

Planning Committee: 4 February 2014

Item Number: 7

Application No: W 04/2251

Town/Parish Council: Warwick

Registration Date: 22/12/04

Expiry Date: 16/02/05

Case Officer: Penny Butler
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**South West Warwick Development, Land adjacent Narrow Hall Meadow,
Warwick, CV34 6DQ**

Variation of Section 106 Agreement relating to Construction of a 'local centre'
FOR Taylor Woodrow Developments Ltd

This application is being reported to Planning Committee because it is recommended that an existing legal agreement relating to the approved application be varied.

RECOMMENDATION

Planning Committee are recommended to resolve to vary the Section 106 agreement to allow the community centre maintenance sum of £97,739 to be used for the construction of the community centre.

PLANNING HISTORY

Outline planning permission was granted in 2006 for the construction of a local centre, which included the site for a community centre. This permission was the subject of a Section 106 agreement which secured the handing over of the site, and the part funding of the construction of a community centre on it. The agreement secured the payment of a sum to be used for the construction of the community centre, and a sum for its future maintenance. A reserved matters application for the centre was then granted later in 2006 (W/06/1096).

DETAILS OF THE DEVELOPMENT

The developer has requested a variation to the legal agreement to allow the maintenance sum (£97,739) to be used for the construction of the building rather than for maintenance purposes. The community centre construction sum would then increase from £519,230 to £616,969.

THE SITE AND ITS LOCATION

The application site consists of the recently completed Chase Meadow Community Centre on Narrow Hall Meadow, forming part of the local centre for the Chase Meadow housing development. The building is a multi-use building, containing a

sports hall, meeting hall, meeting rooms and kitchen, and is run as a partnership with St Michaels Church.

RELEVANT POLICIES

- SC14 – Community Facilities (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

ASSESSMENT

During the design stage of the project, the scale and specification of the centre increased in order to meet the needs and aspirations of the Chase Meadow community. In addition, the economy also saw an increase in construction costs. These two factors contributed to a funding gap, which jeopardised the viability of the provision of the community centre. To resolve this issue it was therefore agreed with Taylor Wimpey to use the maintenance sum to bridge the funding gap.

Warwick District Council is the freeholder of the new community centre and has granted a 999 year lease to Chase Meadow Community Partners, a community based charitable company, to run and maintain the facility. Under the terms of the lease Chase Meadow Community Partners have full responsibility for the running costs and future maintenance of the centre. The Chase Meadow Partners are aware of the proposed change to the S106 and that they will be liable for all future maintenance costs.

The NPPF at paragraph 205 requires that where planning obligations are being revised, that local authorities take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. If the funding gap for the Centre had not been bridged then the construction and delivery of the Centre would have been delayed indefinitely whilst alternative funding was sought. This would have been to the detriment of the local community in the short term.

The long term funding for maintenance of the building has been considered and in order to enable the Centre to become sustainable, Chase Meadow Community Partners have developed a Business Plan. The business plan makes provision for a sinking fund (of £1000 p.a.) to pay for the future maintenance of the building. The ethos behind the Centre is that this is a facility which is "owned" and run by the Chase Meadow community, with limited input from the Council. However, to ensure that the Council is able to provide sufficient support to the Centre, a WDC Councillor has been appointed as a Director to Chase Meadow Community Partners. This will enable the Council to be aware of any potential problems with the Centre including the financing of the maintenance of the building.

SUMMARY/CONCLUSION

On this basis it is considered that the proposed change to the S106 is acceptable, and that this approach would comply with the requirements of the NPPF paragraph 205.