

Application No: W 20 / 1392

Town/Parish Council: Warwick
Case Officer: Helena Obremski
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Registration Date: 02/10/20
Expiry Date: 01/01/21

27 Upper Cape, The Cape, Warwick, CV34 5DS

Demolition of existing dwelling and erection of 15no. residential apartments and associated parking and amenity areas FOR Hamble Associates Ltd

This application was refused under delegated powers on 25th February 2021. An appeal has been submitted against the Council's decision to refuse the application and is currently under consideration by the Planning Inspectorate.

One of the reasons for refusal was the lack of submission of a legal agreement to secure the necessary planning obligations to make the development acceptable.

In order to overcome this reason for refusal, the appellant has submitted a S106 agreement, which has been agreed with the Council's Legal Services team. In accordance with the Council's scheme of delegation, it is necessary for Planning Committee to authorise the agreement before it can be sealed.

Planning Committee are therefore recommended to authorise the S106 agreement.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- DM1 - Infrastructure Contributions

Guidance Documents

- Open Space (Supplementary Planning Document - April 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)

SUMMARY OF RELEVANT REPRESENTATIONS

Cultural Services: No objection, subject to contributions of £963 towards improvements to outdoor sports, £11,787 towards improvements to indoor sports and £23,700 towards improvements to grass pitches.

WCC Infrastructure: No objection, subject to financial contributions of £593.73 towards improvements to public rights of way; £150 towards sustainable travel promotion; £750 towards road safety initiatives; and a monitoring fee of £450.

WCC Public Rights of Way: No objection, public bridleway WB4 runs along the section of the Cape Road adjacent to the application site but does not appear to be directly affected.

Open Space: No objection, subject to contribution of £61,612 towards the improvement of local public open spaces.

South Warwickshire Foundation Trust: No contributions required.

Housing: No objection.

Public Responses: 3 Objections: insufficient number of affordable housing units.

THE SITE AND ITS LOCATION

The application site currently benefits from one residential dwelling which faces at a 90 degree angle from the main highway. It is a brick built property, and the rest of the site serves as a parking area and garden for the dwelling. The dwelling is accessed from a shared service road with an industrial site to the north east and west of the application site. The industrial site is occupied by Maxi Group Ltd, a haulage company which operates 24 hours a day, 365 days a year without restriction.

Opposite to the application site is an area of wooded open space and nearby junction with Wedgenock Lane where further industrial sites are located. To the south east of the site, the Grand Union Canal crosses under Cape Road, and further along there are a mix of two and three storey residential dwellings and apartment blocks fronting the highway, with a modern wharf development behind which backs onto the canal. Since the determination of the previous applications, the application site now lies within the adopted Canal Conservation Area boundary.

DETAILS OF THE DEVELOPMENT

Demolition of existing dwelling and erection of 15no. residential apartments and associated parking and amenity areas.

ASSESSMENT

Only the proposed S106 agreement associated with the application can be considered at this time. The required planning obligations are as follows:

- provision of 6 no. units of affordable housing;
- a contribution of £63,612 towards public open space;
- a contribution of £963 towards outdoor sports facilities;
- a contribution of £11,787 towards indoor sports facilities;

- a contribution of £23,700 towards grass pitch improvements;
- a contribution of £36,828 towards off site mitigation for private amenity areas;
- a contribution of £2,379 towards section 106 monitoring costs (WDC);
- a contribution of £150 towards sustainable travel promotion;
- a contribution of £750 towards road safety; and
- a contribution of £593.73 towards public rights of way improvements;
- monitoring fee for WCC of £450

The proposed affordable housing provision (6 units) is in accordance with the Council's Housing departments requirements, who have no objection to the proposed development. Members of the public objected to the number of proposed affordable units, however, this represents a policy compliant provision of affordable units.

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions would adequately mitigate the impact of the development on these services.

It is considered that the above section 106 provisions meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, i.e. they are considered necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related to the development in scale and kind.

The appellant has agreed to all of the above contributions which are included in the legal agreement. Therefore, it is recommended that the Planning Committee authorise the S106 agreement. This would in no way prejudice the Council's decision to refuse the application or ability to defend the remaining reasons for refusal of the application.