

Planning Committee: 11 October 2022

Item Number: 5

Application No: W/19/1030

Town/Parish Council: Bishops Tachbrook

Case Officer: Helena Obremski

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**Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road,
Leamington Spa**

Outline planning application for a proposed Primary School and Secondary School with 6th Form, sports pitch provision including flood lights, land for use as a Country Park and a residential development of up to 150 dwellings, with all matters reserved apart from access.

FOR Willmott Dixon Construction Ltd

Proposed Deed of Variation to the signed Section 106 Agreement

INTRODUCTION

This report relates to planning permission W/19/1030 which was previously presented to Members of the Planning Committee on 5th November 2019. The recommendation to committee was to grant outline planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed and the decision issued on 1st June 2020.

Since issuing the decision, it has been noted that the term "relevant dwelling" for education purposes within the agreement was not defined. This Deed of Variation therefore seeks to add an agreed definition of the aforementioned term into the agreement, for the purposes of clarity.

RELEVANT POLICIES

- National Planning Policy Framework
- DM1 – Infrastructure Contributions

ASSESSMENT

Officers require a committee resolution to allow the provision of a Deed of Variation to insert the definition of "relevant dwelling" into the Section 106 Agreement for completeness. Within the Section 106 Agreement the definitions of 'primary education contribution', 'primary SEN contribution' and 'post 16 education contribution' refer to 'relevant dwellings', which needs to be defined.

The definition would be added as follows: - relevant dwelling:

"means any Dwelling permitted by the Planning Permission excluding any Dwelling only having one bedroom and excluding any Dwelling which is designed and built specifically for use by elderly or retired persons."

The above is a standard definition within the context of the education contribution and ensures that contributions are only sought in respect of dwellings where children are likely to live.

RECOMMENDATION

That Committee approve the definition of "relevant dwelling" to be incorporated through a Deed of Variation to the Section 106 Agreement.