

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD

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**Date of meeting:** 30<sup>th</sup> January 2013

**Report of:** Steve Irvine - Development Management and Building Control Manager

**Title:** Report to amend the resolution on the reserved matters application ref; 12/2217C pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel

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### 1.0 Purpose of Report

1.1 To seek an amendment to the resolution to exclude the addition of a condition requiring the site to be accessed off the proposed roundabout at the junction where Marsh Lane meets with Manor Lane.

### 2.0 Decision Required

2.1 Approve the application in accordance with Member's resolution with the exception of condition no. 22.

### 3.0 Background and Report

3.1 At the last meeting, Members resolved to approve the residential development but on the basis that it would be served by a site access directly off the proposed roundabout. This would be secured by the following condition:

*Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the LPA before any work is commenced on site:*

*1. A roundabout and spur accessing the site or suitable practical alternative*

*This part of the development shall only be completed in accordance with alteration thus approved.*

3.2 Since the last meeting, the developers have considered the provision of an additional access limb off the proposed roundabout in line with Members request. However, this additional access limb cannot be provided because:

1. It is impractical
2. There are landownership issues
3. It does not comply with the outline consent and is therefore unlawful

3.3 Practicalities – The currently designed roundabout has already been agreed in detail with the Strategic Highways Manager. The provision of a fourth arm would require a much larger roundabout than that designed in order to meet with technical requirements. This would necessitate a total redesign of the layout and would result in the loss of even more dwellings as a larger roundabout and an access limb would eat into the site.

3.4 Landownership – To meet with the technical requirements of a four arm roundabout, third party land outside of the control of the applicant would need to be acquired. This creates a ransom strip and a blockage to the agent developing the site straight away. Without additional land, a four arm roundabout would not fit. This, combined with the impracticalities of providing the larger roundabout would make it difficult to implement the scheme, in accordance with Member's resolutions.

3.5 Unlawful – The means of access to the site was granted at outline stage and therefore access is not for consideration as part of this reserved matters application. The Council cannot therefore subsequently seek to amend something which has already been approved and is outside the scope of this reserved matters application. If they do so, as per the current resolution, then the developer cannot implement the scheme in accordance with the outline approval referenced 11/1682C and the relevant conditions.

3.6 There is no sound basis in highways terms to require the provision of this additional access limb. It is important to note that prior to the last meeting; the applicant had already considered providing an access into the site off the proposed roundabout. However, this had been discounted for the reasons set out above.

3.7 If Members do not wish to remove condition no. 22 from their resolution, the risk is that both the outline and reserved matters approvals would not be capable of being implemented either practically or lawfully.

3.8 The developer has demonstrated a commitment to commence the development as soon as possible and has confirmed that the intention is to complete the residential phases of development (phases A and B) within the next five years.

3.9 The imposition of the access condition would prejudice the delivery of this much needed housing, as well as other associated benefits including local highway and traffic improvements, affordable housing and public open space.

## **5.0 Recommendation**

**That the Board resolve that its previous resolution in respect of application 12/2217C should still stand, with the deletion of the following condition:**

*Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the LPA before any work is commenced on site:*

- 1. A roundabout and spur accessing the site or suitable practical alternative*

*This part of the development shall only be completed in accordance with alteration thus approved.*