PLANNING FORUM

Minutes of the meeting held on Monday 25 September 2006 at the Town Hall, Royal Leamington Spa at 7.00 p.m.

PRESENT: Councillors Ashford, Caborn, Mrs Compton, Mrs Sawdon, Shilton, Smith and Tamlin.

ALSO PRESENT: Councillor Mrs Begg (Portfolio Holder Environmental Services).

REPRESENTATIVES OF TOWN AND PARISH COUNCILS AND OTHER ORGANISATIONS:

Bishops Tachbrook Parish Council	Mr G Leeke
Bishops Tachbrook Parish Council	Mr R Butler
Budbrooke Parish Council	Mr J Reid
Kenilworth Society	Mrs J Illingworth
Kenilworth Town Council	Councillor G Illingworth
Ramblers Association	Mr S Wallsgrove
Shrewley Parish Council	Mr R Johnson
Shrewley Parish Council	Mrs V Sturdivant
Shrewley Parish Council	Mr R Wesbury
Warwickshire Association of Local Councils	Councillor A Moore
Warwick Society	Mr R Higgins

Councillor Tamlin substituted for Councillor Gill.

Apologies were received from Councillors Davies, Davis, Evans and Mrs Bennett of Warwick Town Council.

1. **APPOINTMENT OF CHAIR**

RESOLVED that Councillor Shilton be appointed Chair for the ensuing municipal year.

2. **APPOINTMENT OF VICE CHAIR**

RESOLVED that Councillor Ashford be appointed Vice Chair for the ensuing municipal year.

3. **DECLARATIONS OF INTEREST**

Minute Number 11 Question from Kenilworth Town Council

Councillor Shilton declared a personal interest because he was a member of Kenilworth Town Council.

4. **MINUTES**

Mrs Illingworth asked that page 5 of the minutes be corrected to read “The Kenilworth Society also asked if anything more could be done to protect trees in the district as they played a role in alleviating flooding” as the Comment was made by the Kenilworth Society and not Kenilworth Town Council as stated in the minutes.

The Minutes of the meeting held on Monday 16 February 2006 were approved and signed the Chair as a correct record subject to the words Kenilworth Town Council in the seventh paragraph of minute 8 being amended to read Kenilworth Society.

5. MATTERS ARISING

The Kenilworth Society representative sought an update on the Woodmill Meadows development in Kenilworth in relation to the adoption of the public open space on the site.

Mr Archer, Warwick District Council's Head of Planning and Engineering responded that Wimpey had been chased to complete the necessary works to the satisfaction of Warwick District Council to allow them to be adopted. He had visited to the site and felt that it was in a reasonable condition and the Council's Leisure department were applying pressure to the developers to allow for the Public Open Spaces to be adopted as soon as possible.

6. LOCAL PLAN INQUIRY

Mr Clarke, the Group Leader of Policy and Projects of the Council's Planning Department attended the forum to brief them on what happened now the Local Plan inquiry had been completed. He informed the meeting that the inspectors report should be with the Council by late April early May 2007 and the Council aimed to have the Local Plan adopted by early summer 2007.

Councillor Tamlin asked if any guidance had been given by the Inspector on possible amendments to the Local Plan and was informed that during informal discussions the Inspector had intimated that he preferred never to make any comments or suggestions until he had had time to consider all the facts and relevant documentation.

Mr Clarke went on to outline how the Local Plan would be replaced by the Local Development Framework and the timescales for this process.

The Kenilworth Town Council representative asked what time period the built figures would be for in the Annual monitoring report, could the built figures be produced more regularly and quicker and was the new Local Development Framework designed to be a step change every 5 years or drip change with regular amendments? Mr Clarke responded that the built figures contained within the Annual Monitoring report each December would be those for the April to March the previous year. The department would like to publish the figures quicker but it was a lengthy process which needed to be as accurate as possible. With regard to the review/changes of the Local Development Framework it was intended under the new arrangements to have regular amendments/reviews of aspects rather than reviewing the plan as whole every five years.

The representative of Warwickshire Association of Local Councils asked if the Council worked with neighbouring authorities in producing the Local Plan and was informed that part of the procedure for the production of the Local Plan was that the Council must consult with adjoining Council's.

7. SITING OF MOBILE PHONE MASTS

Mr G Leeke on behalf of Bishops Tachbrook Parish Council asked the following questions which followed on from the recent approval of the siting of a mast on Tachbrook Road in the Parish of Bishops Tachbrook

"(A) Bishops Tachbrook Parish Council would like to see a policy developed to encourage shared facilities, rather than a proliferation of sites. There was already a wide disposition of masts in urban areas, and it was almost certain that a shared facility was viable in most cases. Shared antennae technology was now operationally proven and therefore allowed this to be the first option for planning authorities to request of applicants. There was an Inter Operational Forum in place where these matters were discussed, and it was already common for operators even though commercial rivals to agree quid pro quo sharing;

(B) The Code of Best Practise that came out of the Stuart Enquiry required operators to consult with "local councils and communities" on siting before any application was lodged with the local planning authority. This engagement process did not take place in this case;

(C) We would also expect any policy developed by Warwick District Council on mobile phone masts to include a structure for the revenue flows arising from the installation of such masts. In this case BTPC were unclear how much the annual revenue would be and which body would receive it."

Mr Archer, the Head of the Warwick District Council Planning and Engineering Department responded with the following answers:

(A) PPG8 (A copy of which was available from the Department of Communities website) set out government policy with regard to telecommunications masts which the Council was obliged to have regard to in making decisions. This guidance set out the need to consider mast sharing. For this reason the Council did not have need for a specific policy to deal with this matter;

(B) Non consultation with residents by the applicants at pre submission stage does not invalidate the determination of the application by Warwick District Council. Tthe Council consults separately and can only refuse the application siting and appearance of masts under 15 metres in height. The Council had 56 days to respond to the notification and if no response was given the application was approved; and

(C) With regard to the finance aspect this was not something that this Council could address as it would be down to individual companies.

Councillor Tamlin stated that one of the problems the Council faced was that the applicant did not suggest different options when they carried out their consultation and did not highlight any changes they had made to the proposal, when they submitted the planning application. There was also the problem that there was an ever increasing number of mobile phones and calls being made, therefore due to the limited capacity of masts there would be a requirement for more of them. Big masts had fallen out of favour due to costs and the requirement for full planning permission. However, this meant there would be more smaller masts to compensate, which would mean that there would be

less opportunity for mast sharing, but they would make less of a visual impact than a big mast.

A representative from Shrewley Parish Council asked if it was possible for the mobile phone masts to share posts with land line telecommunication poles.

Mr Archer, stated that this would be difficult to judge and would depend on individual cases and the specification required for the mast.

Bishops Tachbrook Parish Council responded by thanking the Head of Planning and Engineering for his responses and asked a supplementary question that if the masts could be located on Council owned land, be it parish/town, district or county, was there an opportunity for the Council to generate revenue from them and what happened to old masts once they became redundant?

Mr Archer responded by stating that the individual Council would need to agree a policy for siting masts on their land but they could only site masts on their land if companies approached them, which in his experience was unusual. With regard to redundant equipment there was a requirement that all redundant equipment must be removed.

8. **PROCEDURE FOLLOWING OBJECTIONS TO PLANNING APPLICATIONS**

Mr G Leeke on behalf of Bishops Tachbrook Parish Council asked the following questions which sought clarification on two consequences when the Planning Officer presented a recommendation to Planning Committee which was a variance of the views expressed by the Parish Council as a consultee:

(A) Bishops Tachbrook Parish Council would like to see a feedback loop introduced into the planning process. This would require the planning officer concerned to consult back to the Parish Council. The reasons why this was important, and in our view necessary and could be introduced under the new statement of community involvement, were:

(i) Parish Councils would like to understand on what grounds the officer had come to a different view to their own. We might be able to supply further information surrounding the application which had not been expressed in our written response;

(ii) The officers explanation would guide us to whether we should lobby members directly, whether to involve our Ward Member, and whether to attend the Planning Committee meeting in order to make verbal representation.

(B) Where a parish council wished to put forward an argument to the Planning Committee, it had the right to ask its ward member to speak on its behalf. We understand that the ward member would not be permitted to act in this way when they were a member of the Planning Committee.

Furthermore if the Ward member became involved with an individual case at the request of the Parish Council or a member of the community, the ward member had to declare an interest under the code of conduct and would then be excluded from the discussion and any vote.

The rule had the effect of denying the Parish Council, and also individual members of the community from receiving advice and support from their elected District Councillor.

If it was an option that another District Councillor can deputise for the Ward Member, then it becomes important that this was formalised and made clear, and that the Ward member reserves the dates of future Planning Committee meetings."

Mr Archer responded to (A) stating that he felt that the Parish Clerk could contact the relevant case officer once notification of the application going to committee had been received. Whilst he understood the point there would be a resource issue particularly with the tight timescales. Extra information submitted by the Parish Council would always be considered by the case officer and/or Committee.

Councillor Tamlin responded to question (B) by stating that the Parish Council had its own category to attend and speak at Planning Committee about applications as did any individual objectors and that in most cases there was no need for the ward member to speak on their behalf. It was recognised this was a particular problem especially for those members who where the sole representative at the district council for their ward. In the instance where a ward member was asked to speak and could not be present for whatever reason it was recognised that another Councillor, ideally from a neighbouring ward, could speak as an alternate on behalf of either the residents, amenity group or parish/town council. However it was also worth noting that in each case the ward member should always be approached first.

The representative of the Warwickshire Association of Local Councils expressed concern about the way ward members who potentially would have the best knowledge of the application were effectively barred from speaking to the committee.

The Committee Services Officer explained that all Councillors were bound by the adopted Code of Conduct and if members had a prejudicial interest they had to leave the room. It was recognised that the Code of Conduct could be confusing about what and when to declare but if members ever had any doubt they should always speak to the Council's Monitoring Officer for guidance before attending the meeting.

Councillor Tamlin explained that the Code of Conduct was there to protect members and the Council from claims of corruption and that it was the cost of ensuring probity.

The representative of Bishops Tachbrook Parish Council responded by asking if consideration could be given to providing feedback to the parish councils when they commented on applications as it would help them to learn and it might also lead to them withdrawing objections if they understood the officers' reasoning.

Mr Archer responded by saying that Case Officers were always willing to provide feedback if they were asked, but resources and time constraints prevented them from them contacting individual Councils.

9. QUESTION FROM WARWICK SOCIETY

Mr R Higgins who represented the Warwick Society at the meeting asked the following question on their behalf

"We would like to question Warwick District Council's Planning Department's policy regarding taking due account of environmental issues, as well as planning policies, when reviewing and recommending the Planning Committee either to approve or reject planning applications. The representative went on to outline four sites in the district where the society had concerns, the car park at the Tennis club, Margetts estate agents in Warwick, the Lidl application on Wmscote Road and the south west Warwick developments local shopping and community centre.

Mr Archer responded that with regard to planning aspects maybe this Council did not always get the decision or detail correct but overall in the majority of cases we did and the environment and character for the area over the last few years had been enhanced and was very good. The Department had won an award for excellence from the Commission for Architecture and the Built Environment (CABE) for the hardwork by the department to create an enhanced environment.

The car park at the Tennis Club did present some visibility issues but it was there now and had been completed according to the approved design.

With regard to the Margetts estate agents there was nothing which could be done as planning permission was not required and even if an Article 4 direction controlling the colour of buildings had been introduced (as in Leamington) it could not be back dated. In addition unlike Leamington, Warwick had a variety of shops and building styles in the centre of town which made it inappropriate for an A4 direction, Moreover, the majority of buildings within the area are listed and have protection anyway. The Margetts building is an anomaly in this. .

The application for Lidl had not been submitted to Committee for consideration and therefore no comments had or could be made by this Council.

The South West Warwick application, could have been designed in a number of different ways but there had been a need to take into consideration all amenities and the need to create a balance on a relatively small application site.

The Warwick Society representative asked if the flats above the retail units were included in the permitted number of dwellings for the overall site. Mr Archer informed the meeting that they were.

10. QUESTION FROM KENILWORTH SOCIETY

Mrs J Illingworth who represented the Kenilworth Society at the meeting asked the following questions:

"(1) When an applicant submits and receives approval for multiple planning applications for the same site, should he not have to choose to implement just one scheme out of his various options? There had been cases where applicants have "cherry picked" items from concurrent consents, leading to

undesirable outcome. Was this permissible in planning law? Similarly, when applications were made for extensions, garages etc. after demolition of existing buildings, should not the local planning authority make demolition a condition of the planning consent in order to prevent over development of the site?

(2) We note that the West Midlands Regional Assembly had commenced a review of the current Regional Spatial Strategy, as required by the Minister for Planning. We were also aware that, as part of this process, the Coventry – Solihull – Warwickshire Forum had submitted advice to the West Midlands regional planning body regarding provision of housing.

As we understand the CSW's advice was based on three alternative reference points: -

Reference Point A – Continuation of Existing RSS for the West Midlands
Reference Point B – 25% increase in regional Housing Completion Levels
Reference Point C – 51% increase in regional Housing Completion Levels

If either Reference Point B or Reference Point C are adopted by the West Midlands Regional Assembly, what are the implications for Warwick District Council's supplementary planning document "Managing Housing Supply"?"

Mr Archer responded to the first question by stating that it was hard to give a specific answer without knowing the individual cases. However anybody could apply for anything and one proposal did not stop another from progressing or from being implemented. Hybrids of applications would need to be dealt with on a case by case basis and if it was felt applicable a revocation order of a previous application could be made by the case officer. The demolition of exiting buildings was a normal condition for applications.

The Kenilworth Society representative asked that if the situation arose could they seek a revocation order with regard to an application in their representations to a subsequent application?

Mr Archer responded by stating that this should not be required as it would be part of the case assessment but there was no reason why they could not include it within their representation.

Mr Archer responded to the second question with regard to the Regional Spatial Strategy that this was an issue that the Council was beginning to explore and would be looking at further over the coming months. Consideration had started to be given to the Regional Spatial Strategy and initial suggestions had been made which were those outlined in the question. Full consultation would start in January 2007 and this would be across the region. There would be a number of technical aspects to the work including looking at green and brown field development and the potential long term housing need growth. Updates would be available regularly from the regional planning body website.

11. QUESTION FROM KENILWORTH TOWN COUNCIL

Councillor G Illingworth attended the Forum on behalf of Kenilworth Town Council and asked the following question:-

"Kenilworth Town Council has already welcomed the imminent publication of the Design Guide which should have a very positive effect on the quality of the

design of both new build and extensions throughout the District. However Government proposals could increase the amount of Permitted Development, which will presumably be outside the direct application of the Design Guide.

Were there any ways in which the quality of Permitted Development, which would still have to meet Building Regulations, can be influenced to raise design standards there?"

Mr Archer responded that the consultation on possible changes to the level of permitted development had gone quiet and in his opinion the Government were unlikely to make any changes soon. The Council could only promote good design under permitted development and could not enforce it.

The Warwick Society representative asked a supplementary question which was if developments were made under permitted development rights do they have to enhance the current building?

Mr Archer explained that we can only apply design standards where permission for the development was required.

The Kenilworth Society asked a supplementary question about when the car parking space design guide would be published?

Mr Archer replied that the guidance was in its early stages at the moment and that it would be a while before it was published due to other more significant matters which needed to be addressed by the department first.

12. **QUESTION FROM COUNCILLOR A MOORE**

Councillor A Moore asked the following question on behalf of the Warwickshire Association of Local Councils:

"Do new members of the Warwick District Planning Committee receive training on guidance in Planning, before they take up membership of that Committee".

Councillor Smith responded by stating that all Councillors must have planning training before they take up membership of the Committee and even when they are on the Committee they receive further update training sessions. In addition all Councillors on the Council were invited to attend all planning training sessions.

Mr Archer added that he was currently looking at holding a series of short training sessions on planning matters for Town and Parish Councils subject to resources. If the resources could be found to hold the training sessions he would write to all Town and Parish Councils first to ask what aspects of planning they would like the training to cover.

13. **NEXT MEETING**

It was noted that the next meeting of the Forum would be held on Thursday 8 February 2006 at the Town Hall, Royal Leamington Spa at 7.00 pm.

(The meeting ended at 9.24 pm)