

**Council meeting: Wednesday, 27 July 2022**

Notice is hereby given that a meeting of Warwick District Council will be held at the Town Hall, Parade, Royal Leamington Spa, on Wednesday, 27 July 2022 at **6.00pm**.

**Agenda**

**1. Apologies for Absence**

**2. Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct. Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

**3. Minutes**

To confirm the minutes of the meeting of the Council held on 11 May 2022.

**(Pages 1 to 14)**

**4. Communications and Announcements**

**5. Petitions**

**6. Notices of Motion**

- (a) to consider a notice of motion proposed by Councillor Davison and seconded by Councillor Quinney in respect of Viability reports and assessments.

Following recent uncertainties over the handling of viability reports, this Council recognises the need to set out what is required by applicants, in line with government NPPF guidance and WDC's local plan, which other authorities already do for example [Ashford Borough Council](#) and [Guildford Borough Council](#) Borough.

Therefore Council is requested to resolve to ask the Cabinet to adopt the following guidance for planning applicants, by 31 December 2022:

1. Applicants must be informed at the pre-application stage that planning applications that comply with the local plan are assumed to be viable,

as it has been fully viability tested.

2. In the rare cases where an applicant is unable to meet the full planning obligations required in the local Plan), they should submit a viability report at the pre-application stage; or at the latest with the planning application in time to be considered by the Planning Committee.
    - a. They will need to give clear reasons how the assumptions in the local plan have changed.
    - b. As stated in the NPPF, 'realisation of risk' (i.e. developer's costs) is not a valid reason.
  3. No viability report will be considered after outline or full planning permission has been granted, except in the most exceptional circumstances, such as discovery of previously unknown land contamination or subsidence. If officers consider these exceptional circumstances have been met, the matter would need to be considered by the Planning Committee.
  4. If a viability assessment is correctly undertaken in accordance with the above constraints, the Planning Committee is to decide what weight (if any) to give it.
- (b) to consider a notice of motion proposed by Councillor Quinney and seconded by Councillor Davison in respect of Supplementary guidance on the 'Main thoroughfares' exception in Plan Policy H6

One of the two exceptions in HMO policy H6 states

*"Exceptions a) **may be made** where the application site is located... on a main thorough fare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking)"*

and

*"main thoroughfares will normally be defined as A and B roads and mixed use areas are defined as those with a predominance of non-residential uses"*

Over the years there has been confusion and inconsistency in the interpretation of this exception. A lengthy supplementary guidance document was issued in 2019, to address this problem but with only partial success: see

[https://www.warwickdc.gov.uk/info/20794/supplementary\\_planning\\_documents\\_and\\_other\\_guidance](https://www.warwickdc.gov.uk/info/20794/supplementary_planning_documents_and_other_guidance).

After examination of the approach taken by other authorities with similar HMO policies, discussions with a group of senior officers and Councillors, and informal consultation with residents, a list of Leamington streets to which this exception applies was carefully developed and shared with officers:

The Parade

Bath Street

High Street (= Lower Avenue to George St)

Clemens Street

Spencer Street

Warwick Old Road (= Lower Avenue to Roundabout)

Newbold Terrace E from Parade to Newbold St only

Regent Grove  
 Regent St from Regent Grove to Dale St  
 Regent St South side only, from Dale St to Somers Place.  
 Warwick St from Willes road to Portland St only  
 Warwick Place from Dale St to Warwick Terrace only  
 Clarendon Ave from Hall Rd to Chandos St only

It is proposed that:

1. the data above is transferred to a map by officers, the approach taken in other authorities, for ease of use by all parties
2. the current supplementary guidance is replaced by:  
*The map below indicates the only main thoroughfares within the designated area to which the second policy exception may apply, having a predominance of non-residential uses.*

Therefore this Council is requested to resolve to ask Cabinet to adopt the proposed new supplementary guidance on the H6 policy 'main throughfares' exception by 31st December 2022

- (c) to consider a notice of motion proposed by Councillor Roberts and Seconded by Councillor King in respect of the Adoption of Nationally Described Space Standards (NDSS)

Following the government's 2015 publication of the [NDSS](#) re-establishing minimum internal space standards for residential housing, authorities were invited to adopt them where they feel they are justified. Many have done so, including such different authorities as [Cotswolds](#), [Oxford](#) and [Nottingham](#), three to four years ago.

WDC Housing and Milverton Homes have both recently adopted this government standard for all their newbuilds. However, there is significant evidence that many local private developments do not meet these standards; for example, from the fact that a high proportion of S106 affordable homes currently being completed and offered to social housing providers do not meet WDC's minimum space standards.

Research in late 2016 by two building industry professionals covering a sample of 116 locally completed dwellings indicated that perhaps three quarters of new houses in the District were being built below these standards, a quarter well below.

<i>No of dwellings</i>	<i>Comparison with NDSS standards.....</i>			
	<i>No. meeting NDSS....</i>	<i>No falling short by.....</i>		
		<i>1-9%</i>	<i>10-20%</i>	<i>20% +</i>
<i>116</i>	<i>25</i>	<i>64</i>	<i>24</i>	<i>3</i>
<i>100%</i>	<i>22%</i>	<i>55%</i>	<i>21%</i>	<i>2%</i>

This tallies with the national picture outlined in the 'Case For Space' report by the Royal Institute of British Architects [RIBA](#). This stated "new homes in the UK not only appear to be shrinking, but are also the smallest in Western Europe". In the Netherlands, new homes are 53% bigger than the UK average. RIBA stated that "people believe that newly built homes fail to provide .... adequate space inside... the home".

Therefore Council is requested to resolve to ask the Cabinet:

1. to adopt NDSS in Warwick at the earliest possible date, whether through a DPD or as part of the emerging Local Plan.

2. that all housing planned by the Council and its partners (for example Housing Associations) adopt and publicise these standards with immediate effect, and
3. that the residential design guide be reissued by January 2023, incorporating this emerging policy, giving it some weight in the planning process and encouraging early adoption by all developers.

## **7. Leader and Portfolio Holders' Statements**

## **8. Questions to the Leader of the Council & Portfolio Holders**

## **9. Minutes**

To approve the minutes of the following Committees, which are no longer in place, as a true record

- (a) Joint Appointments Committee 10 March 2022 **(Pages 1 to 2)**
- (b) Finance & Audit Scrutiny Committee 13 April 2022 and 10 May 2022 **(Pages 1 to 8)**

## **10. Membership of Committees & Work Parties**

To consider any revisions to the membership of Committees, informal working parties or outside appointments from Group Leaders.

- (a) Councillor A Dearing be appointed as a substitute for the planning committee
- (b) SWLP advisory group – to confirm the appointment of Councillors Boad, Cooke, Davison, Margrave, Quinney and Rhead
- (c) Councillor King be appointed to Licensing & Regulatory Committee in place of Councillor Mangat;
- (d) Councillor King be appointed to the Audit & Standards Committee to fill the Labour vacancy on the Committee;
- (e) Councillor King be appointed to the Overview & Scrutiny Committee in place of Councillor Davison (from Green Group) as the Conservatives have transferred the offer of one of their seats based upon the revised political proportionality following the by-election in June;
- (f) To appoint Councillor Davison as a sub for Overview & Scrutiny Committee after he has been removed as a member of the Committee; and
- (g) To appoint Councillor Redford in place of Councillor Ashford on the Licensing & Regulatory Committee.

## **11. Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

## **12. Cabinet Report**

To consider an excerpt from the Confidential Cabinet meeting of 25 May 2022 **(Pages 1 to 7)**

### 13. Common Seal

To authorise the affixing of the Common Seal of the Council to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.



Chief Executive  
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