

Warwick District Council

Minutes of the meeting held on Wednesday 23 April 2014, at the Town Hall, Royal Leamington Spa at 7.25pm.

PRESENT: Councillors; Barrott, Mrs Blacklock, Boad, Mrs Bromley, Brookes, Mrs Bunker, Caborn, Coker, Copping, Cross, Ms De-Lara-Bond, Ms Dean, Dhillon, Doody, Edwards, Mrs Gallagher, Gifford, Gill, Mrs Goode, Mrs Grainger, Hammon, Heath, Mrs Higgins, Illingworth, Kirton, MacKay, Mrs Mellor, Mobbs, Rhead, Mrs Sawdon, Shilton, Mrs Syson, Vincett, Weber, Wilkinson, Williams and Wreford-Bush.

Apologies for absence were received from Councillors Davies, Mrs Falp, Guest, Kinson, Mrs Knight, Pittarello, Pratt and Weed.

In the absence of Councillor Davies (Chairman of the Council), Councillor Mrs Sawdon (Vice-Chairman of the Council), chaired the meeting.

117. **Declarations of Interest**

Minute 122 – Local Plan Submission

Councillors Caborn, Gifford, Kirton and Shilton declared that they had a Disclosable Pecuniary Interest in this item because they were Warwickshire County Councillors. However, they had been granted dispensation by the Standards Committee to participate and vote on this matter.

Councillor Boad declared that he had a Disclosable Pecuniary Interest in this item because his wife was a Warwickshire County Councillor. However, he had been granted dispensation by the Standards Committee to participate and vote on this matter.

Councillor Caborn declared a personal interest because the owner of the land identified as Kingswood in the local plan was known to him.

Councillor Caborn declared a personal interest because he was a trustee for the Thomas Oken Charity and Lapworth Charity which were land owners affected by the Local Plan, but he had not participated in discussions on this with them or attended a meeting of their trust for 18 months.

Councillors Brookes, Mrs Bunker, Coker, Copping, Cross, Dhillon, Gifford, Gill, Mrs Grainger, Hammon, Illingworth, Mrs Mellor, Mobbs, Shilton, Vincett and Wilkinson declared personal interests because they were either a Parish or Town Councillor within Warwick District.

118. **Minutes**

The minutes of the meeting of the Council held on 26 March 2014 were approved as a correct record and signed by the Chairman.

119. Communications and Announcements

The Chairman recorded the best wishes of the Council to Councillor Davies following his recent heart attack.

The Chairman recorded the best wishes of the Council to Councillor Mrs Knight following her recent operation.

The Chairman recorded the best wishes of the Council to Councillor Pratt following his operation earlier that day.

The Chairman congratulated Councillor Heath on his golden wedding anniversary and presented him with flowers on behalf of the Council.

The Chairman offered the thoughts of the Council to Councillor Mrs Goode following the passing of her husband.

The Chairman informed Council that there would be no business under items; 5, Public Interest Debate; 6, Petitions; 7, Notices of Motion; 8, Public Submissions; 9, Questions to Committee Chairmen; and 10, Questions to Portfolio Holders.

120. Leader's and Portfolio Holders Statements

There were no statements made.

121. Questions to the Leader

There were no questions to the Leader.

122. Local Plan Submission Draft

The Council considered a report from Development Services that sought the approval of Council for the Local Plan Submission Draft and Policies Map and set in motion the publication process and period of representations leading to the submission of the Local Plan to the Secretary of State.

The report was a joint report that also sought approval for a number of associated recommendations to enable the progress of the Draft Local Plan and associated documents. However, these were to be considered by the Executive which were to meet at the conclusion of the Council meeting.

The Draft Local Plan, set out in Appendix 1 to the report, put forward proposals and policies to help support and shape the development that the District needed up to 2029. The Draft Local Plan was linked to the Policies Map, set out at Appendix 2 to the report, which showed how the Local Plan policies would be applied across different parts of the District.

The Town and Country Planning Regulations 2012 required the Local Plan and Policies Map to proceed through a number of key stages. This report brought to an end the "preparation" stage as set out in regulation 18 of the 2012 Regulations and commenced the "publication" stage of the Local Plan as set out in Regulation 19.

Following approval for publication, Regulation 20 of the Town and Country Planning Regulations required that the Draft Local Plan, Policies Map and Sustainability Appraisal would be open to representations for a period of six weeks.

The Regulations required that the following documents were published alongside the Draft Local Plan and Policies Map:

- the Sustainability Appraisal report of the Local Plan (this was available on the Council's website),
- a statement setting out—
 - (i) which bodies and persons were invited to make representations under regulation 18,
 - (ii) how those bodies and persons were invited to make such representations,
 - (iii) a summary of the main issues raised by those representations, and
 - (iv) how those main issues had been addressed in the Development Policy Document, and such supporting documents as in the opinion of the local planning authority were relevant to the preparation of the Local Plan; and
- a "statement of the representations procedure" specifying—
 - (a) the title of the Local Plan which the local planning authority proposed to submit to the Secretary of State;
 - (b) the subject matter of, and the area covered by, the Local Plan;
 - (c) the date by which representations about the Local Plan must be received by the local planning authority, which must be not less than 6 weeks from the day on which the statement was published;
 - (d) the address to which representations about the Local Plan must be made;
 - (e) that representations could be made in writing or by way of electronic communications; and
 - (f) that representations could be accompanied by a request to be notified at a specified address of any of the following—
 - (i) the submission of the local plan for independent examination under section 20 of the Act,
 - (ii) the publication of the recommendations of the person appointed to carry out an independent examination of the local plan under section 20 of the Act, and
 - (iii) the adoption of the Local Plan.

It was proposed to commence the period during which the Draft Local Plan, Policies Map and Sustainability Appraisal would be open to representations during the week commencing Monday 12 May 2014. This would allow sufficient time to prepare the publication documents. The six week period would end during the week commencing 23 June 2014.

With regard to the preparation of the publication documents, the proposal was as follows:

Draft Local Plan: to be published as shown in Appendix 1 subject to amendments agreed by Council and the addition of a Glossary of Terms.

Policies Map: to be published as shown in Appendix 2 subject to amendments agreed by Council.

Sustainability Appraisal Report: the sustainability appraisal process had informed the preparation of the Draft Local Plan. A report on this was published on the Council's website on 11 April 2014. It was proposed that this report be published for the period of representations.

Report of Public Consultation: the statement required to report on public consultations undertaken during the Regulation 18 preparation stage of the Local Plan would comprise of:

- the Report of Public Consultation shown in Appendix 3 of the report to Council,
- Part 1 of the Preferred Options Report of Public Consultation (Appendix 5 of the report considered by the Executive (and Council) on 4 June 2013)
- the "Helping to Shape the District" Report of Public Consultation published in December 2011.

A Statement of Representations Procedure must be prepared prior to the commencement of the period during which the publication documents were open to representations. It was proposed that the authority to finalise and approve this statement be delegated to the Chief Executive, in consultation with the Deputy Leader of the Council.

The preparation stage of the Local Plan must ensure that the Local Plan was consistent with the National Planning Policy Framework (NPPF) and should take account of up to date evidence and any representations made during the consultations. These matters should, therefore, be taken in to account by Council in considering the Draft Local Plan and the Policies Map.

The Report of Public Consultations, at Appendix 3 to the report, set out the material points raised during the following consultations:

- The Preferred Options Consultation 2012 - Part 2 (note that part 1 was reported to Executive (and Council) on 4th June 2013)
- The Revised Development Strategy Consultation 2013
- The consultation on the Preliminary Draft Charging Schedule for the Community Infrastructure Levy 2013.
- The Village Sites and Settlement Boundaries consultation during 2013/2014.

As set out in recommendation 2.2 of the report, the period during which the Draft Local Plan would be open for representations would begin the week commencing 12 May 2014 and would end during the week commencing 23 June 2014. The representations received during this period would be carefully analysed and, where these indicated that modifications to the plan could be justified, a table of proposed modifications would be submitted alongside the Local Plan.

It was proposed that if such modifications were required, that the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, would be authorised to submit a table of the proposed modifications to the Secretary of State. The Secretary of State would then make the necessary arrangements for an Independent Examination, as they would have been invited to amend the Draft Local Plan and/or the Policies Map

In the event that no modifications were proposed or that any appropriate modifications were of a minor nature (for example, if further useful detail could

be added to policies as a result of the representations received, slight updates made to policies from a revised evidence base, or factual errors needed to be corrected), then it was recommended that authority was again delegated to the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, for the Draft Local Plan and Policies Map to be submitted to the Secretary of State as set out in this report (or with any minor amendments).

Recommendations 2.5 and 2.6 would enable the submission date to be brought forward, the exact submission date would be dependent on the number of representations received, whether any modifications were required and, if so, the number of such modifications. However, it was estimated that submission could take place in late summer 2014.

It was proposed that delegated authority be granted to the Head of Development Services, in conjunction with the Deputy Leader of the Council, to make minor non-material amendments to the Local Plan before the commencement of the consultation. The purpose of this recommendation was to ensure that any minor issues identified, such as typographical errors in the document, could be amended before the consultation stage for the Submission Draft.

At its meeting on 4 June 2013, Executive agreed to consult on a Preliminary Draft Charging Schedule for the Community Infrastructure Levy (CIL). The key points arising from this consultation were summarised in the Report of Public Consultations, set out at Appendix 3 to the report.

The Local Development Scheme approved by Executive in February 2014 set out the intention to put forward a Draft Charging Schedule for approval as part of this report and for the period for representations to run in parallel with the Draft Local Plan. However, before this could be done, the CIL viability work needed to be revisited to ensure the points raised through the consultation were properly addressed and to ensure that the CIL was set at a level which maximised the contributions to infrastructure without undermining the viability of development. This was particularly relevant in light of the recent upturn in the economy and housing market which meant the previous viability work now needed to be updated.

For this reason it was now proposed that the Draft Charging Schedule be considered by Council at its meeting on 25 June 2014 and that the Local Development Scheme was amended accordingly.

The revised timetable for finalisation of the Community Infrastructure Levy (CIL) Charging Schedule would therefore be:

25 June 2014: Draft Charging Schedule considered by Council

4 July to 1 August 2014: 4 week period during which the Draft Charging Schedule was open for representations

29 August 2014: Approximate date for submission of the Draft Charging Schedule to the secretary of State

It was hoped that this timetable would enable the Council to adopt a CIL scheme to commence alongside in the Local Plan in the spring of 2015.

An addendum to the report was circulated at the meeting that set out the following amendments:

Recommendation 2.5, of the report, be amended to read as follows: "That Council delegates authority to the Chief Executive, following the six week consultation period, acting in consultation with Group Leaders and the Deputy Leader, to submit the Draft Local Plan and Policies Map for independent examination, together with a table of any proposed modifications, provided that only minor, non-material modifications are to be proposed."

Recommendation 2.6, of the report, be amended to read as follows: "That Council delegates authority to the Executive to approve the submission of the Draft Local Plan for independent examination, together with a table of proposed modifications including material modifications, provided that such modifications do not require further statutory consultation"

Appendix 1, Publication Draft Local Plan, be amended as follows

- Amendment 1: Policy SC0 (page 104), point (i) be amended to read as follows; "have a focus on healthy lifestyles, including measures to encourage walking and cycling, to provide access to open space, play areas, playing fields and sports facilities and to encourage healthy diets".
- Amendment 2: Policy HS1 (page 123) point (f) be amended to read as follows: "seek to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play and, where possible, healthy diets;
- Amendment 3: Policy H4 (page 89) point 1(a) be amended to read as follows: "physical constraints, such as those associated with small sites of less than 5 houses and conversion schemes, where opportunities for a range of different house types are limited (unless criterion e) applies"
- Amendment 4: Policy H6 (page 93) be amended to add two additional criteria as follows: (a) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's; and (b) the proposal does not lead to a continuous frontage of 3 or more HMOs;
Paragraph 4.64 amended to read as follows:
The purpose of this policy is to control the location of new HMOs in order to prevent these uses from either exacerbating existing concentrations or leading to new concentrations. Additional HMOs can impact on local amenity where they lead to concentrations at either the neighbourhood level or in very localised situations. The policy aims to prevent concentrations at both levels by ensuring that within a 100 metre radius of the proposal not more than 10% of dwellings are HMOs and also, at a more localised level, by preventing the "sandwiching" of a non-HMO between 2 HMOs or a continuous frontage of 3 or more HMOs.
- Amendment 5: Policy PC0 (page 39) be amended to remove reference to 10,200 jobs so that it reads as follows: " The Council will promote sustainable economic development to support a vibrant and thriving economy to deliver the jobs the District needs during the plan period in line with following principles..."
- Amendment 6: Policy NE6 (page 161) be amended to read as follows: "The Council will seek to minimise the impact of HS2 on the natural environment, businesses and residents on the District"
- Amendment 7: Policy DS15 (page 30) be amended so that the paragraph immediately above the table reads as follows:
- "...should provide for the delivery of infrastructure and services which as a minimum should include the following..."

- Amendment 8: Policy BE 2 (page 108/109) be amended to include an additional clause j) to read as follows:
- “community facilities, in accordance with policies HS1, HS6 and the IDP, including how they will be viably managed and maintained in the long term”
- Amendment 9: Campion Hills - it is now proposed that land at Campion Hills is not removed from the Green Belt and is not allocated for development. This is because at the present time we do not need the housing numbers that the site would bring forward (50 dwellings) and do not have the evidence base to justify the “exceptional circumstances” for removing the land from the Green Belt.
 - The consequent changes that need to be made to the Local Plan document (Publication Draft) are as follows:-
 - § Policy DS7 (Meeting the housing requirement): The total of “Sites allocated in this Plan” is reduced by 50 from 6,238 down to 6,188. The “Total” therefore also falls from 13,014 to 12,964.
 - § Policy DS10 (Broad location of allocated housing sites): The total of “Greenfield sites on the edge of Warwick, Leamington and Whitnash” is reduced by 50 from 3,295 down to 3,245. The “Total” therefore also falls from 6,238 to 6,188.
 - § Policy DS11 (Allocated housing sites): The site “Campion Hills” (50 dwellings) is removed from this policy.
 - Paragraph 2.50 is amended to read as follows: “Land at Red House Farm form an extension to Lillington, one of the most deprived neighbourhoods in Warwickshire.”
 - § Paragraph 2.76 (page 34) is amended to remove reference to Campion Hills to read as follows: “The Local Plan is seeking to support the regeneration of this area by allocating new development in the vicinity (Red House Farm) as a way of levering environmental improvements and improvements to housing conditions.”
 - § Paragraph 2.80 (first bullet point) is amended to remove reference to Campion Hills to read as follows:
 - § “Land has been removed from the Green Belt at: Red House Farm, Leamington Spa”
 - Remove any other references to Campion Hills
- Amendment 10: Paragraph 2.48 (second sentence) (page 27), be amended to read as follows: “The area will deliver up to 2,695 homes along with...”
- Amendment 11: Policy H2 (page 82/83), final paragraph, be amended to read as follows: “The Council will, in exceptional circumstances, accept contributions of equivalent value in lieu of on-site delivery. This should include financial contributions, land or off-site provision of affordable homes. In such cases, the developer will be required to demonstrate why on-site delivery is not practical.”
- Amendment 12: Paragraph 2.73 (page 33) be amended to remove the final sentence which reads: “It considers that exceptional reasons do exist for proposing that the land shown on the Policies Map is removed from the Green Belt.”
- Amendment 13: Policy CC3 (page 135) be amended to read as following:
 - “All new dwellings are required to achieve”
 - And that paragraph 5.114 be amended to read as follows:

- The Council will apply this policy to all new dwellings on developments of one dwelling or more and non-residential development of 500sqm or over...

Appendix 2, Policies Map, be amended as follows:

- Housing allocation H05 (Campion Hills) will be removed from the Policies Map. The land will be shown as being in the Green Belt.
- The WDLP – Urban Area Boundary will be amended to exclude the Campion Hills site from the urban area

It was proposed by Councillor Caborn that the recommendations in the report, as amended by the addendum circulated at the meeting be approved, and were duly seconded:

Resolved that:

- (1) the Local Plan, as set out in Appendix 1 and Policies Maps as set out in Appendix 2 subject to the amendments set out in the addendum circulated at the meeting, are approved for Publication under Regulation 19 of the Town and Country Planning Regulations 2012;
- (2) the Publication Draft Local Plan, Policies Maps and Sustainability Appraisal be open to representations for a period of six weeks, starting during week commencing 12th May 2014, in accordance with a Statement of Representations Procedure to be made available in accordance with regulation 19 of the Town and Country Planning Regulations 2012;
- (3) the approval of the Statement of Representations Procedure is delegated to the Chief Executive, in consultation with the Deputy Leader of the Council;
- (4) the Report of Public Consultations as set out in Appendix 3, be noted;
- (5) following the six week consultation period the Chief Executive, be authorised to, in consultation with Group Leaders and the Deputy Leader, submit the Draft Local Plan and Policies Map for independent examination, together with a table of any proposed modifications, provided that only minor, non-material modifications are to be proposed;
- (6) the Executive be authorised to approve the submission of the Draft Local Plan for independent examination, together with a table of proposed modifications including material modifications, provided that such modifications do not require further statutory consultation;

- (7) the Head of Development Services, be authorised, in consultation with the Deputy Leader of the Council, to add a glossary and make any necessary non-material amendments to the Local Plan before the commencement of the consultation; and
- (8) a report on the Community Infrastructure Levy Draft Charging Schedule is prepared for Council to consider at its meeting on 25 June 2014 and that the Local Development Scheme is amended accordingly.

Prior to the vote being taken, it was proposed by Councillor Boad and duly seconded by two Councillors that a recorded vote should be taken on this item. The votes were recorded as follows:

For: Councillors; Barrott, Mrs Blacklock, Boad, Mrs Bunker, Caborn, Coker, Copping, Cross, Ms De-Lara-Bond, Ms Dean, Doody, Edwards, Mrs Gallagher, Gifford, Gill, Mrs Goode, Mrs Grainger, Hammon, Mobbs, Shilton, Mrs Syson, Vincett, Weber, Wilkinson and Wreford-Bush.

Against: Councillors; Mrs Bromley, Brookes, Dhillon, Heath, Kirton, MacKay, Mrs Mellor, Rhead, Mrs Sawdon, and Williams

Abstention: Councillor Illingworth.

123. **Report of the Executive**

The reports of the Executive meetings of 12 and 26 March 2014, excluding minute 161 and 175 that were approved by Council on 26 March 2014, were proposed by Councillor Mobbs, duly seconded and

Resolved that the report be approved.

124. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

125. **Report of the Executive**

The confidential reports of the Executive meetings of 12 January, 12 March and 26 March 2014, were proposed by Councillor Mobbs, duly seconded and

Resolved that the report be approved.

126. **Common Seal**

It was

Resolved that the Common Seal of Warwick District Council be affixed to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 10.46 pm)

CHAIRMAN
14 May 2014