Planning Committee: 24 June 2022 **Item Number:** -Urgent

Application No: W 20 / 0617

Town/Parish Council: Whitnash
Officer: Phillip Clarke
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Land South of Chesterton Gardens, Leamington Spa

Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space (all matters reserved apart from access) FOR AC Lloyd (Homes) Ltd.

INTRODUCTION

This report is being brought to Committee as an Urgent Item because it is necessary for a decision to be made speedily prior to your next scheduled meetings whilst work on agreeing some of the final sums continues.

HISTORY

Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space (all matters reserved apart from access) FOR AC Lloyd (Homes) Ltd. **REFUSED 2.2.2021**

RELEVANT POLICIES

- National Planning Policy Framework
- DM1 – Infrastructure Contributions

ASSESSMENT

This report relates to the above planning application which was refused planning permission by Planning Committee on 2 February 2021 with the decision being issued on 12 February 2021.

The application had been recommended to Committee for approval by Officers subject to the signing of a Section 106 Agreement to secure a range of obligations from the developer. The obligations that are to be included in the Section 106 agreement are as follows:

- Contribution of £2,000 towards sustainable travel promotion for future occupants.
- Contribution of £4,378 towards local library services.
- Contribution of £2,567,447 towards local education provision *(final sum under discussion)*
- Contribution towards off-site highway improvements *(amount under discussion)*.
- Contribution of £200,000 towards off-site cycling network improvements.
- Contribution of £194,396.07 towards delivery of NHS acute and community care infrastructure.
- Contribution towards improvement and/or extension of GP facilities *(amount under discussion)*

- Contribution of £33,645 towards recruitment and equipment, police vehicles and office accommodation by Warwickshire Police.
- Contribution of £157,316 towards expansion and/or improvements of indoor sports facilities.
- Contribution of £75,161 towards provision and/or improvements to artificial and grass pitches.
- Contribution of £67,405 towards Air Quality mitigation measures.
- Contribution of towards upgrade/provision of bus stops *(amount to be confirmed).*
- Provision of 40% Affordable Housing as part of the development.
- Agreement with the LPA on the provision of Open Space, the adoption of Open Space Areas and the payment of management/maintenance fees.
- Noise mitigation measures for dwellings on Brimstone End.
- Agreement with the LPA on the adoption of SUDS and payment of the management/maintenance fees.
- Agreement with the LPA of an Employment and Training Strategy to link local people with employment, training and contract opportunities arising from the development during the construction phase.
- Contribution towards the costs of the LPA and the County Council in monitoring the agreement *(amounts to be confirmed)*.
- Road Safety Contribution of £50 per dwelling

The applicants have appealed against the decision of the Local Planning Authority and the appeal will be heard at a public inquiry from 13 July 2021. As part of the inquiry process a signed Section 106 agreement is required in order to secure the contributions in the event that the appeal is allowed. This has to be submitted by 6 July 2021, prior to the next meeting of the Committee.

Officers do not have delegated authority to sign a Section 106 Agreement where there is no Committee Resolution to grant planning permission for the development.

The authorisation of the signing of a Section 106 agreement does not in any way reflect Committee's views on the merits of the proposed development it merely ensures that, in the event the appeal is allowed, appropriate infrastructure contributions are secured to mitigate the impact of the development and minimise any risk of that not being the case..

CONCLUSION

This report therefore seeks Authority from the Planning Committee to delegate authority to officers to continue to work with the appellant on finalising and signing the Section 106 Agreement in the terms outlined above in order to ensure that in the event that the appeal is allowed, all required infrastructure and contributions are secured.