

Planning Obligations – WCC Compliance Statement

LPA Reference R18/0186
Appeal Reference APP/E3715/W/23/3322013
Applicant Brandon Estates Limited
Site Address Coventry Stadium, Rugby Road, Coventry CV8 3GJ
Development Description Demolition of existing buildings and outline planning application (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from the Rugby Road, provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park

Paragraph 56 of the National Planning Policy Framework (NPPF) and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The table below shows details of the contributions to be requested by Warwickshire County Council. The figures below are based on the most recent planning application for 124 new dwellings.

| Planning Obligation | Test 1 Necessity | Test 2 Directly related to the proposed development | Test 3 Fair and reasonable in terms of scale and kind |
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| Traffic Regulation Order £6,000 towards a scheme for the extension of the existing 30mph speed limit on the A428. | The Warwickshire Local Transport Plan Policy RS1: Supporting the Government’s Commitment to Road Safety sates: The County Council supports the Government’s commitment to work with local authorities to deliver further improvements in road safety and will ensure Warwickshire contributes at least its fair share towards achieving this vision. | The contribute is sought to extend the existing 30MPH speed limit to include this site to support the safety of new residents and existing road users. | The request is based on existing costs associated with securing a Traffic Regulation Order (i.e. known advertising costs, etc. required as part of the approvals process to make changes to the TRO). |
| Road Safety Initiatives | The Warwickshire Local Transport Plan Policy RS1: Supporting the Government’s Commitment to Road Safety sates: | The contribution is based on the number of dwellings in order to provide road safety initiatives | The contribution is based on the number of dwellings to ensure that the scale of road |

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| <p>£50 per dwelling to support road safety initiatives within the community associated within the development. Road safety initiatives include road safety education for schools and training/education for other vulnerable road users within the area. Based on 124 dwellings the contribution requested is £6,200.</p> | <p>The County Council supports the Government’s commitment to work with local authorities to deliver further improvements in road safety and will ensure Warwickshire contributes at least its fair share towards achieving this vision.</p> <p>Policy RS12: Working with schools and others in addition to working to reduce casualties generally, the County Council will work in partnership with schools and others to:</p> <ul style="list-style-type: none"> • Deliver road safety education directly and through others; • Provide practical pedestrian kerbside training for infant school children; • Train cyclists; • Organise educational campaigns and events; • Make the journey to school safer. <p>Policy RS14: Young drivers and their passengers: The County Council will work with our partners, particularly the Police and Fire and Rescue, to change young people's attitudes to driving. It is considered that children start to form attitudes to driving from a very early age and we will therefore seek to foster correct attitudes to driving as part of our integrated approach in primary schools and start a dedicated programme from the first year of secondary school.</p> <p>Policy RS23: Engineering initiatives</p> | <p>targeted within the community of the development to mitigate the impact of the development on road safety</p> | <p>safety initiatives provided are in line with the scale of the development.</p> <p>Warwickshire County Council requests contributions towards promoting health and wellbeing within new developments by the delivery of appropriate road safety education, training and supporting infrastructure.</p> <p>WCC work closely with schools and local communities to educate and help children and adults stay safe. These courses help give children the skills to use appropriate infrastructure safely for walking and cycling. They give parents the confidence to allow their children to walk and cycle, thereby offering a realistic opportunity to reduce car borne traffic, further enhancing the sustainable credentials of new development.</p> |
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| | <p>The County Council will work with our partners to:</p> <ul style="list-style-type: none"> • Implement casualty reduction (local safety engineering) schemes • Ensure that development does not adversely affect road safety • Maintain roads in a safe condition for all users | | |
| <p>Sustainable Travel</p> <p>Warwickshire County Council requests £10 per dwelling towards the cost of providing a sustainable welcome pack for all new homes. Funds will also support the promotion of road safety.</p> <p>Based on 124 dwellings the contribution will be £1240, alternatively the developer may provide the sustainable welcome pack under a planning condition as part of their new dwelling welcome information.</p> | <p>Warwickshire County Council has requested contributions in line with guidance and strategies set out in:</p> <ol style="list-style-type: none"> 1. Policy LUT3 (APPENDIX 4) of the Warwickshire Local Transport Plan 3 states: "The County Council will promote sustainable development and seek developer contributions, where appropriate, to provide for public transport, community transport, pedestrian and cycling facilities, traffic management measures and travel packs to serve new developments" 2. The contribution will also be used to promote sustainable travel in the local area, in line with the following proposed Policies of LTP3; 3. Policy CTB6 (APPENDIX 5): Travel Awareness Campaigns "We will carry out a range of travel awareness initiatives to promote the benefits of sustainable modes of transport" | <p>The contribution is requested to ensure all new households within the developments are provided with a sustainable travel pack to encourage and assist them to make sustainable transport choices when they move to the appeal site.</p> | <p>The contribution is based on the number of dwellings to ensure that sustainable travel initiatives provided are in line with the scale of the development.</p> |

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| | <p>and encourage more people to walk, cycle or use public transport for local journeys.”</p> <p>4. Policy CTB7 (APPENDIX 6): Public Transport Information and Marketing</p> <p>“We will promote public transport as an attractive and sustainable travel choice and ensure that high quality information on public transport services is widely available.”</p> <p>It is considered that the policy base of this requested contribution is consistent with Section 4 of the NPPF.</p> | | |
| <p>Education - £1,200,051</p> <p>Early Years - £128,785 Primary - £676,121 calculated by formula but please note, it was agreed previously that as there were no plans to permanently expand Binley Woods Primary School, the contribution would be reduced to reflect the cost of providing a temporary classroom on site to cater for a future bulge class as needed. The contribution requested in respect of primary will be a flat rate of £300,000. Secondary - £582,087 Post 16 - £116,417 SEND - £72,762</p> | <p>Taking into account existing school places within the locality, the proposal would generate a requirement for 8 additional early years places, 42 additional primary school places, 30 additional secondary school places and 6 additional post 16 places. In addition, the forecast suggests that there will be 2 additional pupils with SEND.</p> <p>The Education Authority have calculated the education requirement from the new development using their most recent formula as Education cost per place x no. of pupils = contribution.</p> <p>This contribution is considered to support the requirement for development to secure proper arrangements for the provision of the full range of physical and social</p> | <p>The requested contributions are based on a formulaic approach to mitigate against the impact of the development upon the education provision within the Borough.</p> <p>The Early Years contributions have been requested to enable an increase in early years provision within 3 miles of the site to support new residents.</p> <p>The Primary element will be used to support the provision of a temporary classroom at Binley Woods Primary School.</p> <p>The secondary and post 16 contributions will be used to</p> | <p>The Education Authority's request for education contributions is based on current and forecast surplus/deficit capacity of pupil numbers in priority area schools.</p> <p>Costs are assessed in line with current DfE build rates.</p> |

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| <p>Please see appendix 1 for cost calculation breakdown.</p> | <p>infrastructure necessary to support a proposal. This is also consistent with paragraph 72 of the NPPF which seeks to provide a widened choice in Education.</p> <p>Where relevant, contributions may be made to a wider 'pot' of funds where multiple developments have cumulative impacts and require combined comprehensive mitigating measures.</p> | <p>support the delivery of additional school places within Rugby Borough. There is a recognised shortage of places within the Borough and discussions are ongoing with existing providers about how this need can be met. The final solution will not be known until after a formal consultation exercise has taken place.</p> <p>The SEND contribution will be used to support attendance at the school named in an individual's Education and Healthcare Plan. This could be through adaptations to an existing school or used to support the expansion of a school.</p> | |
| <p>Public Rights of Way</p> <p>£7,630 towards improvements (including upgrading stiles, gates, bridge improvements and path surface improvements) to public rights of way within a 1.5 mile radius of the Development.</p> <p>Please see appendix 2 for cost calculation breakdown.</p> | <p>The request is supported by 'Policy W10: Recreational walking' of Warwickshire County Council's Local Transport Plan 2011-26 'The County Council will develop, support and promote opportunities for recreational walking in the County.'</p> <p>This is in line with DfT advice to authorities to consider the national transport goals as over-arching priorities for their Local Transport Plans. The rights of way network contributes to the following national transport goals: '1. By contributing transport links for walkers and cyclists between areas of settlement which enables them to have</p> | <p>The 1.5 mile radius is the radius used by a typical dog walker taking a 3 mile walk from the development. The cost per resident of the improvements required is based on residency figures for local wards and is therefore directly related to the development area.</p> | <p>The calculation used also takes in to account the estimated number of future residents based on the type and number of dwellings and is therefore directly related to the proposed development. Cost estimates are based on the path numbers named in the request to ensure they are reasonable in scale and kind to the development.</p> |

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| | <p>an alternative to the car. 6. By making the recreational highway network more accessible and more attractive to non-traditional countryside users. 7. By promoting and supporting Warwickshire as a destination for walkers, cyclists and horseriders from outside the area. 8 By providing recreational walkers, cyclists and horseriders with routes which are off the tarmac road network wherever possible' The Public Rights of Way contribution ensures that the impact on those priorities as a result of this development will be mitigated.</p> | | |
| <p>Administration and Monitoring fee</p> | <p>The County Council employs a S106 Monitoring Officer to oversee the collection, allocation and report spend on Developer Contributions.</p> <p>The CIL Regulations state that Authorities can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation.</p> <p>Fees could be a fixed percentage of the total value of the section 106 agreement or individual obligation; or could be a fixed monetary amount per agreement obligation (for example, for in-kind contributions). Authorities may decide to set fees using other methods. However, in all cases, monitoring fees must be proportionate and</p> | <p>The administration and monitoring fee will only be used to monitor the S106 in respect of this application.</p> | <p>The amount requested is linked to the size and complexity of the agreement.</p> <p>For a development of 124 dwellings the County Council requests A fee of £500 + (5 hours x £40 officer time x the number of trigger points)</p> |

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| | <p>reasonable and reflect the actual cost of monitoring.</p> <p>The County Council's estimated charges for monitoring are published on the Authorities website.</p> <p>https://www.warwickshire.gov.uk/developer-contributions/guidance-applicable-planning-applications/5</p> | | |
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Appendix 1 – Education Calculation

1. Early Years Contribution

Contribution: £128,785 calculated in accordance with the formula below.

Formula: $EYEC = (N/100 \times 4.83 \times 1.4)$ (rounded to a whole number) \times £16,908

Where:

N = Number of relevant dwellings

4.83 = crude birth rate rounded to 2 decimal places

1.4 = number of full-time years

£16,908 = cost per place for expansion based on latest DfE figures

£19,023 = cost per place for new provision based on latest DfE figures

2. Primary Education Contribution

Contribution: £676,121 calculated in accordance with the formula below.

Formula: $PEC = (N/100 \times 4.83 \times 7)$ (rounded to a whole number) \times £19,023

Where:

N = Number of relevant dwellings

4.83 = crude birth rate rounded to 2 decimal places

7 = number of full-time years

£16,908 = cost per place for expansion based on latest DfE figures

£19,203 = cost per place for new provision based on latest DfE figures

3. Secondary Education Contribution

Contribution: £582,087 calculated in accordance with the formula below.

Formula: $SEC = (N/100 \times 4.83 \times 5)$ (rounded to a whole number) \times £23,243

Where:

N = Number of relevant dwellings

4.83 = crude birth rate rounded to 2 decimal places

5 = number of full-time years

£19,403 = cost per place for expansion based on latest DfE figures

£23,243 = cost per place for new provision based on latest DfE figures

4. Post 16 Education Contribution

Contribution: £116,417 calculated in accordance with the formula below.

Formula: $P16EC = (N/100 \times 4.83 \times 1)$ (rounded to a whole number) \times £19,403

Where:

N = Number of relevant dwellings

4.83 = crude birth rate rounded to 2 decimal places

1 = number of full-time years

£19,403 = cost per place for expansion based on latest DfE figures

£23,243 = cost per place for new provision based on latest DfE figure

5. Primary SEN Contribution

Contribution: Calculated in accordance with the formula below.

Formula: $PSEN = (N/100 \times 4.83 \times 7 \times 1.3\%)$ (rounded to a whole number) x £36,381

Where:

N = Number of relevant dwellings

4.83 = crude birth rate rounded to 2 decimal places

7 = number of full-time years

1.3% = SEN cohort as a percentage of pupils

£36,391 = cost per place based on latest DfE figures

6. Secondary/Post 16 SEN Contribution

Contribution: £72,762 calculated in accordance with the formula below.

Formula: $S/P16SEN = (N/100 \times 4.83 \times 6 \times 2.1\%)$ (rounded to a whole number) x £36,381

Where:

N = Number of relevant dwellings

4.83 = crude birth rate rounded to 2 decimal places

6 = number of full-time years

2.1% = SEN cohort as a percentage of pupils

£36,381 = cost per place based on latest DfE figures

Appendix 2 - Public Rights of Way

Public Rights of Way Contribution Request Calculation Coventry Stadium R18/0186

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| Km of RoW within catchment area: | 25.3 |
| Average stiles per km (BVPI) | 1 |
| Estimated stiles in catchment area: | 25.3 |
| Average gates per km (BVPI): | 1.77 |
| Estimated gates in catchment area: | 44.781 |
| Average percentage of gates needing improvement (BVPI): | 7.20% |
| Estimated number of gates needing improvement: | 3.224232 |
| Estimated total gate installations: | 28.524232 |
| Average cost per gate (based on orders): | £290.00 |
| Estimated cost of gate installations: | £8,272.03 |
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| Average percentage of substandard surface (BVPI): | 30% |
| Estimated km needing resurfacing: | 7.59 |
| Average cost per km of resurfacing (based on orders): | £54,400.00 |
| Estimated cost of resurfacing: | £412,896.00 |
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| Estimated total cost of improvements: | £421,168.03 |
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| Residents per ward in catchment: | |
| East Craven and Wolston | 5491 |
| Lawford and Kings Newnham | 3231 |
| Dunchurch and Knightlow | 5353 |
| Fosse | 3545 |
| Ward Name | 0 |
| Total residents within catchment: | 17620 |
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| Cost per resident: | £23.90 |
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| Estimated ontribution based on average occupancy rates: | |
| Number of housing units: | 137 |
| Average occupancy rate: | 2.33 |
| Estimated number of residents: | 319.21 |
| Estimated total contribution: | £7,630.03 |

Rights of Way Contribution Request

Application reference: R18/0186

Site name: Coventry Stadium

List of Path Numbers of Public Rights of Way within a 1.5 radius of the development site:

R75a R75s R77x-R79 R80a R133-R145 R279 R303 R304