

Planning Committee: 9 October 2018

Item Number: Urgent Item Two

Application No: W 17 / 02357

Town/Parish Council: Burton Green

Case Officer: Lucy Hammond

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Land to the South of Westwood Heath Road, Burton Green, Coventry

Hybrid planning application for the erection of up to 425 dwellings (detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), convenience store of up to 400 sqm gross together with the erection of formal and informal open space including allotments, infrastructure provision and associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane. FOR Crest Nicholson Operation Limited

Proposed amendment to the Section 106 Agreement

INTRODUCTION

This report relates to planning permission W/17/2357, the decision for which has not yet been issued but which was previously presented to Members of the Planning Committee on June 19th 2018. The recommendation to committee was to grant planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations on the Owner.

This report is being brought forward as an urgent item with the agreement of the Chair because the Section 106 Agreement is close to completion and the length of time involved in waiting to your next meeting would further delay the completion of the agreement and the issuing of the decision.

RECOMMENDATION

That Committee approve the proposed addition to the content of the Section 106 Agreement, which entails the inclusion of one additional obligation.

RELEVANT POLICIES

- National Planning Policy Framework
- DM1

ASSESSMENT

Background

The planning application relates to an allocated site (H42) in the Local Plan, on which Members of the Planning Committee have already resolved to grant planning permission. The hybrid planning application, incorporating a detailed

phase of 129 dwellings, and outline permission on the remainder of the site, was previously presented to Planning Committee on June 19th.

The recommendation to grant the hybrid planning application was subject to a number of conditions and the completion of a S.106 Agreement which sought to secure a number of financial contributions and other obligations on the developer.

Since the committee's resolution to grant permission, ongoing negotiations to agree the terms of the S.106 have resulted in the final decision not yet being issued. During these negotiations, an additional contribution request has been highlighted which was not referenced in the original report to planning committee and consequently was not in the first draft of the Agreement, on which Members based their resolution to grant permission.

Since this request forms a necessary part of the Agreement but did not form part of the previous committee report, the matter is now brought back before Members of the Planning Committee since there is no delegated authority to officers to include additional provisions in the terms of the Agreement.

Proposed variation / Additional obligation

The proposed variation to the terms of the Agreement is the inclusion of one additional obligation on the developer, specifically, an additional financial contribution, requested by the Place Partnership Limited (PPL), which manages the combined estates of Warwickshire Police (WP) and West Mercia Police (WMP).

For the avoidance of doubt, WP and WMP act as one on all infrastructure and town planning related matters across their combined geographical areas and this includes making joint representations through PPL to local planning authorities. It is important to clarify however that the two forces retain their separate Police and Crime Commissioners and respective command teams.

The request from the Police is a financial contribution of £97,415 which is sought to mitigate the additional impacts of the proposed development. The necessary justification has been provided to substantiate the amount requested, it is directly related to the development and the request is wholly related to the scale and kind of the application development.

The test to be applied when deciding whether to modify a Section 106 Agreement is whether the obligation would serve its purpose "equally well" as modified. It is considered in this instance that since nothing previously agreed is proposed to be varied and instead the change involves only the addition of one financial contribution, the proposed change to the Section 106 Agreement is in accordance with the Council's policies and serves the planning purposes equally as well as the original version. Therefore it is considered that this test is satisfied.