

Planning Committee: 4 March 2020

Item Number: Urgent

Application No: W/14/0681

Town/Parish Council: Warwick

Case Officer: Gary Fisher

01926 456502 gary.fisher@warwickdc.gov.uk

Land South of Gallows Hill/West of Europa Way, Heathcote, Warwick

450 dwellings; provision of two points of access (one from Europa Way and one from Gallows Hill); comprehensive green infrastructure and open spaces including potential children's play space; potential footpaths and cycleways; foul and surface water drainage infrastructure and ground modelling

For Gallagher Estates Ltd

INTRODUCTION

This report relates to the above planning application which was granted on appeal on the 14th January 2016.

This proposal seeks minor variations to the content of the Section 106 Agreement dated the 3rd September 2015 to extend the time period in which the County Council can call for payment of and expend or commit for expenditure a highway contribution which is to be used towards improving Europa Way ("the Europa Way Contribution").

It has been agreed with the Chair of the Planning Committee that this matter can be dealt with as an urgent item as the proposed Deed of Variation is linked to a land transfer deal between the County Council and Gallagher Estates Limited which must be completed prior to the end of the financial year. As such the Deed of Variation must be completed prior to the 31st March 2020, which is before the next meeting of this Committee.

RECOMMENDATION

Planning Committee are recommended to resolve to agree and authorise the proposed changes to the Section 106 agreement to:

- Extend the time period in which the County Council can call for payment of the Europa Way Contribution until 31 May 2029
- Extend the period in which the County Council must expend or commit for expenditure the Europa Way Contribution until 30th June 2029.

HISTORY

W/17/0894 Application to vary and omit conditions of planning permission ref: W/14/0681 to reflect the revised access location; the submission of a site-wide design code and the phased nature of the development **GRANTED 18.09.2019**

DETAILS OF THE CHANGES

- Extend the time period in which the County Council can call for payment of the Europa Way Contribution until 31 May 2029.
- Extend the period in which the County Council must expend or commit for expenditure the Europa Way Contribution until 30th June 2029.

RELEVANT POLICIES

- National Planning Policy Framework
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

ASSESSMENT

The main issue relevant to the consideration of this proposal is whether the variations would continue to enable the delivery of a sustainable development that mitigates its impact through appropriate infrastructure contributions having regard to the Council's policies and national planning guidance.

Further Section 106A of the Town and Country Planning Act 1990 provides that in considering a request to vary a Section 106 Agreement the Local Planning Authority should consider that *"if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications"*.

The proposed variations will provide the County Council with additional time in which to make much needed improvements to Europa Way which are required in order to mitigate the impact of this development and a number of neighbouring developments within the vicinity of this site. As such it is the view of officers that the variations would continue to enable the delivery of a sustainable development that mitigates its impact through appropriate infrastructure contributions in accordance with the Council's policies and national planning guidance.

It is also the view of officers that the obligation continues to serve a useful purpose but would serve that purpose equally well if varied in accordance with the proposal. As such the proposal meets the requirements of Section 106A.

SUMMARY / CONCLUSION

The proposed variations to the Section 106 Agreement require authority from Members. The proposals have been fully justified and Members are requested to authorise the variations as set out within this report.