

Crewe Town Council

1 Chantry Court
Forge Street
Crewe Cheshire
CW1 2DL

T: 01270 756975

www.crewetowncouncil.gov.uk



CREWE
TOWN COUNCIL

15th May 2023

To: Members of the Planning Committee

Dear Councillor,

You are summoned to attend the meeting of the **Planning Committee** to be held at 6:00pm on Monday 22nd May 2023. The meeting will be held at the **Crewe Town Council Offices, 1 Chantry Court, Crewe, CW1 2DL**.

In the interests of maintaining safety, adherence to guidance and to facilitate appropriate public access, the meeting will be recorded and shared on the Crewe Town Council youtube.com channel.

Yours sincerely,

Peter Turner
Town Clerk
Crewe Town Council

Agenda

- 1** To appoint a chair of the Planning Committee
- 2** To appoint a deputy chair of the Planning Committee
- 3** To receive apologies for absence
- 4** To note declarations of Members' interests
- 5** To confirm and sign the minutes of the Planning Committee meeting held on 20th March 2023
- 6** Public Participation

A period not exceeding 15 minutes for members of the public to ask questions or submit comments that relate to the items within the agenda. Any member of the public wishing to participate should email support@crewetowncouncil.gov.uk by 4.00 p.m. on the day of the meeting, providing their name, email address and an indication of the subject of their question or comment. Alternatively, your comments or questions can be submitted in advance and read to the committee at the meeting by the clerk.

Attendance at the meeting in person is permitted, but space is limited and you are asked to consider if you might be able to access the meeting virtually in consideration of available space and associated safety guidance. Please feel free to contact the office to discuss this in more detail if you would like to.

7 To consider making a response to the following planning applications:

Application No:	23/1520N
Proposal:	Proposed new single storey, flat roof side extension providing new bedroom and new level access shower room including Internal and external alterations. The proposed extension is a disabled adaptation to the existing dwelling house and includes access ramping to the front entrance door.
Location:	44, DUTTON WAY, CREWE, CW1 3JE
Application No:	23/1653N
Proposal:	External alterations to existing building, including erection of new draft lobby, new windows and doors, recladding external walls and over cladding of roof, together with installation of new external plant and bio fuel enclosures and bin store
Location:	Total Fitness, MACON WAY, CREWE, CW1 6DG
Application No:	23/1523N
Proposal:	Construction of a stand alone single storey teaching block for children with special educational needs. Provision of associated enclosed play area. Provision of new car parking area to the north of the existing car park. Provision of new areas of tarmacadam surface to allow access for fire appliances to the existing nursery block. Provision of associated fencing and drainage
Location:	Wistaston Academy, MORETON ROAD, CREWE, CHESHIRE, CW2 8QS
Application No:	23/1675N
Proposal:	Proposed 5G Telecoms installation
Location:	H3G 1, Sydney Road street works, Sydney Road, Crewe, CW1 5LS
Application No:	23/1687N
Proposal:	Certificate of lawful existing use as house as 5 bed HMO
Location:	282, WALTHALL STREET, CREWE, CW2 7LE
Application No:	23/1693N
Proposal:	Full planning application for the permanent relocation of footpath connecting Minshull New Road and Rolls Avenue.
Location:	Footpath connecting Minshull New Road with Rolls Avenue south of the Rolls Avenue Estate, Crewe

8 To consider making responses to any urgent planning application consultations that have arisen since this agenda was published

- 9** To note responses submitted under delegation since the previous meeting
- 10** To note and/or consider correspondence, consultations, planning policy circulated by the planning authority (Cheshire East Council) and member items
- 10.1 Cheshire East consultation on diversion of footpath FP5 (associated with planning application 22/4698N)
- 10.2 Cheshire East consultation on held funds associated with developments' provision for affordable housing and community benefit agreements
- 11** To note correspondence associated with planning enforcement
- 11.1
- Application No: **23/00352E**
Nature of problem: **Change of use from two flats to three flats**
Location: **5, NILE STREET, CREWE, CW2 7LL**
- 11.2
- Application No: **23/00267E**
Nature of problem: **Dilapidated condition of property**
Location: **5, CHESTER BRIDGE, EDLESTON ROAD, CREWE, CW2 7EF**
- 12** To note the proposed date of the next meeting Monday 26th June 2023 at 6pm.

Crewe Town Council: Planning Committee

Crewe Town Council

1 Chantry Court
Forge Street
Crewe Cheshire
CW12DL

T: 01270756975

www.crewetowncouncil.gov.uk



CREWE
TOWN COUNCIL

MINUTES of the meeting held 20th March 2023

In attendance: Cllr Emma Angier Cllr Lena Hogben Cllr Marilyn Houston
Cllr Kevin Murray Cllr Gary Palin Cllr John Rhodes
Cllr Dennis Straine-Francis

PL/22/8/1 To receive apologies for absence
Cllr Ben Wye

PL/22/8/2 To note declarations of Members' interests
None

PL/22/8/3 To confirm and sign the minutes of the Planning Committee meeting held on 13th February 2023
RESOLVED: That the minutes are approved as a true record of the meeting

PL/22/8/4 Public Participation

A period not exceeding 15 minutes for members of the public to ask questions or submit comments that relate to items on the published agenda.

None

PL/22/8/5 To consider making a response to the following planning applications:

Application No:	23/0727N
Proposal:	Erection of two sets of two semi-detached properties and a rear extension to no.179 (renewal of planning permission 19/0339N)
Location:	Land Adjacent To 179, ALTON STREET, CREWE

RESOLVED: That the committee objects to the proposals on the following issues:

- i. The proposals do not meet the planning authority's policy associated with minimum parking provision, being that the development will not provide adequate parking

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- ii. That the lack of parking will have an adverse effect on existing residences due to increased density of on street parking
- iii. Cheshire East Highways recently objected to a proposal with inadequate parking (23/0231N), citing the negative impact on neighbouring residences due to increased on street parking. The assertion that this is a sustainable location that will not need additional parking is unsustainable as can be seen by visiting the site and all the surrounding streets in this area where parking is a significant issue for amenity and safety.
- iv. The defined access within the access statement is not confirmed as deliverable due to independently declared private ownership
- v. The site's location on the highway risks collision or impact with cars and/or pedestrians and or cyclists due to the need to reverse out of the parking space.

Application No: 23/0287N
Proposal: Erection of a single storey rear extension
Location: 23 , Newfield Drive, Crewe, CW1 4AR

No objection

Application No: 23/0457N
Proposal: Full planning application for minor external alterations to the existing building associated with the change of use from Class E(b) (restaurant) to Sui Generis (restaurant selling food and drink for consumption on the premises), extension to opening hours, alterations to the car park (including the creation of a drive thru lane), landscaping, and associated works.
Location: UNIT 4, Phoenix Leisure Park, DUNWOODY WAY, CREWE, CW1 3AJ

The committee had no objection, but seeks to ensure that the comments raised by the Environmental Protection officer and residents comments associated with EV charging points are progressed.

Application No: 23/0105N
Proposal: Change of use from offices to self contained flats
Location: 7, CHESTER STREET, CREWE,

Whilst the committee welcomes the investment in the building, which is in significant disrepair, it is a building in a sensitive heritage setting and design and all considerations of heritage should be ensured.

RESOLVED: That the committee objects to the proposals on the following issues:

- i. That the proposed room and residence dimensions do not meet the minimum technical housing standards, yet to be adopted by Cheshire East, but this failing should not impact on the quality of accommodation delivered for the residents of Crewe.
- ii. That the proposals do not provide waste storage away from the public realm. Contrary to Cheshire East Local Plan Strategy Policy SE1.4.iv

Agenda Item 5

- iii. The risk of on street waste will lead to loss of amenity for existing residents nearby and risk public health issues due to the encouragement of vermin
- iv. That the proposals do not provide adequate access for those with mobility issues due to the cramped designs for living accommodation. Contrary to Cheshire East Local Plan Strategy Policy SE1.4.v
- v. That the development constitutes overdevelopment of the site and creates an HMO by default.
- vi. The development does not meet local plan policy as it does not provide for secure and adequate cycle storage.
- vii. No residential mix is demonstrated. Contrary to Cheshire East Local Plan Strategy Policy SC4
- viii. The proposals should be considered under a heritage setting and within Local Plan Policies SD1.1.iv SE7
- ix. There is no external amenity space associated with the proposals, which further impacts the low quality and high density design of the proposal. Contrary to Cheshire East Local Plan Strategy Policies SD1.2.i and SE1.4.ii
- x. The development is more than 500m from outdoor amenity space. Contrary to Cheshire East Local Plan Strategy (Table 9.1)
- xi. The proposal does not provide adequate safe egress in the event of an emergency. Such proposals should seek to provide additional fire/emergency escape routes

Application No: 23/0508N
Proposal: Proposed hip to gable and single storey rear extension to form extra living space
Location: 47, MERRILLS AVENUE, CREWE, CW2 8SP

No objection.

Application No: 23/0524N
Proposal: Change of use of existing garages to allow storage of building materials and equipment including alteration of existing garage door opening to single door opening and lowering of roof.
Location: Land and Buildings adjacent to 7 Newton , Newton Street, Crewe, CW2 2NE

No objection

Application No: 23/0610N
Proposal: Single storey rear extension with addition of a porch to the side aspect
Location: 51, CARLISLE STREET, CREWE, CW2 7NX

No objection

Application No: 23/0625N
Proposal: Proposed Annexe
Location: 98, GAINSBOROUGH ROAD, CREWE, CW2 7PL

RESOLVED: That the committee objects to this proposal on the following issues:

- i. The proposal is for independent living accommodation away from the primary dwelling. This represents over development of the site
- ii. The proposal risks loss of amenity for neighbouring properties due to noise and intrusion related to the additional of secondary living accommodation
- iii. The clear concerns of the multiple neighbour comments should be considered and responded to

Application No: 23/0684N

Proposal: Installation of 1.88m high black paladin fencing to Macon Way from of disused gym, which will become an office facility for Network Rail (22/1720N)

Location: Total Fitness, MACON WAY, CREWE, CW1 6DG

No objection

Application No: 23/0707N

Proposal: prior approval for larger householder extension extending 4.4m from the rear elevation, max height of 4m and 2.4m to the eaves. Single storey extension to side of existing 2 story outrigger between it and boundary wall with no 8. Monopitch roof sloping up to rear wall.

Location: 10, DENVER AVENUE, CREWE, CW2 7PX

No objection

Application No: 23/0539N

Proposal: Full planning permission for Units 1-3 comprising a mix of Class B2, E(g)(iii) light industrial / manufacturing and B8 warehousing & distribution uses and ancillary areas, together with access, car park provision, landscaping (including buffers, habitat parks, nature trail sustainable drainage features (ponds, swales and raingardens), eco enhancements (wet meadows, woodland planting, wildflower grasses and other associated works and infrastructure proposed within the northern part of the site, within the curtilage of Units 1 - 3. Outline planning permission for the southern part of the site comprising a mix of Class E(g)(i) offices, B2 / E(g)(iii) light industrial / manufacturing and B8 warehousing & distribution uses, with all matters reserved including (access, appearance, landscaping, layout and scale) together with works and infrastructure associated with the southern part of the site.

Location: Land in the Western Part of Basford East, Crewe

The committee had no objection to the proposals, but seeks that the development ensures it meets planning policy associated with:

- i. The provision of covered and secure cycle storage
- ii. The provision of electric vehicle charging points
- iii. The provision of sustainable energy production eg PV panels
- iv. Ensuring net biodiversity gain.

Application No: 23/0518N
Proposal: Replacement Boundary Fence and Water Tank for sprinkler system associated connections
Location: Dunelm Mill, FORGE STREET, CREWE, CHESHIRE, CW1 2DU

The committee seeks that the wall feature that is noted for removal is recognised as an original remnant aspect of the railway infrastructure of the town and as such it should be recorded in detail and the bricks reclaimed for reuse elsewhere on the site.

Application No: 23/0802N
Proposal: External alterations to the south-east and north-east elevations of existing unit, including re-cladding, screening cycle park, replacement shutter door and installation of rooftop PV panels
Location: The Railway Exchange, Weston Road, Crewe, CW1 6AA

No objection

Application No: 23/0773N
Proposal: Existing Plant replaced with new
Location: 17-18, VICTORIA CENTRE, CREWE, CW1 2PT

No objection

Application No: 23/0408N
Proposal: Proposed new canopy structure to provide a larger covered unload area
Location: Bentley Motors Limited, PYMS LANE, CREWE, CW1 3PL

No objection

Application No: 23/0861N
Proposal: Listed Building consent for Repair of damaged high level decorative corbelled masonry and removal of destructive vegetation growing on the wall face to the flank walls along platforms 8,10, and 11 at Crewe Station.
Location: Crewe Railway Station, Arriva Trains Wales Limited, Nantwich Road Crewe, Cheshire East, CW2 6HR

No objection

Application No: 23/0899N
Proposal: InstaVolt are proposing to install two rapid electric vehicle charging stations within the car park of McDonalds, Crewe. Two existing parking spaces will become EV charging bays, along with associated equipment
Location: 100, DUNWOODY WAY, CREWE, CW1 3ZN

No objection

Application No: 23/0313N

Proposal: Due to an increase in pupil numbers, we are proposing to extend the school hall and storage areas to meet the increasing demands of the school.

Location: Beechwood Primary School And Nursery, MEREDITH STREET, CREWE, CHESHIRE, CW1 2PH

No objection

PL/22/8/6 To consider making responses to any urgent planning application consultations that have arisen since this agenda was published

Application No: 23/0971N

Proposal: Variation of conditions 2- approved plans & 4- specification of source pump on approval 22/1957N

Location: South Cheshire College, DANE BANK AVENUE, CREWE, CHESHIRE 8AB

No objection

Application No: 23/0964N

Proposal: Variation of condition 2 and 3 on application 22/0640N: Upgrade facade of P35 Mulliner Building including application of new rain cladding and section of living wall

Location: Bentley Motors Limited, PYMS LANE, CREWE, CW1 3PL

No objection

Application No: 23/0930N

Proposal: Proposal to change use of existing store in to a vaccination Centre for Covid jabs

Location: 136, WEST STREET, CREWE, CW1 3HG

No objection

Application No: 22/3636N

Proposal: Proposed 1 bedroom flat ground and first floor, removal of existing garage/storeroom

Location: 383, WEST STREET, CREWE, CW1 3HY

RESOLVED: That the committee objects to the proposals on the following issues:

- i. That the proposal represents over development of the site, being that the site is already completely built out, with no outdoor space left
- ii. That the proposal, contrary to local plan policy, does not provide any amenity space for the residential development
- iii. That the proposal, contrary to local plan policy, does not provide for adequate parking provision, which will adversely affect current on street parking issues

Agenda Item 5

- iv. That the proposal, contrary to local plan policy, does not provide for sustainable or secure waste storage, which will adversely affect the amenity of neighbouring properties due to on street waste
- v. That the proposal, contrary to local plan policy, does not provide secure cycle storage
- vi. The application is inaccurate. The property would access and egress on to Bowen Cooke Avenue, not West Street.

PL/22/8/7 To note responses submitted under delegation since the previous meeting
None

PL/22/8/8 To note and/or consider correspondence, consultations, planning policy circulated by the planning authority (Cheshire East Council) and member items
8.1 CAN26847 Proposed telecommunications apparatus in Crewe
The committee expressed that the proposed location was not supported due to concerns relating to distraction and obstruction at a busy road junction and roundabout
8.2 Cheshire East Mini Holland Briefing
The briefing was received and members will have the opportunity to provide comments and questions by email
8.3 Cheshire East Road naming consultation
It was agreed to submit the request that Tottys Hall Farm is considered as a reference for the roads.

PL/22/8/9 To note the proposed date of the next meeting Monday 17th April 2023 at 6pm.

Meeting closed at 7.46pm

Chair Cllr John Rhodes
Clerk P Turner

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Responses submitted under delegation.

The following applications fell due for comment prior to an available planning committee. The below responses were circulated to the committee (as formed at that time) for comments and amendments. The comments were then submitted to Cheshire East Council.

The below is for noting.

Application No: 23/1202N
Proposal: The proposal is for the construction of 3 dwellings consisting of 2 3 bedroom semi detached properties and 1 Detached 3 bedroom bungalow. The bungalow is to be situated on land that was previously used as a working garage, but not for several years.
Location: 111, STEWART STREET, CREWE, CHESHIRE, CW2 8LX

The committee objects to the proposal on the following grounds:

1. That the proposal constitutes overdevelopment of the site due to the densely orientate and positioned nature of the site plan, which might suit a smaller number of proposed units
2. That there is inadequate parking provision for one of the semi-detached properties, which does not meet Cheshire East planning Policy on minimum standards for parking provision
3. That the 1st floor gable windows of the semi-detached dwellings would create an overlooking effect for existing dwellings unless obscured glass is conditioned.
4. That the proposal is for backland development and as such should expect proposals of lower density for sustainable development
5. That the proposals do not provide for EV charging or sustainable energy production on site and therefore do not meet the purposes and direction of associated planning policy based on sustainability.

Application No: 23/1169N
Proposal: Advertisement consent for entrance wall signage and fascia signs.
Location: Alpha Omega Securities, COPPICEMERE DRIVE, CREWE, CW1 6GZ

No objection

Application No: 23/1286N
Proposal: First floor extension to rear bedroom
Location: 134, HOLLAND STREET, CREWE, CW1 3SL

No objection

Application No: 23/1333N
Proposal: Application for external alterations to front elevation
Location: GRAND JUNCTION RETAIL PARK, GRAND JUNCTION WAY, CREWE

No objection

Application No: 23/1203N

Proposal: Variation of condition 2 on existing permission 21/2562N; Refurbishment of car showroom and servicing facility (including MOT). Removal of showroom accommodation and canopy to the side of the building and squaring off (on plan) of the showroom with small extensions. The application proposes to rearrange the site organisation and swap the locations of the customer parking and the used car display. To facilitate this a new site access off Weston Road Service Road is requested. A substantially similar scheme was granted planning consent on 11/09/2015, ref:15/2462N

Location: Blue Bell Bmw, FOURTH AVENUE, CREWE, CW1 6XH

Consent was granted prior to circulation. No comment submitted

Application No: 23/1339N

Proposal: Single storey extension and internal works

Location: 161, GAINSBOROUGH ROAD, CREWE, CW2 7PL

No objection

Application No: 23/1237N

Proposal: Advertisement consent for the display of 1 no. internally illuminated totem sign, 1 no. internally illuminated height limiter sign, 5 no. internally illuminated information signs and 6 no. internally illuminated fascia signs.

Location: Frankie And Bennys, 12D, GRAND JUNCTION WAY, CREWE, CW1 2RP

No objection

Application No: 23/1370N

Proposal: A retrospective planning application to retain the fence.

Location: 17, BENTLEY DRIVE, CREWE, CW1 5FR

The committee objects to the proposal on the following grounds:

1. That the fence design is not in keeping with the adjoining neighbourhood#
2. That the proposed design will negatively impact on the amenity of adjoining properties
3. That the neighbouring properties should be consulted on appropriate and acceptable designs of fencing.

Application No: 23/1236N

Proposal: Full planning permission for the flexible use of premises within Class E (b) and/or as a Sui Generis use consisting of a coffee shop/restaurant selling food and drink for consumption on and off the premises. Construction of a drive-thru lane and associated alterations to the building and elevations, car parking and servicing. Erection of bin store.

Location: Frankie And Bennys, 12D, GRAND JUNCTION WAY, CREWE, CW1 2RP

No objections

Application No: 23/1280N

Proposal: Single storey side extension

Location: 7, MAYFAIR DRIVE, CREWE, CW1 5BB

No objection

Application No: 23/1081N

Proposal: Variation of conditions 2 & 21 on approved application 20/2317N - Replacement of Beechmere Extra Care Facility building comprising 132 apartments with associated landscaping and reuse of existing car parking and site accesses.

Location: Beechmere, S O S HOMECARE LIMITED, ROLLS AVENUE, CREWE, CW1 3FT

That whilst the committee does not object to the principle of development, the committee strongly objects to the removal of mature and established trees from the site.

The proposal, under Cheshire East Planning Policy, should provide net biodiversity gain, sustainable electricity production and EV charging points.

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Public Rights of Way Team

2nd Floor, Old Building
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

Phone: 01270 371384

Richard.chamberlain@cheshireeast.gov.uk

DATE: 21/04/2023

OUR REF: PROW/RC/095/264D

Please Contact: R Chamberlain

Dear Sir/Madam

**Town And Country Planning Act 1990, Section 257
Proposed Diversion of Public Footpath No 5 in the Parish of Crewe**

Planning Application: 22/4698N

Full Planning Application sought for the construction of 47 retirement apartments with parking and landscaping.

An application for the diversion of the above footpath under the Town and Country Planning Act 1990, section 257, has been submitted to Cheshire East Council.

Under the Town and Country Planning Act 1990, an appropriate authority is empowered to make a Public Path Diversion Order where it is satisfied that it is necessary to do so in order to enable development to be carried out. **If an Order is made, existing rights of access for the statutory undertakers to their equipment and apparatus are protected.**

The attached plan shows that the approved planning application, 22/4698N, will affect Crewe FP5 between points A-B. The diversion is necessary to allow for the development of a new affordable housing development of 47 retirement apartments, the current definitive alignment will be directly affected by development. The planning application is yet to be approved however the diversion will not be confirmed until the planning application is in place.

The current definitive line of Crewe FP5 is shown as a bold black line on the attached plan between points A-B. It commences at point A and continues in a generally north westerly direction for approximately 86 metres across a mixed surface of tarmac and loose stone to point B. At point B, the definitive line reaches Herbert Street (UY378/A) and terminates.

The proposed diversion route of Crewe FP5 is shown on the attached plan as a dashed black line running between points C and D, a copy of the developer's plan is also included. It will commence at point C where the proposed diversion will broadly follow the site boundary line adjacent to the existing residential property and will continue in a generally north north-westerly direction for approximately 65 metres to point D.

OFFICIAL

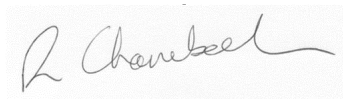
The proposed diversion would start at point C with an accessible chicane barrier delineating the junction with Crewe BR34. From Point C the path will be surfaced with porous tarmac with a width of 3 metres for approximately 44 metres.

This length will be bordered to the west by a verge measuring 60 centimetres and a boarded fence measuring 1.8 metres. To the east the path will be first bordered by an existing pond leading to a 1 metre verge and planted native species hedge line for approximately 20 metres. The eastern 1 metre verge will continue along the electric substation and before expanding to 2 metres and ending at the vehicular turning circle.

Over approximately 3 metres the path width will then reduce to 2 metres in width as it meets the proposed vehicular turning head of the development. Drop kerbs will be installed at either side of the driveway access for the adjacent property and a wooden boarded fence measuring 1.2 metres will line the western edge of the diversion before ending at point D.

I would welcome your comments about the proposal as soon as possible. If I have not heard from you by the **01st of June 2023**, I will assume that you have no objection to the proposal.

Yours sincerely



Richard Chamberlain
Public Path Orders Officer

Privacy Notice

In making an informal objection or comment to a proposed Public Path Order or Definitive Map Modification your personal information will be held by the Public Rights of Way team for the purposes of dealing with that objection. Typically, as well as your objection or representation, that information will include your name and contact details which may be stored in both paper and electronic form, and which will be kept in a secure office environment with limited access and on password protected Cheshire East Council servers. The information provided by you will be kept by the Rights of Way team and will be archived for up to 50 years following completion of the matter.

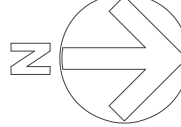
If you object or comment during the informal consultation then the details of your objection or comment, including your name, maybe included in a report made publicly available on our website and which will also be presented in a public forum to the Public Rights of Way Sub Committee to be determined, the minutes of which will also be published on our website.

Should any order made attract objections that are not withdrawn, the details of the case, including your name, contact details and correspondence, will be included in a casefile sent to the Planning Inspectorate for determination on behalf of the Secretary of State for Environment, Food and Rural Affairs. Determination of the matter may take the form of written representations, a public hearing or public inquiry. This information may be copied











to other parties involved in the case and will be made publicly available. Once a decision has been made by the Inspectorate a copy of that decision including the reasons for making the decision will also be publicly available.

As a data subject you also have the right to lodge a complaint if you consider your personal information to be inappropriately managed. For further details, please see the Cheshire East Council Privacy Notice by searching for 'Privacy Notice' at www.cheshireeast.gov.uk.

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— Site Boundary

- | | |
|---|--|
|  | Existing Hedges to be retained |
|  | New planting to landscape architect's design |
|  | 1.8m Close boarded timber fencing |
|  | 1.2m Close boarded timber access gates, inward opening, to be agreed with land owner |
|  | 1.2m Open timber Chickadee barrier |
|  | Metall access gate with associated posts |
|  | Retaining wall to engineer's design. With 1100mm high metal railing as appropriate. |
|  | 900mm-1200mm hedge |
|  | Proposed Calibee TRP with Porous Tarmac Finish |
|  | Proposed 1.2m wide 'buff' Colour Tactile Paving and Drop Kerb detail |

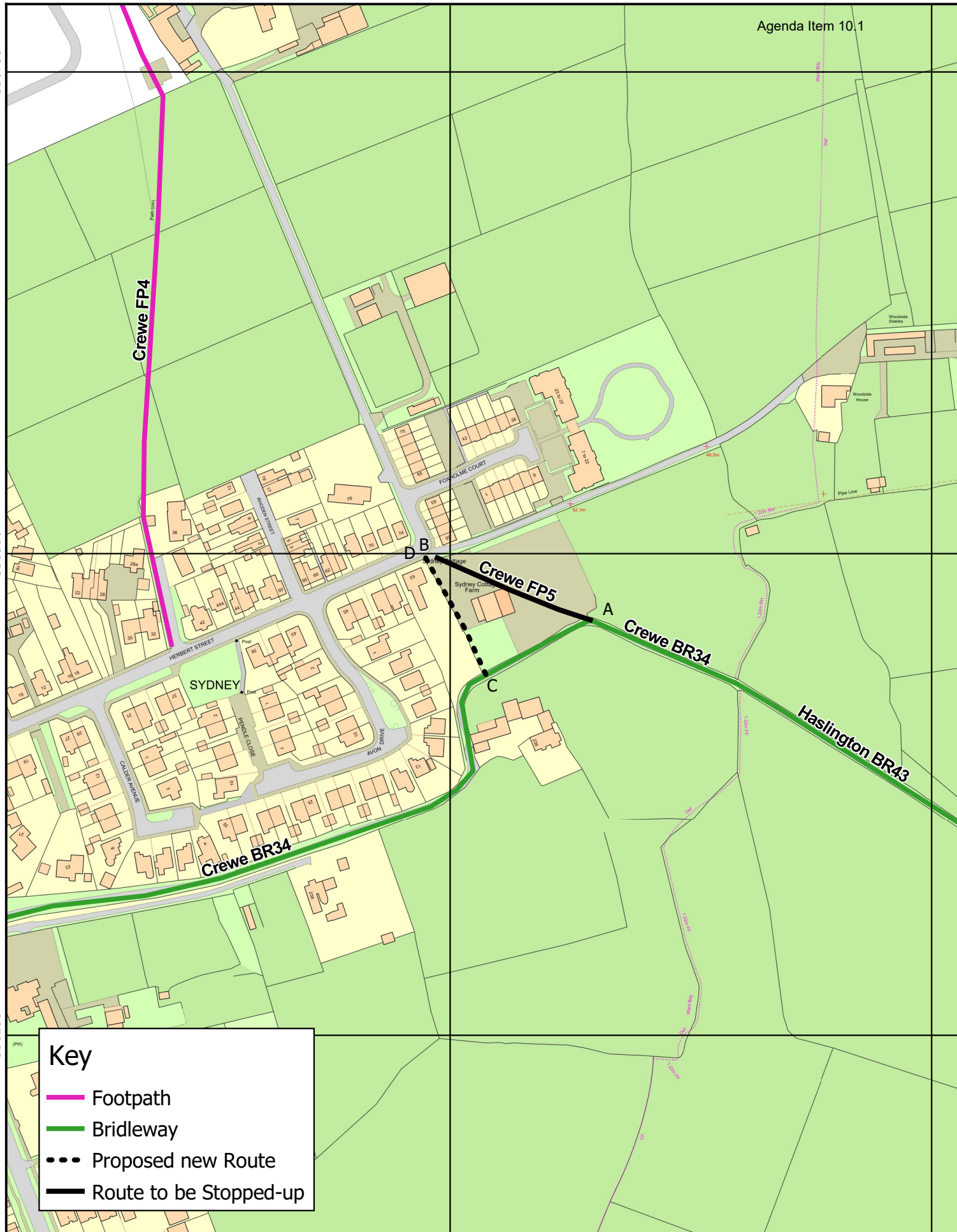
Rev	Description	Date	By
H	Minor change to key	12.04.22	KOR
G	Drawn up and added by Vecchie as per requirements	06.04.23	KOR
F	Revised to be proposed FROM in line with Council comments.	30.01.23	KOR
E	Boundary amendments to proposed PROW, in line with Council comments.	30.01.23	SK
D	Planning issue.	30.08.22	SK
C	The final boundary amended in line with Council comments.	20.09.22	SK
B	Revised notes indicated internally.	01.02.22	SK
A	Initial issues added to worded land.	16.01.22	SK
	Initial issues for comment	17.01.22	SK

j d a architects

info@jda-architects.com
www.jda-architects.com

manchester: 0161 336 5011
liverpool: 0151 665 0112

Client:	Bowsall Ltd			
Project:	Herbert Street, Crewe			
Project Status:	PL - Planning			
Scale:	📐 original size	Date:	Drawn by:	Checked By:
1:2000	A1	January 2022	SK	KOR



Key

- Footpath
- Bridleway
- - - Proposed new Route
- Route to be Stopped-up



1:2500

Proposed diversion of Crewe FP 5

This is a working copy of the definitive map and should not be used for legal purposes

Dear Colleague

Cheshire East Council currently holds several Financial contributions in lieu of affordable housing (Commuted sums) and also has a number of legal agreements (Section 106's) in place which will increase funding from developers in the future.

Following the update of the Policy for Allocation of the Financial Contributions (Commuted sums) in lieu of Affordable Housing funding (copy attached), at the Councils Economy and Growth Committee in November 2022, we are writing to all Town and Parish Councils within the borough, to find out whether you are aware of any local projects or development sites that would meet the priorities within the policy and be suitable to receive Commuted sum funding.

We particularly want to bring forward affordable housing in high priority areas, that have not already been met through the affordable housing provision and will prioritise the housing needs of residents highlighted in the Council's Housing Strategy 2018-2023, including the development of:

- The right mix of affordable housing needed by the community.
- Additional temporary accommodation for people who have become homeless.
- Empty properties to bring them back into use.
- Specialist housing, e.g. for families with disabilities or for older people.
- Rural accommodation to enable people to continue to reside within their local communities.

To ensure the creation of mixed tenure affordable housing meets the needs of the whole community and ensures the appropriate use of the Commuted funds funding .

Please contact me if you have any suitable projects or sites that you think would be appropriate for Commuted sum funding to develop additional affordable housing in your local community.

Your assistance would be much appreciated, as it will help ensure that the Commuted sum contributions are allocated fairly, in-line with the council's priorities for affordable housing to help people in areas of affordable housing need.

Please note: The Policy clarifies the process of administering the Commuted sum funding for future affordable housing provision. It is not within the remit of the policy to determine how and when Commuted sums are accepted, as the decision to receive a financial contribution (Commuted sum) is determined through the planning process.

If you have any queries, please do let me know.

Kind regards.

Housing Policy Officer
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

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POLICY FOR ALLOCATION OF FINANCIAL CONTRIBUTIONS (COMMUTED SUMS) IN LIEU OF AFFORDABLE HOUSING FUNDING

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1. **Introduction:**

The Council, as the Planning Authority makes every effort to ensure that 30% affordable housing is delivered on-site in new housing developments, or off-site if this is not possible. However, in some limited circumstances where neither of these alternatives are possible, a financial contribution in lieu of on-site provision (commuted sum) can be accepted under Section 106 of the Town and Country Planning Act 1990. Such circumstances may include:

- The provision of the affordable housing elsewhere in the locality would provide a better mix of housing types.
- Management of the affordable dwellings on site would not be feasible, due to a lack of registered provider interest.
- It would be more appropriate to bring back existing vacant housing into use as affordable units which may also bring about regeneration benefits.
- There are specific and unusual constraints on the site that prevent the provision of the size and type of affordable housing required in the area.

The Council receives payments from developers, in lieu of the on-site provision having entered into legally binding agreements (S106 agreements) which contain obligations on the Council to use the financial contributions (commuted sums) in accordance with the provisions of each legal agreement, to enhance development opportunities throughout the borough.

This policy relates specifically to the obligations as they relate to affordable housing provision in the S106 agreements, to facilitate the delivery of high-quality affordable housing that meets the needs of the whole community and stimulates the housing market.

The Council is contractually bound by the terms of the S106 agreements and so can only apply the criteria set out in the policy, in so far as it does not conflict with the specific terms found in each S106 agreement, such as restrictions on the geographical area that a financial contribution can be spent.

1.1 **Definition of Affordable Housing:**

The National Planning Policy Framework 2021, Annex 2 (NPPF) defines affordable housing as:

‘housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following: affordable housing for rent, starter homes, discounted market sale housing and other affordable routes to home ownership’, e.g. shared ownership, shared equity and rent to buy.

First Homes are not addressed in the NPPF or referred to in the definition of affordable housing set out in Annex 2. National planning policy for First Homes is contained in a Written Ministerial Statement made on 24th May 2021. The Ministerial Statement states that a home

meeting the criteria of a First Home will also be considered to meet the definition of affordable housing. This is restated in the national planning guidance on First Homes published alongside the Ministerial Statement.

Please note: Should the NPPF's standard definition of Affordable Housing change then the above definition will be amended accordingly.

2. Priorities for allocating funds:

In some cases, the S106 agreements are prescriptive, e.g., limited by geographical area or ward and funds can only distributed in accordance with the specific terms and timescales set out in each individual S106 agreement.

In other S106 agreements the terms are not so rigid, and the funds received (commuted sums) will be pooled and allocated for the delivery of affordable housing across the whole of the borough. This allows the Council discretion in deciding how to allocate the funds available, to ensure the creation of mixed tenure affordable housing that meets the needs of communities.

In circumstances where the Council does have discretion to decide how financial contributions (commuted sums) are allocated for affordable housing, we will use them to:

- Purchase land and create new affordable housing schemes, where a need has been established.
- Provide funding to secure more affordable homes on specific developments in addition to those secured under the S106 agreements.
- Reduce funding gaps to help enhance developments, where a scheme will provide additional affordable housing.
- Invest in existing affordable housing stock within Crewe to raise the quality of accommodation (in accordance with Cheshire East Local Plan policy SC5 'affordable homes' – justification 12.51).

In addition, we will prioritise the housing needs of residents highlighted in the Council's Housing Strategy 2018-2023, including the development of:

- The right mix of affordable housing needed by the community.
- Additional temporary accommodation for people who have become homeless.
- Empty properties to bring them back into use.
- Specialist housing, e.g., for families with disabilities or for older people.
- Rural accommodation to enable people to continue to reside within their local communities.

2.1 First Priority:

In cases where discretion can be exercised consideration will be given to whether the terms of the legal agreement (S106) will allow the funds to be used to develop Council owned sites or council led developments and property for redevelopment, where appropriate, through the new Housing Development Framework or another appropriate procurement route, to commission the development of mixed tenure affordable housing provision, to meet identified housing needs. This also includes the ability to use funds to purchase land for the development of affordable housing schemes, which will be developed via the Housing Development Framework or another appropriate procurement route. This will need to be achievable in the timescales (if applicable)) outlined in the S106 agreement, in the geographical areas intended under each agreement.

2.2 Second Priority:

If no Council led development is possible then all planning applications in the relevant area will be checked to establish whether it would be appropriate for the Council to provide funding to enable more affordable homes to be purchased, with the developers applying for such funding. The council will consider this approach on developments where 30% affordable housing has already been secured under the S106 agreement; on sites where the level of affordable housing provided is below 30%, due to the contributions required from developers for specific local infrastructure projects, such as major road schemes, e.g. Congleton Link Road and Poynton Relief Road, and on developments with less than 15 dwellings (not covered by the S106 agreements) in key areas where a particular need has been identified, e.g. Rural areas etc. to help meet the needs of the local community.

2.3 Third Priority:

If no Council led developments are possible and there are no outstanding planning permissions which would be appropriate for use of the funds then the Council will annually consult with Town and Parish Councils and Registered providers to establish if any specific housing sites have been identified in Neighbourhood Plans or maybe coming onto the market in the near future to enable the Council to bring forward affordable housing in high priority areas, e.g. empty properties, specialist housing and other identified requirements, that have not already been met through the affordable housing provision in previous S106 agreements.

In addition, in certain circumstances, where the criteria of specific S106 agreements are not met by applying the other priorities and commuted sums remain unspent then advertisements will be placed in suitable media to attract applications which do meet the criteria.

2.4 Fourth Priority:

If the funds cannot be allocated after all the preceding steps had been followed any remaining funds should be pooled and allocated to the delivery of affordable housing anywhere in the borough of Cheshire East, provided that the terms of the s106 agreement allows this. In these circumstances funds will be allocated in accordance with the timescales in which they must be used under the terms of each individual agreement.

Agenda Item 10.2
If the terms of the agreement do not allow pooling, then the funds will be available for use on any new affordable housing schemes that are bought forward within the time scales set out in the agreement for the provision of affordable housing.

In applying its discretion and the above criteria the Council will do so in deference to the terms of each individual agreement at each stage of the process and in all cases to ensure that the funding is used in the provision of affordable housing.

3. **Application Process:**

To assess the viability of requests for funding, all applicants will be invited to complete a financial contribution (Commuted sum) Application form (Appendix 1). Applications will be received and considered in date order and a record of the submission and nature of the applications kept.

On receipt of a completed Application form and all relevant supporting documentation, the **Strategic Housing team** will undertake a verification process which will include a credit check on the applicant, checking of the documents that show the ownership of the site, planning status documents and project plan.

Once applications have passed the verification process and are being actively considered for funding, the proposal will be assessed by the **Head of Housing** and **Section 151 Officer** to determine whether the proposal is financially viable; that it meets not just the criteria set out in the specific S106 agreement(s), but the key priorities and objectives for affordable housing in the borough, highlighted in section 2 (above), the Housing Strategy 2018-2023 and the procedures governing the allocation of Financial contributions (commuted sums) for the provision of affordable and specialist housing initiatives (Appendix 3) .

If the application is successful, but no financial contribution (commuted sum) funding is available for allocation then it will remain on the list of live funding applications and as funding becomes available for distribution then it will be considered against the terms of the S106 agreement and the Council's criteria.

In the event of there being more than one successful application for funding which meets the criteria specified in the S106 agreement, the following factors will be considered to decide which application should take priority:

- The project offers value for money and meets the identified needs of residents in 'high priority' areas, such as older people, the homeless and people with disabilities.
- It offers family homes to meet the needs of existing families and those moving into the area for work.
- The scheme can start on site within 3 months of being advised that the bid for funding has been successful.
- The applicant can demonstrate that the funding will be spent within the timescales set out in the S106 agreement.

Please note: Where an application doesn't sufficiently meet the housing needs or provide value for money, the Council reserves the right to refuse the application.

Agenda Item 10.2
The Council must, to fulfil its function as the Planning Authority and its obligations under the individual legal S106 agreements, monitor the use of the financial contributions (commuted sums) and obligations may be imposed on any recipient regarding provision of evidence, as to how the money is used, regardless of when the money is received.

The Council must also account for its use of the money to the developers who paid the financial contribution (commuted sums) and remain in control of the use of and dissipation of the funding.

In the event of a dispute the case will be referred to the **Director of Growth and Enterprise** whose decision shall be final.

4. Approval for allocation of funds

The original Cabinet decision in July 2014 delegated authority to Portfolio Holder and Director level. To bring this policy up to date following the adoption of the Committee system, an officer decision report will be sent to request approval for funds to be allocated to the project as follows.

- Under £2 million – **the Director of Growth and Enterprise.**
- Over £2 million – **Cheshire East Council's Finance Sub Committee.**

If funding is agreed, then an offer letter will be sent to the applicant stating the specific terms of the offer and timescale for use of the funding.

4.1 Process for spending Funds:

Following approval payment will only be made on production of evidence that the specific works have been carried out in line with the original proposal and offer letter, and an invoice from the Developer or Registered Provider is received.

5 Consultation:

The Planning, Legal and Financial departments have all been involved in the development of this procedure.

5.1 Review:

This Procedure will be reviewed annually by Cheshire East officers when agreed. An update report will be provided to the Economy and Growth Committee on an annual basis.

5.2 Contacts:

Housing Strategy Team
Cheshire East Council
Westfields
Sandbach
CW11 1HZ

Tel: 01270 685 912

Email: housingpolicycec@cheshireeast.gov.uk

5.3 **Equal Opportunities:**

An Equality Impact Assessment has been carried out in respect of this procedure to ensure we serve the whole borough, tackle inequality, and allocate affordable housing fairly and objectively.

5.4 **Subsidy Control:**

Following the UK exiting the EU, State Aid rules have been replaced by “subsidy control” regulation. When allocating financial contributions, the Council is required to comply with subsidy control provisions that are set out in the Trade and Co-operation Agreement between the EU and the UK (“TCA”); World Trade Organisation rules and certain other international commitments (referred to as “Subsidy Control Materials”). This obligation kicks in whenever a “subsidy” (allocation) is being awarded by the Council to any organisation.

Prior to any allocation award an analysis will need to be made as follows:

- Determine whether the allocation is a subsidy and what Subsidy Control Materials are relevant.
- Evaluate whether the allocation is a prohibited subsidy.
- If in scope of the TCA, assess the allocation against the principles (principles which aim to ensure that subsidies are not allocated where they have, or could have, a material effect on investment or trade).
- Assess the likelihood of triggering a dispute under international obligations and agreements.
- Record the award of the allocation as a subsidy.

Assuming that any proposed allocation is in scope of the TCA; the Council will need on each occasion that an allocation is being considered to evaluate and model the award based on the principles within the TCA. It is therefore important that Legal Services are engaged at an early stage whenever the award of an allocation is being considered.

There are de minimis provisions, but application will depend upon whether in each circumstance other subsidies have been awarded to the organisation. First consideration should be given to the application of the principles to obviate the need to consider de minimis.

Subsidy control is currently in a state of transition. Whereas there is a new Subsidy Control Act 2022 (“the Act”) on the statute books; its operative provision is yet to be brought into effect; but when they are the Act will form the backbone of the UK’s subsidy control regime. The subsidy control aspects of this policy will need to be reviewed and if necessary adjusted when the Act is operative.

Financial contribution Agreement

Distribution of funds

Approval Process

Planning decision results in a financial contribution (commuted sum) in lieu of on-site affordable housing

Priority 1: Council-owned or Council-led developments in the borough through the Housing Development Framework or another appropriate procurement route.

Priority 2: Relevant planning applications checked to determine suitable sites to bring forward for affordable homes.

Priority 3: Liaison with Town and Parish Councils and Registered providers to bring forward affordable housing in high priority areas.

Priority 4: Funds pooled and allocated for delivery of affordable homes in the borough.

**** The only exception to this process is where a financial contribution is prescriptive in where and how it must be spent.**

Application form (Appendix 1) and all other supporting documentation received.

Application approved and added to list of live funding applications (in date order of receipt).

If/when a financial contribution is available, suitable application provisionally allocated the funding.

Offer letter sent to applicant stating specific terms and timescales for use of the funds.

Funds paid following provision of evidence (invoice) of completion.

Verification process carried out by Strategic Housing Team, including:

- Credit check on applicant
- Inspection of site ownership
- Proof of planning application status
- Review of Project plan and timescale for development

Key priorities and financial viability assessed by Head of Housing and Section 151 Officer

Approval sought for funds to be spent:

- < £2 million: by the Director of Growth and Enterprise
- > £2 million: via Cheshire East Finance Sub committee