

SOUTHERN PLANNING COMMITTEE REPORT

Date of meeting: 8th July 2015

Report of: Philippa Radia – Senior Planning Officer

Title: Millpool Way/Newall Avenue, Sandbach (13/2186C).

1.0 Purpose of Report

- 1.1 To consider an alteration to the committee resolution for application 13/2186C. This has a resolution for approval subject to the completion of a Section 106 Agreement.
- 1.2 The report has been presented to Southern Planning Committee because the original application was considered by this committee at the meeting on 11th December 2013.

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 re-visit 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 1.2 hectare parcel of land located within the Settlement Zone Line of Sandbach as defined in the adopted local plan. The majority of the site was formerly in use as a football pitch with the former Council depot in the south east corner.

4.0 Proposed Development

- 4.1 Application 13/2186N seeks planning permission for a residential development of 39No. 2 and 2.5 storey, 1, 2 and 3 bedroom detached and news style properties and associated works.

5.0 Previous Resolution

- 5.1 Members may recall that on 11th December 2013, the Southern Planning Committee resolved to grant planning permission for a residential development on the site.
- 5.2 The resolution to approve was subject to the completion of a Section 106 Agreement making provision for affordable housing, enhancement and maintenance of amenity greenspace and young persons provision, primary and secondary education and improvements to the Flat Lane link to the town centre and a number of conditions as follows:

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement securing the affordable housing (30% provision of which is 65% rented and 35% is intermediate tenure), a commuted sum of £49,028.00 for enhancement and maintenance of amenity greenspace and children and young persons provision, £157,637.00 for education and £10,000.00 for improvements to the Flat Lane link to the town centre.

- 1. Commencement*
 - 2. Plans*
 - 3. Submission of landscaping scheme*
 - 4. Implementation of landscaping scheme*
 - 5. Submission of a construction management plan to include hours of construction and piling*
 - 6. Submission of a Phase II Contaminated Land Assessment*
 - 7. Submission of details of external materials*
 - 8. Development in accordance with the Flood Risk Assessment*
 - 9. Details of foul water drainage*
 - 10. No development during the breeding bird season*
 - 11. Incorporation of features to accommodate breeding birds and roosting bats*
 - 12. Submission of details of existing and proposed levels.*
- 5.2 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 Section 106 Agreement with itself as landowner and Local Planning Authority. Therefore the Section 111 route is the most appropriate mechanism.

6.0 Officer Comment

- 6.1 The Section 111 route envisages the completion of a Section 111 Agreement with a draft Section 106 attached. Once permission is issued and the sale is completed, then the Section 106 will be completed.
- 6.2 The same Heads of Terms will be secured, just via an appropriate mechanism given that the Council has ownership of the site.

7.0 Conclusion

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

8.0 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 Section 106 Agreement attached to secure affordable housing (30% provision of which is 65% rented and 35% is intermediate tenure), a commuted sum of £49,028.00 for enhancement and maintenance of amenity greenspace and children and young persons provision, £157,637.00 for education and £10,000.00 for improvements to the Flat Lane link to the town centre.

- 1. Commencement*
- 2. Plans*
- 3. Submission of landscaping scheme*
- 4. Implementation of landscaping scheme*
- 5. Submission of a construction management plan to include hours of construction and piling*
- 6. Submission of a Phase II Contaminated Land Assessment*
- 7. Submission of details of external materials*
- 8. Development in accordance with the Flood Risk Assessment*
- 9. Details of foul water drainage*
- 10. No development during the breeding bird season*
- 11. Incorporation of features to accommodate breeding birds and roosting bats*
- 12. Submission of details of existing and proposed levels.*

9.0 Financial Implications

- 9.1 There are financial implications.

10.0 Legal Implications

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

11. Risk Assessment

There are no risks associated with this decision.

12.0 Reasons for Recommendation

- 12.1 For the purposes of negotiating and completing a S111/S106 Agreement for application 13/2186C and to issue the planning permission.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Philippa Radia – Senior Planning Officer
Tel No: 01270 686757
Email: philippa.radia@cheshireeast.gov.uk

Background Documents:

Application: 13/2186C