

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 15th January 2013

Report of: David Malcolm – Interim Planning and Place Shaping Manager

Title: Alteration to the Southern Planning Committee resolution for application 13/0018N

Site: Underwood Court and West View, Underwood Lane, Crewe

1.0 Purpose of Report

- 1.1 To consider an alteration to the committee resolution for application 13/0018N. This application has a resolution for approval subject to the completion of a S106 Agreement.
- 1.2 The report has been presented to Southern Planning Committee because the original application was considered by the Committee at the meeting on 10th April 2013.

2.0 Decision Required

- 2.1 To agree the alteration to the committee resolution.
- 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 legal agreement which should be via a Section 111 Agreement and not a Section 106 Agreement.

3.0 Background

- 3.1 The site lies within the Crewe Settlement boundary. Presently the site comprises West View, a vacant former nursing home housing up to 36 elderly residents and 36 elderly persons sheltered apartments within Underwood Court. West View was previously operated by Wyvern Housing Association and Underwood Court was previously operated by, and is still owned by the Council. There are two separate access points serving the 2 sites.
- 3.2 There is a mix in housing types and tenure in the generally area, with houses directly adjoining the site being a relatively modern development of detached and semis detached dwellings and

bungalow accessed via Kinloch Drive. Elevated above the northern boundary to the Underwood Court part of the site is a footpath route to the town centre, beyond which lies a 1970's housing estate. A small commercial estate is directly opposite the site on Underwood Lane beyond which lies more housing.

- 3.3 There are a number of mature trees throughout the site, which are considered to contribute to the general amenity of the area and screen views into the site. The trees are not protected.

4 Previous Resolution

- 4.1 Members may recall that on 10th April 2013, the Southern Planning Committee resolved to grant planning permission for a residential development on this site. The scheme proposes a housing development of the site comprising of 34 residential units arranged off two discreet access points. The scheme is intended as 100% social rented accommodation.

- 4.2 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions. The Heads of Terms agreed by the Southern Planning Committee include the following:

That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure:

- *Provision of commuted sum in lieu of on-site provision of Children's off site of £40000. This will be in the form of the refurbishment of the existing equipped children's play area at the end of Dutton Way, some 90 metres from the proposed development.*
- *Education contribution - £65,078 for secondary education*

- 4.3 As the application site includes land which is still owned by the Council it becomes a legal impossibility for the Council to enter into a S106 Agreement with itself as landowner and Local Planning Authority. Therefore the Section 111 route is the most appropriate mechanism.

5 Officer Comment

- 5.1 The S111 route envisages the completion of a S111 Agreement with a draft S106 attached. Once permission is issued and the sale is completed (within 6 weeks of the sale), then the S106 will be completed.
- 5.2 The same Heads of Terms will be secured just via an appropriate mechanism given the Council's ownership of the site.

6 Conclusion

- 6.1 On the basis of the above, the committee resolution should be amended.

7 Recommendation

- 7.1 That the Southern Planning Committee resolve to alter the committee resolution as follows:

That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 111 Agreement with a Draft S106 attached to secure:

- *Provision of commuted sum in lieu of on-site provision Children's off site of £40000 to be spent upon the refurbishment of the existing equipped children's play area at the end of Dutton Way, some 90 metres from the proposed development.*
- *Education contribution - £65,078 for secondary education*

- 7.2 The conditions agreed as part of the previous resolution will remain unchanged.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

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

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To allow the alteration of the Southern Planning Committee resolution, to enable the development works to continue on site to assist in delivering the 5 year housing land supply for the Borough.

For further information:

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Background Documents:

- *Application 13/0018N*