

Planning Committee: 21 October 2020

Item Number: **Urgent Item**

Application No: W 19 / 1858

Registration Date: N/A

Expiry Date: N/A

Town/Parish Council: Warwick

Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Former Tamlea Building, Nelson Lane, Warwick, CV34 5JB

Redevelopment of the former Tamlea Building for residential purposes (100% affordable), (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure. FOR Orbit Group Limited

This report is being brought to Committee, with the agreement of the Chair, in connection with the consideration of an ongoing appeal against the refusal of this application.

Following the recent Hearing being conducted into that appeal, as a result of the likely imminent timing of the Inspectors decision, this matter has come forward to this meeting as an urgent item.

Recommendation

Planning Committee are recommended to delegate authority to officers to agree to the completion of the Section 106 Agreement the subject of this report as set out below.

Recent Planning History

W/19/0067 - Application withdrawn for redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure, to provide 31 affordable residential units.

W/19/1858 – Submission of revised scheme in respect of the above. Refused due to noise related amenity concerns; the related impacts upon a local business; and the absence of a legal agreement to secure the required infrastructure provision and contributions.

Relevant Policies

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- H1 - Directing New Housing DM1 – Infrastructure Contributions

Assessment

This report relates to the above planning application which, following its consideration at your meeting of 3 March 2020 was refused planning permission.

The applicants have appealed against the refusal and a hearing into the appeal was conducted on 6 October 2020. As part of the appeal process, a completed legal agreement is required to secure the necessary contributions in the event that the appeal is allowed.

There is no delegated authority for officers to sign a Section 106 Agreement without a Committee resolution to grant planning permission for the development in question and thus, without Committee authority, there is no provision to secure the necessary provision and contributions.

Further, the completion of a Section 106 Agreement does not in any way undermine the Council's position in defending the appeal. It is, however important in securing the necessary infrastructure provision and contributions, should the Inspector decide to grant planning permission.

This report therefore seeks authority from Planning Committee for officers to agree to the completion of a section 106 agreement to secure the following contributions which have been requested by consultees as part of the appeal process:-

- **Amenity Area Off Site Provision: £64,728.00** to be applied towards the upgrading of local open spaces at St Nicholas Park, Warwick and/or the Canalside Play Area and Recreation Ground, Warwick
- **Education Contribution: £97,015.00** towards secondary school places (approved by WCC and expressed as a per dwelling formula in the s106)
- **Grass Pitch Contribution: £9,028.00** to be applied towards the improvement of grass pitches at Harbury Lane, St Nicholas Park, St Mary's Lands and Newbold Comyn
- **Highways Contribution: £15,000.00** to be applied towards a sustainable cycle scheme on Coventry Road (approved by WCC)
- **Indoor Sports Facilities Contribution: £23,256.00** to be applied towards the provision of indoor sports facilities at St Nicholas Park Leisure Centre, Newbold Comyn Leisure Centre, Abbey Fields Swimming Pool and Kenilworth School Community Sports Centre
- **Outdoor Sports Facilities Contribution: £2,083.00** to be applied towards the provision of outdoor artificial sports facilities at St Nicholas Park, Racing Club Warwick and Newbold Comyn
- **Public Open Space Contribution: £145,080.00** to be applied towards the improvement of footpaths and signage at Priory Park

- **Road Safety Contribution: £1,450.00** to support road safety initiatives within the community (approved by WCC)
- **Sustainable Travel Pack Contribution: £290.00** to be used for the purpose of providing information packs to be provided to the initial Owner and/or occupiers of the Dwellings to promote sustainable travel in the local area (approved by WCC)
- **WDC Monitoring Fee: £3,171.20**

Conclusion

The proposed contributions are considered to be appropriate and proportionate in delivering the necessary infrastructure arising from the proposed development and Committee are therefore requested to agree to the recommendation.