Green to the North West.

4 Previous Planning Permission

4.1 Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for a “hybrid” application (i.e. part outline and part full planning permission) for residential development on this site. Full planning permission was sought for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was sought for up to an additional 269 dwellings of the remainder of the site (Phase B). In total planning permission for a maximum of 400 dwellings was applied for.

4.2 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions, including:

“Provision of £300,000 towards highway improvements to the Remer Street corridor”

4.3 A request has been received from the local community via the Ward Member to divert an element of this funding towards the construction of a “drop-off” lay-by at Leighton Primary School.

5 Officer Comment

5.1 A planning obligation must comply with the following three tests as set out in the Community Infrastructure Regulations 2010:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

5.2 Leighton Primary School is located approximately, 600m from the Leighton West site and would be one of the principal primary schools that would absorb the additional pupil yield generated by the proposed development. As a result it is likely that the proposed development would exacerbate existing traffic congestion and highway safety problems resulting from parents dropping-off children outside the school gates during morning and afternoon peak periods. The school, local community and Ward Member have identified that the provision of a lay-by would alleviate this problem. It is therefore considered that the works are necessary to make the development acceptable in planning terms and are directly related to the development.

5.3 The cost of the works, are likely to be a small percentage of the overall sum which has been secured for highway improvements as part of the development, although at the time of report preparation precise costings were awaited from the highways department. It is therefore considered that the works are fairly and reasonably related in scale and kind to the development.

5.4 It is also acknowledged that highways technical feasibility work will also be required and this work was also in hand at the time of report

preparation. Therefore, rather than allocating a precise sum to the lay-by work, it is proposed to amend Point 2 of the previous resolution to state *“Provision of £300,000 towards highway improvements to the Remer Street corridor **and/or** the provision of a drop-off lay-by at Leighton Primary School”* to allow flexibility in terms of the precise sum of money to be used and to account for the outcome of the feasibility / costing work.

- 5.5 It is acknowledged that the proposed amendment will result in the diversion of a small part of the agreed £300,000 away from projects within the Remer Street corridor such as improvements to the Sydney Road Bridge. However, given the small sum of money required for the lay-by, relative to the substantial costs and long timescales involved a scheme such as Sydney Road Bridge, it is considered that the proposed amendment will not have a significantly detrimental effect on the overall deliverability of these projects and that any impact is outweighed by the advantages of a visible short term benefit to the local community.

5 Conclusion

- 5.1 On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

6 Recommendation

- 6.1 That the Board resolve to amend the previous resolution in respect of application 11/1879N to read at “point 2”.

*“Provision of £300,000 towards highway improvements to the Remer Street corridor **and/or the provision of a drop-off lay-by at Leighton Primary School**”*

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 There are no risks associated with this decision.

10 Reasons for Recommendation

- 10.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely

fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

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Background Documents:

- *Application 11/1879N.*