

Planning Committee: 16 July 2019

Item Number: 5

Application No: W 15 / 0851

Town/Parish Council: Bishops Tachbrook

Case Officer: Lucy Hammond

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**Grove Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa, CV33
9QF**

Outline planning application for residential development for (approximately) 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of existing buildings, car parking and associated infrastructure. FOR AC Lloyd Ltd

Variation of Section 106 Agreement

Introduction

This report relates to planning permission W15/0851 (subsequently varied by W/17/0690). Both permissions are subject to a Section 106 Agreement dated 20 August 2015 ("the Original Agreement") that imposes a range of obligations on the Owner.

Background

The site is owned by Persimmon Homes, following a transfer of the title on 22 March 2018.

The intention is that condition 1 of the original planning permission will be amended so that the number of dwellings constructed as part of phase 2c of the development will increase from 208 to 212 (as per application no. W19/0340).

The purpose of this report is to recommend that Committee approve variations to the Original Agreement to ensure that it applies to the W/19/0340 application, which enables the amendment to the number of dwellings in phase 2c.

Recommendation

That Committee approve the supplemental agreement to ensure that the Original Agreement applies to the New Planning Permission and the following additions to the Original Agreement:

- The definition of Application be added to so it includes reference to the application pursuant to section 73 of the Act to vary Condition 1 of the outline planning permission with reference number W/19/0340 dated 1 March 2019
- The definition of Planning Permission be added to so that it includes reference to a permission granted pursuant to the application under section 73 of the Act to vary Condition 1 of planning permission W/17/0690 (Reserved matters application for the appearance, landscaping, layout and scale of 208 dwellings forming Phase 2c of the Oakley Grove Harbury Lane development, pursuant to previously approved outline application ref: W/15/0851) to allow the addition of 4no. units, thus increasing the total number of units in this phase from 208 to 212 and allocated reference number W/19/0340

Summary

The proposed changes to the Section 106 Agreement are considered to be in accordance with the Council's policies and serve the planning purposes equally as well as the original version. It is therefore recommended that the Section 106 is amended as requested.