

Application No: 12/3948C

Location: LAND BOUNDED BY OLD MILL ROAD & M6 NORTHBOUND SLIP ROAD, SANDBACH

Proposal: Outline application for commercial development comprising of family pub/restaurant, 63 bedroom hotel, Drive through cafe, Eat in cafe and office and light industrial commercial units with an adjacent residential development of up to 250 dwellings. The proposal also includes associated infrastructure and access.

Applicant: W and S (Sandbach) Ltd

Expiry Date: 09-Sep-2013

Date Report Prepared: 8 September 2014

SUMMARY RECOMMENDATION

Approval is recommended subject to the prior completion of a s106 agreement and conditions

MAIN ISSUES

- Provision of “enhanced” roundabout to J17

REASON FOR REPORT

At the Strategic Planning Board meeting on 25 June 2014, Members resolved to approve this application subject to s106 agreement and conditions.

This update relates specifically to conditions 34 and 36 listed in the approved minutes, which state:

34. Prior to commencement of the development hereby approved, the roundabout which is subject of the planning permission 14/0043c, and which provides access into the site shall be completed in accordance with the details approved under that permission.

36. No more than 50% of the dwellings shall be occupied before all services / utilities / infrastructure are provided for 25% of the non-residential element of the site. No more than 75% of the dwellings shall be occupied before all services / utilities / infrastructure are provided for 50% of the non-residential element of the site. No more than 85% of the dwellings shall be occupied until an access road is provided from the new roundabout access on Old Mill Road to within 10m of the south western boundary of the site.

Condition 34

Members will be aware that the Highways Agency (HA) has secured pinch point funding for the improvement of J17 of the M6 motorway, and these works were scheduled to be completed by March 2015. These works would provide a roundabout to the northbound slip road of the M6, but they would not facilitate access into the application site. The works would also provide a traffic signal junction serving the southbound slip roads.

An “enhanced” roundabout was approved under planning application 14/0043C to provide this access into the site, which subsequently led to condition 34 above. All parties agree that the enhanced roundabout is a significantly better highways solution than the pinch point scheme.

The applicants are now seeking to vary condition 34 to state:

Prior to first occupation of the development hereby approved, the roundabout which is the subject of planning permission 14/0043C shall be completed in accordance with the details approved under that permission.

The change being that the enhanced roundabout is completed prior to the first occupation of the development, rather than prior to commencement of the development.

Throughout the course of this application, the timetable set out by the Highways Agency for the provision of the pinch point roundabout by 31 March 2015 was always thought to have been a date that had to be met otherwise the funding would be lost. The applicants were attempting to work within these timescales to provide the enhanced roundabout. However, it has become clear that the enhanced roundabout could not be provided by 31 March 2015 and therefore the possibility of delivery of one roundabout and then replacing it with another larger one has become a possibility.

The applicants have raised the following points on this scenario:

- i. Significant benefits of the enhanced roundabout over the pinch point scheme (highways benefits and access to employment site).
- i. Unnecessary expense to tax payer of paying for a pinch point scheme in the short term that would not be required in the medium term.
- ii. Unnecessary disruption to the highway network during two sets of roadworks.
- iii. Such a situation would stymie the applicants from carrying out the proposed commercial / residential development.
- iv. Uncertainty created by not delivering the enhanced scheme would affect investment decisions of those looking to occupy the commercial element of the scheme.

Whilst it is now clear that the enhanced roundabout cannot be completed by the end of March next year, it has also become evident that the Highways Agency schedule could be

amended. Indeed they have been examining alternative mechanisms to provide the J17 improvements with the applicants and the Council.

The applicants are therefore now proposing:

- i. Applicants provide a contribution (via s106 agreement) of £1 million to the 'enhanced scheme' junction works which will allow it to be implemented;
- i. Identify an agreed timescale with fixed backstop for delivery of the improved junction (via s106 agreement);
- ii. A change to condition 32 linking first occupation of the development to completion of the highway access works, not scheme commencement, as noted above.

The £1million is not the total sum of the cost of the works but the applicants advise that this is what the Highways Agency are asking for in terms of a commitment from the applicants. A further contribution for the balance of the works will also be required.

Third party land will also need to be provided by the applicants together with appropriate arrangements for the transfer of this land to the Council or the Highways Agency. The applicant has confirmed that they have an agreement with the land owners for the transfer of the land required to accommodate the enhanced roundabout. This will need to be included within the s106 agreement.

The provision of the enhanced roundabout is fundamental to the commercial uses coming forward on this site. It is also in the interests of the Council as the Highways Authority, the Highways Agency and the applicants that it is provided in a timely manner. The applicants are willing and able to provide the necessary land and to fund the construction of the enhanced roundabout over and above the pinch point funding, and the Highways Agency are willing to delay works on the pinch point scheme in order to provide the time for the enhanced roundabout to be constructed.

Highways Agency position

The Highways Agency has confirmed that they remain committed to seeing an improvement to Junction 17. However, the proposed enhanced roundabout is almost entirely on the local road network, and they no longer feel that the Highways Agency are best placed to deliver this element of the improvement.

They are now proposing the following way forward:

- HA deliver the traffic signal element of the scheme (Eastern side) by end March 2015 as currently planned.
- HA make a contribution to Cheshire East equivalent to the amount that they would have spent on the current pinch point roundabout element of the scheme (Western side). This scheme is currently being priced, and they expect to be able to quantify this contribution exactly by the end of September. If they can find a mechanism for doing so, the HA would be prepared to make this contribution 'up front' in the current financial year, although there would clearly need to be safeguards put in place in relation to how this funding was spent.
- Cheshire East would enter into a Section 278 agreement directly with the developer to cover the preparation and construction of the enhanced roundabout.

Although the Highways Agency is unlikely to be willing to deliver the enhanced roundabout on behalf of Cheshire East, they have undertaken some preliminary work to determine an approximate programme for its delivery via their contractor. This work indicates that a realistic completion date for the enhanced roundabout would be towards the end of the 2015/16 financial year. The construction element of this programme accounts for about 6 months.

Therefore, in terms of timescales for the enhanced roundabout to be provided, this is estimated to be completion by March 2016. For this reason, the applicants are seeking the variation of condition 34 from prior to commencement, to prior to occupation. This would allow the commercial and residential development to proceed during this intervening period.

CIL regulations

The financial contributions and the provision of land for the enhanced roundabout are necessary as the development is reliant on the roundabout to provide an acceptable access into the site. They are directly related to the development and are fairly and reasonably related in scale and kind to the development.

Condition 36

The applicants are also seeking to amend condition 36 as listed in the minutes. The proposed variations to this condition include:

- Inclusion of the term *“unless otherwise agreed in writing by the local planning authority”* as all matters are reserved the applicant does not know where the non residential elements will be;
- Change of 85% trigger to 100%;
- Change from providing road to within 10 metres of the south western boundary to 20 metres due to topography of the site.

There is no objection in principle to changing the triggers as outlined above. However, the inclusion of the term *“unless otherwise agreed in writing by the local planning authority”* is not considered to be necessary as any alterations to the timing of the triggers should be the subject of an application to vary the condition at that time.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The original recommendation of APPROVAL remains, subject to the completion of a Section 106 Agreement securing the following:-

- Financial contribution towards primary education of £292,850
- Financial contribution towards secondary education of £539,309
- Contribution of £10,000 (air quality mitigation) towards the implementation of Air Quality Action Plan in Sandbach
- The provision of a NEAP facility (comprising a minimum of 8 items of equipment) and a minimum of 4000sqm of open space to be provided on site. One area shall be a minimum of 2000 sqm.
- Management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.

- Provision of 15% affordable housing with 50% to be provided as social rent and 50% provided as intermediate tenure
- Phasing of affordable housing
- Area of land across wildlife corridor transferred to Highway Authority
- Financial contribution of £500,000 towards bridge to cross wildlife corridor
- Clawback mechanism (in the event additional monies become available)
- Initial contribution of £1million towards construction of access roundabout
- Balance of construction costs of access roundabout
- Third party land required for construction of access roundabout to be transferred to Highway Authority / Highway Agency

And subject to the following conditions:

Application for Outline Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A32HA - Submission of construction method statement
8. A08OP - Ground levels to be submitted with reserved matters application
9. A19MC - Refuse storage facilities to be approved
10. Environmental Management Plan to be submitted
11. Details of external lighting to be submitted
12. Updated contaminated land Phase II report to be submitted
13. Noise mitigation
14. Submission of residential and business travel plans
15. Energy from decentralised and renewable or low-carbon energy sources
16. Scheme to limit the surface water runoff to be submitted
17. Scheme to manage the risk of flooding from overland flow of surface water
18. Scheme to dispose of foul and surface water to be submitted
19. Wildlife corridor buffer zone
20. Site to be drained on a separate system

21. Provision of electric car charging points
22. Reserved matters application to incorporate public right of way routes
23. Provision for pedestrians and cyclists
24. Submission of arboricultural details
25. Written scheme of archaeological investigation to be submitted
26. Hedgerow retention and enhancement
27. Details of phasing of whole development and associated roundabout to be submitted
28. Provision of pedestrian crossing to Old Mill Road
29. Provision of footway/cycleway to south side of Old Mill Road
30. Existing footway to north side of Old Mill Road to be upgraded to footway / cycleway
31. Provision of pedestrian refuge to aid crossing of Old Mill Road near to Congleton Road junction
32. Details of public access to wildlife corridor to be submitted
33. Provision of cycleway / footway from site to High St along Old Mill Road
34. Prior to first occupation of the development hereby approved, the roundabout which is the subject of planning permission 14/0043C, and which provides access into the site shall be completed in accordance with the details approved under that permission.
35. Proposals for public right of way to be submitted and approved
36. No more than 50% of the dwellings shall be occupied before all services / utilities / infrastructure are provided for 25% of the non residential element of the site. No more than 75% of the dwellings shall be occupied before all services / utilities / inf

