

Planning Committee: 8 December 2015

Item Number: 19

Town/Parish Council: Warwick

Case Officer: Chris Sharp chris.sharp@warwickdc.gov.uk

**Variation of Section 106 Agreement relating to the Timing of Payments
in respect of a Country Park Contribution**

FOR Bovis Homes LTD / BDW Trading LTD

Application No: W/14/0661

Site: Land at Lower Heathcote Farm, Harbury Lane, Warwick CV34SL

Proposals: Residential development up to a maximum of 785 dwellings:
variation of S106 Agreement

This application is being reported to Planning Committee because it is recommended that an existing legal agreement relating to the approved application be varied.

RECOMMENDATION

Planning Committee are recommended to resolve to vary the Section 106 agreement to allow changes to the timing of payments relating to the Country Park. This would allow design and feasibility work to commence sooner than originally anticipated.

PLANNING HISTORY

Outline planning permission was granted in 2014 for residential development of up to 785 dwellings, a mixed use community hub/local centre to include retail development (Class A1 to A5 inclusive) and community buildings (Class D1); potential provision of a primary school; comprehensive green infrastructure, continuous open space network and multi functional open space, including children's play space, potential open space for sport, informal open space and SUDS; potential provision of allotments; potential footpaths and cycle ways; foul and surface water drainage infrastructure, including attenuation ponds; ancillary infrastructure and ground remodelling.

This permission was the subject of a Section 106 agreement which secured a number of obligations one of which was a 'Country Park Contribution'.

The agreement secured the payment of a sum of £768.00 (seven hundred and sixty eight pounds) per dwelling payable prior to the occupation of 50% of the dwellings such money to be applied towards the provision, enhancement and future maintenance of the Country Park.

DETAILS OF THE VARIATION

The Council's Major Sites Monitoring Officer has requested a variation to the legal agreement that will allow the payments to be staged. The variation would include a first payment of 10% (£60,288) to be paid to the Council prior to the commencement of the development in an Area. This would allow the Council to use this funding, early in 2016 to consult and produce detailed plans for the Country Park. A second payment of 60% (£325,556) would be paid prior to the occupation of 50% of the dwellings in an Area. The remaining 30% (£217,036) will be paid prior to occupation of 70% of the dwellings in an Area.

THE SITE AND ITS LOCATION

The site lies to the south of Warwick and Whitnash and is currently predominantly open farm land. It covers a total of 85 hectares and includes Lower Heathcote Farm buildings, a caravan park and two fishing ponds. To the north, the site is bounded by Harbury Lane, to the west by Europa Way, the southern boundary follows the Tach Brook, whilst to the east the Heathcote Park mobile home site and an existing hedgerow form the boundary.

RELEVANT POLICIES

- National Planning Policy Framework
- SC14 – Community Facilities (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Green Space Manager. None

ASSESSMENT

The outline application and completed S106 agreement set out an appropriate level of infrastructure investment that was required in order to make the development acceptable and to address its effects in the surrounding area. The proposed country park is a key element in that respect in relation to this and other residential development which is coming forward in this part of the District.

The variation to change the timing of payments for the Country Park will not result in any reduction to the financial obligation amount. The variation will result in the Council receiving 10% of the contribution earlier which will allow the Council to use this funding, early in 2016 to consult and produce detailed plans for the Country Park to ensure that, in the longer term it is delivered as speedily and effectively as possible.

SUMMARY/CONCLUSION

On this basis it is considered that the proposed change to the S106 Agreement is appropriate and that this approach would comply with the requirements of the NPPF paragraph 205 which sets out that:

'Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

The Committee are therefore requested to agree to this revision.