

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 29th July 2015
Report of: David Malcolm – Head of Planning Regulation
Title: Proposal Alterations to the Section 106 Agreement to in respect of management company for public open space at Coppenhall. (11/1643N)

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of application 11/1643N.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board in October 2011.

2.0 Decision Required

- 2.1 That the Board resolve to amend the Section 106 Agreement removing Schedule 6 Clause 12, and replacing with an updated clause about how the Management Company would be set up and maintained.

3.0 Background

- 3.1 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 Section 106 Agreement.
- 3.2 The application relates to approximately 24.2 hectares of land, situated to the north of Remer Street, Coppenhall, Crewe. The site is generally flat and currently comprises predominantly undeveloped agricultural land. Field boundaries are marked by hedgerows and hedgerow trees. The Cross Keys public house, which is a locally listed building, is located on the south western corner of the site. A public right of way dissects the central part of the site.
- 3.3 The site is bounded to the south by the residential properties fronting Remer Street and the Monks Coppenhall Primary School and Nursery; to the west by Stoneley Farm and the residential properties fronting Stoneley Road and to the north and east by more sporadic residential development fronting Stoneley Road and Groby Road, including the Grade II Listed Foden's Farm.

- 3.4 Beyond Remer Street and Stoneley Road to the south and west of the site are the established older residential areas of Crewe, whilst beyond Stoneley Road and Groby Road to the North and East lies primarily agricultural land, including farms known as Groby Farm, Race Farm and Shandon House Farm and the Maw Green Landfill site To the south east lies Maw Green farm
- 3.5 Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for an outline application for up to 650 new homes of various types and sizes including 35% affordable housing spread throughout the site. The Cross Keys public house would be demolished to make way for a new roundabout giving access to the site and improving traffic management at the existing junction. A new public house is proposed along with a local convenience store to replace the existing Cross Keys public house. The development would include substantial areas of new public open space including a new equipped childrens' play area, sports pitch and informal recreational areas. Two habitat areas would be created for Great Crested Newts and Barn Owls that currently inhabit the site.
- 3.6 Phase 1 Reserved Matters (Application No: 13/4725N) was subsequently approved pursuant to outline planning permission 11/1643N. Works have now commenced on site.
- 3.7 The planning permission was subject to completion of Section 106 Agreement making a number of provisions, including the establishment of a management company to maintain the public open space on site.
- 3.8 As the development has now commenced the developers are progressing with the establishment of the Management Company. The Section 106, Schedule 6, clause 12 requires buyers to become members of the management company. This is not ideal, as their usual approach is that they establish an embedded management company i.e.: managing agent who are responsible rather than residents as the S106 requires.
- 3.9 An embedded management company (managing agent) reduces risks in relation to the open space, in such that there is a company established to look after the open space, rather than the developer having to hand over to residents, but more importantly it reduces the risk of the site running into disrepair as the residents could lose interest which in turn could impact on the liquidity of the management company in the long term.
- 3.10 In effect via an embedded Management Company the residents are obliged to pay the Management Charge, but the responsibility lies with the Managing Agent.
- 3.11 The developer is therefore seeking to amend the Section 106 Agreement in this regard, removing Schedule 6 Clause 12, and

replacing with an updated clause about how the Management Company would be set up and maintained.

4 Conclusion

- 4.1 The Greenspaces Officer has considered the request and has no objection to the proposals. On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

5 Recommendation

- 5.1 **That the Board resolve to amend the Section 106 Agreement removing Schedule 6 Clause 12, and replacing with an updated clause about how the Management Company would be set up and maintained.**

6 Financial Implications

- 6.1 There are no financial implications.

7 Legal Implications

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

8 Risk Assessment

- 8.1 There are no risks associated with this decision.

9 Reasons for Recommendation

- 9.1 To ensure that the open space on site is adequately provided and maintained in perpetuity and to enable the development works to be completed in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

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Background Documents:

- Application 11/1643N & 13/4725N