

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	25 th March 2015
Report of:	Daniel Evans – Principal Planning Officer
Title:	Update following the resolution to approve application 12/3464N subject to a S106 Agreement
Site:	Land to the rear of 72 Broad Lane, Stapeley

1.0 Purpose of Report

- 1.1 To consider an alteration to the committee resolution for application 12/3464N. 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 October 2012.

2.0 Decision Required

- 2.1 To agree the alteration to the committee resolution.
- 2.2 The principle of the 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 application site relates to a parcel of land adjacent to Stapeley Broad Lane Primary School and to the rear of 72 Broad Lane. The site is agricultural land, and part of it has recently been used as a contractors compound area for development works to the school. A field drain runs to the west of the site with residential properties situated along Broad Lane. The site is situated within the Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

4 Proposed Development

- 4.1 Application 12/3464N seeks planning permission for a school car park and new access. The access would be situated between the school building and 72 Broad Lane which is a redundant school house.

5 Previous Resolution

- 5.1 Members may recall that on 10th October 2012, the Southern Planning Committee resolved to grant planning permission for a car park and access on this site.
- 5.2 The resolution to approve was subject to completion of Section 106 Agreement making provision for a traffic management contribution and a number of conditions as follows:

RESOLVED – 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 a financial contribution of £4,000 for traffic management and the following conditions:

- 1. Standard time*
- 2. Approved plans*
- 3. Materials as application or otherwise agreed by the LPA*
- 4. Details of lighting columns and hours of use*
- 5. Visibility Splays*
- 6. Internal access gate to be set back as per submitted plan*
- 7. Submission of School Travel Plan*
- 8. Boundary treatments*

- 5.3 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.

6 Officer Comment

- 6.1 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.
- 6.2 The same Heads of Terms will be secured just via an appropriate mechanism given the Council's ownership of the site.

7. Conclusion

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

8. Recommendation

- 8.1 The Southern Planning Committee resolve to alter the committee resolution as follows:

RESOLVED – 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 a financial contribution of £4,000 for traffic management and the following conditions:

- 1. Standard time*
- 2. Approved plans*
- 3. Materials as application or otherwise agreed by the LPA*
- 4. Details of lighting columns and hours of use*
- 5. Visibility Splays*
- 6. Internal access gate to be set back as per submitted plan*
- 7. Submission of School Travel Plan*
- 8. Boundary treatments*

9. Financial Implications

- 9.1 There are financial implications.

10. Legal Implications

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

11. Risk Assessment

- 11.1 There are no risks associated with this decision.

12. Reasons for Recommendation

- 12.1 For the purpose of negotiating and completing a S111/S106 Agreement for application 12/3464N and to issue the planning permission.

For further information:

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Background Documents:

- *Application 12/3464N*