

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD – URGENT ITEM

Date: 2 August 2017
Report of: David Malcolm: Head of Planning (Regulation)
Title: 15/4888N – White Moss Quarry, Butterson Lane, Barthomley, CW1 5UJ

1.0 Purpose of Report

- 1.1 To consider this item as a matter of urgency to allow an update on the s106 contributions relating to the outline planning application 15/4888N at the site of White Moss Quarry.
- 1.2 This has been brought to Strategic Planning Board as an ‘Urgent Item’ due to the impending appeal timescales and the need for a speedy decision to minimise the risk of costs to the Council. The appeal begins next week and confirmation of the s106 contributions is required.

2.0 Decision Required

- 2.1 To agree to the updated s106 contributions in respect of highways (£372,000) and to instruct the Head of Planning (Regulation) to agree to the terms of the s106 in the event of the appeal being allowed.

3.0 Background

- 3.1 On the 14 December 2016, Strategic Planning Board considered an outline application for up to 400 dwellings with all matters reserved for future consideration and the application is subject to an Environmental Impact Assessment.
- 3.2 The applicant lodged an appeal against the 5 reasons for refusal of the application following the decision of the Strategic Planning Board.
- 3.3 Since that time, and prior to the appeal being heard, further information has been submitted to address outstanding matters in respect of highways and ecology such that at the meetings of SPB in May and June 2017 agreement was reached that the appeal would be contested on two main grounds as indicated below:

- 1. *The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy –*

Consultation Draft March 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. *The proposal constitutes a premature development which would compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within the NPPF.*

3.4 When it was agreed to withdraw the highways reason for refusal it was considered that the mitigation required could be dealt with as a condition and the works carried out under s278 of the Highways Act. However it has since emerged that the contribution should be included within the s106 legal agreement.

3.5 This report therefore seeks formal approval of Members to ensure that the amended Heads of Terms includes a contribution of £372,000 to be spent on works for mitigating the traffic and transportation impacts of the Development. This would be at the A5077 Crewe Road/Sandbach Road/Lawton Road (Bank Corner) junction including carriageway widening, the introduction to additional lanes on Lawton Road and Sandbach Road south arms of the junction, linking the traffic signal junction on Crewe Road with the B5077 Crewe Road/Sandbach Road/Lawton Road (Bank Corner) junction to assist traffic flow and removal of the existing pedestrian crossing between the B5077 Crewe Road/Sandbach Road/Lawton Road (Bank Corner) and ASDA junctions.

3.6 The Heads of Terms are updated below and recommended for approval so that if the appeal is allowed the contribution will be secured.

4.0 Recommendation

4.1 To agree to the updated s106 contributions in respect of highways (£372,000) and to instruct the Head of Planning (Regulation) to agree to the terms of the s106 in the event of the appeal being allowed.

4.2 The appeal will still be defended on the following grounds;

1. *The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy –*

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4.4 Should the Inspector allow the appeal the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Secondary school education contribution of £964,218.71
3. SEN education contribution of £227,500
4. Primary school education contribution £802,625.46
5. Travel Plan Monitoring sum of £5,000.
6. PROW Contribution of £15,000 towards 12, 37 and 49 in the parish of Haslington.
7. POS, NEAP and LAPS provision and a scheme of management to be maintained in perpetuity
8. A scheme for the restoration and a scheme of management to be maintained 50 years for the area of lowland raised bog.
9. £372,000 to be spent on works for mitigating the traffic and transportation impacts of the Development

5.0 Risk Assessment and Financial Implications

- 5.1 To not seek the appropriate contributions would leave the Council exposed to additional costs to safeguard highway safety.

6.0 Consultations

None

7.0 Reasons for Recommendation

7.1 To ensure that appropriate contributions are sought from the development should the appeal be allowed and that the right level of mitigation is achieved.

For further information:

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Background Documents:

Application 15/4888N