

**Planning Committee:** 17 June 2020

**Item Number:** Urgent Item

**Application No:** W18/2099

**Town/Parish Council:** Warwick

**Case Officer:** Lucy Hammond  
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**Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout**

Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (outline application discharging access with all other matters reserved)  
For Coventry and Warwickshire Development Partnership ("CWDP")

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**INTRODUCTION**

This report relates to the above planning application reference W/16/0239 which was granted on the 10<sup>th</sup> July 2017 and subsequently varied on 5<sup>th</sup> February 2019 under reference number W18/2099 ("the Variation Application").

This proposal seeks minor variations to the content of the Section 106 Agreement dated the 4<sup>th</sup> February 2019 which was entered into as part of the Variation Application and which provided for the payment of a contribution by CWDP within 28 days of the commencement of construction of a roundabout scheme at Stoneleigh by the County Council ("the Roundabout Scheme"). The agreement also provides that if the commencement of the construction of the Roundabout Scheme has not taken place by the 30<sup>th</sup> June 2020 that the CWDP will construct and complete a signal scheme at Stoneleigh.

The County Council will not now be in a position to award the main works contract and start construction by 30 June 2020 because of a number of issues within the project development that has caused delay. CWDP have agreed to extend the date from 30 June 2020 and it is anticipated that a new variation agreement will extend the date to 30 September 2020. The recommendation is that the date for commencement of the construction of the Roundabout Scheme be extended for a period of up to 6 months from the date of the completion of the Deed of Variation.

The County Council first advised the Council that they would need to amend the Section 106 Agreement to extend the date on 8 June 2020. Subsequent legal advice was that Warwick District Council's Planning Committee should approve any variation and also that the Council as LPA should be a party to any further Deed of Variation. This has had to be brought to Planning Committee as an urgent item as the Section 106 Agreement needs to be varied before 30 June 2020 and this is the last Planning Committee that will take place before that date.

It has been agreed with the Chair of the Planning Committee that this matter can be dealt with as an urgent item as the proposed Deed of Variation must be completed prior to the 30<sup>th</sup> June 2020.

### **RECOMMENDATION**

Planning Committee are recommended to resolve to agree and authorise the proposed changes to the Section 106 agreement to extend the time period for the commencement of construction of the Roundabout Scheme by the County Council to up to 6 months from the date of the Deed of Variation and to make any consequential amendments.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

### **ASSESSMENT**

The main issue relevant to the consideration of this proposal is whether the variations would continue to enable the delivery of a sustainable development that mitigates its impact through appropriate infrastructure contributions having regard to the Council's policies and national planning guidance.

Further Section 106A of the Town and Country Planning Act 1990 provides that in considering a request to vary a Section 106 Agreement the Local Planning Authority should consider that *"if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications"*.

The proposed variations will provide the County Council with additional time in which to commence construction of the Roundabout Scheme and will ensure that payment of the necessary infrastructure from CWDP is secured. As such it is the view of officers that the variations would continue to enable the delivery of a sustainable development that mitigates its impact through appropriate infrastructure contributions in accordance with the Council's policies and national planning guidance.

It is also the view of officers that the obligation continues to serve a useful purpose but would serve that purpose equally well if varied in accordance with the proposal. As such the proposal meets the requirements of Section 106A.

### **SUMMARY / CONCLUSION**

The proposed variations to the Section 106 Agreement require authority from Members. The proposals have been fully justified and Members are requested to authorise the variations as set out within this report.