

**Addendum to the minutes
4 May 2022**

Minute 191 W/22/0140 – Warwick Castle, Castle Hill, Warwick

That an additional paragraph is included as follows:

"In respect to a question on the application regarding para 200 of the NPPF, regarding potential substantial harm and impact on a grade 1 heritage asset in this case development should be considered to be wholly exceptional, the Principal Planning officer explained, there is harm to the setting but it is deemed less than substantial. It is still given significant weight because of grading but taking view of Heritage England and the Council's Conservation Officer, officers were of the view that this harm is outweighed by the overall public benefit of the application."

Minute 192 - W/19/0531 – Milverton House, Court Street, Leamington Spa

That the following text is replaced:

"In response to questions from Members, the Business Manager acknowledged that it was unfortunate that we would not be getting affordable housing, but as this application had been independently assessed there was no reasonable justification to go against this advice. In response to a follow-up question from the Chairman, the Business Manager stated that the developer needs to be viable, so if there were further issues, they could always come back to the Committee again."

To add further clarification, the Legal Advisor stated that when this application was submitted was irrelevant, as it had been assessed and we had been told what contribution the developer could viably make. The Chairman added to this, saying that the planning application had already been determined but that the formal documentation for the decision had not yet been sent out. This application was then followed up by the viability assessment, and the evaluation was considered to be a reasonable figure.

Councillor Quinney suggested that, as it had been 18 months since planning permission was granted, a satisfactory s106 agreement had not been reached and no development had taken place, it was not unreasonable to "go back to the drawing board". However, the Chairman disputed this, stating that, based on past experience, this could give the developer grounds for appeal."

Is replaced with the following

"In response to questions from Members, the Business Manager acknowledged that it was unfortunate that we would not be getting affordable housing, but as this application had been independently assessed there was no reasonable justification to go against this advice. In response to a follow-up question from the Chairman, the Business Manager stated that the developer needs to be viable, so if there were further issues, they could always come back to the Committee again."

To add further clarification, the Legal Advisor stated that when this application was submitted was irrelevant, as it had been assessed and we had been told what contribution the developer could viably make. The Chairman added to this, saying that the planning application had already been determined but that the formal documentation for the decision had not yet been sent out. This application was then followed up by the viability assessment, and the evaluation was considered to be a reasonable figure.

It was suggested by a Councillor that, as it had been 18 months since planning permission was granted, a satisfactory s106 agreement had not been reached within the 4 month time limit and no development had taken place, it was not unreasonable to "go back to the drawing board". However, the Chairman disputed this, stating that, based on past experience, this could give the developer grounds for appeal.

In response to a question from the Committee officers acknowledged that government guidance on viability assessments states that they should be submitted at the application stage as did the WDC Local Plan, however this was not a requirement.

In response to a question the Business Manager recognised the viability statement should have been available to Councillors and the public online and was not. However, the assessment had been subject to scrutiny by the Council's appointed independent expert. This work, over recent months, had identified additional funding as set out within the report"