

## **CHESHIRE EAST COUNCIL**

### **STRATEGIC PLANNING BOARD**

#### **URGENT ITEM**

---

**Date of meeting:** 20th August 2014  
**Report of:** David Malcolm – Principal Planning Manger  
**Title:** Outline Planning Application For Residential Development (Up To 880 Units), Retirement/Care Village (Use Class C1, C2, C3), Local Centre (Use Classes A1-A5; D1-D2; B1), Community Building, Primary School, Public Open Space, Allotments, Structural Landscaping, Access Arrangements And Demolition Of Existing Structures, Land Bounded By Gresty Lane, Rope Lane, Crewe Road, And A500, Gresty, Crewe For Himor Group Limited

---

#### **1.0 Reason for Urgency**

- 1.1 The item relates to an Appeal which was heard at a public inquiry which took place between 22<sup>nd</sup> July 2014 and 1<sup>st</sup> August 2014. The Inspector granted a period of 3 weeks to conclude negotiations on the S106 agreement which would become operative should he be minded to allow the Appeal and grant planning permission for the scheme. That period closes this Friday (22<sup>nd</sup> August 2014).

#### **2.0 Purpose of Report**

- 2.1 To consider varying the Decision of the Strategic Planning Board of Wednesday 5<sup>th</sup> March 2014 as to the provisions of any future S106 Agreement that may be required. In particular, the figure in respect of the build cost to construct a new 1 form entry primary school be amended from £1,713,714.00 to £3,224,893.00.

#### **3.0 Decision Required**

- 3.1 To authorise the Borough Solicitor to complete a Section 106 Agreement as set out in the recommendation below.

#### **3.0 Background**

- 3.1** This Urgent Decision request relates to application number 13/2874N, an outline application for residential development up to 880 units and other development on land bounded by Gresty Lane, Rope Lane, Crewe Road and the A500 at Gresty, Crewe. The applicant is Himor Group Ltd.
- 3.2** The resolution of the Strategic Planning Board on 5 March 2014 in respect of this application was that the Appeal being brought be contested for the reasons set out in the Minutes and the resolution further set out the provisions to be included in a S106 Agreement should the Secretary of State be minded to allow the appeal.
- 3.3** The officers report identified that the Education requirement would be a fully serviced site large enough to accommodate a 2 Form Entry Primary School and that build cost be provided to construct a 1 Form Entry School on the land.
- 3.4** The cost was not identified in the report but the report noted that the amount of the contribution would be provided in due course.
- 3.5** The Minutes of the Strategic Planning Board meeting identified a figure of £1,713.714.00 as the stated for the build cost of the School.
- 3.6** The application was appealed for non determination. The Public Inquiry was held over the two weeks 29<sup>th</sup> July 2014 to 1<sup>st</sup> August 2014. The parties have been given until 22 August 2014 to submit an agreed S106 deed.
- 3.7** On clarifying the sum before completion of a s106 it has emerged that the figure quoted in the minutes of the Strategic Planning Board of 5 March 2014 underestimates the build costs for the school. The actual cost is estimated at £3,224,893. The figure recorded in the minutes was calculated by following the formula for calculating school places to be provided in existing education establishments and was not in fact the build cost for a new building.

#### **4.0 Alternative Options Considered**

- 4.1** Maintaining the original decision of the Strategic Planning Board would result in a S106 Agreement which does not provide sufficient funds for a new school to be built. The alternative to amending the original Decision is therefore the Council having to fund approximately £1,500, 000 of costs associated with this development should the Planning Inspector allow the Developer's appeal against the refusal of planning permission.

#### **5.0 Recommendation**

**5.1 That the Resolution of the Strategic Planning Board of Wednesday 5<sup>th</sup> March 2014 relating to the provisions of any future S106 Agreement that may be required be varied in respect of the build cost to construct a new 1 form entry primary school which shall be amended from £1,713,714.00 to £3,224,893.00.**

**6.0 Financial Implications**

6.1 The loss of £1,511,179 towards the cost of providing a new primary school on the site

**7.0 Legal Implications**

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

**8.0 Risk Assessment**

8.1 There are no risks associated with this decision.

**9.0 Reasons for Recommendation**

9.1 This urgent decision is necessary in order to rectify the conflicting wording of the original Decision which requires the “ Build Cost” of the new school but then quotes a figure based on the lower existing education establishment pupil provision cost rather than the actual build cost. This request therefore seeks to clarify the contribution required for the building of the school so that sufficient provision is made to ensure that the new school that will be required should this development proceed is deliverable without additional Council funds.

9.2 This matter is urgent and cannot await the next meeting of the Strategic Planning Board as the Planning Inspector has kept the Inquiry open only until Noon on Friday 22 August 2014. By that date the parties to the Inquiry must submit an agreed S106 deed or evidence on non agreed matters.

***For further information:***

*Portfolio Holder: Councillor Don Stockton*  
*Officer: Ben Haywood – Major Applications Team Leader*  
*Tel No: 01270 537089*  
*Email: ben.haywood@cheshireeast.gov.uk*

***Background Documents:***

- *Application 13/2874N*