

**Application No:** W 11 / 0585

**Town/Parish Council:** Warwick

**Registration Date:** 06/05/11

**Case Officer:** Steven Wallsgrove

**Expiry Date:** 01/07/11

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**22 Coten End, Warwick, CV34 4NS**

To extend the period for the submission of details of renewable energy provision to six months, and to limit the provision to the flats only on W10/0118 FOR  
Alburn Retail Limited

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This application is being presented to Committee due to an objection from the Town Council having been received.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** The Town Council considers that the applicant has had sufficient time to respond and that in view of the failure to provide this essential information the application should be refused.

**The Warwick Society:** "We object to this application. The renewable energy requirements should be met."

**RELEVANT POLICIES**

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

**PLANNING HISTORY**

Planning permission for the erection of 4 shops and 10 flats was originally given under W07/0327, with an amended scheme being approved under W07/1887. These were subject to S106 Obligations that all ten flats were to be affordable, in accordance with the policy at the time. Various subsequent applications were submitted for refrigeration plant (for Sainsburys), and signage. In 2010 a retrospective application was submitted (W10/0118) for the retention of the development (as built) including the air conditioning units, subject to an alternative S106 Obligation regarding the affordable housing. This application was subsequently taken to appeal when the scheme was approved, subject to conditions with the revised S106 Obligation. One of the conditions of that consent was:-

Within 3 months of the date of this decision a scheme, including details of the physical works on the site and a timetable for the works to be undertaken, for a proportion of the energy supply of the development to be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)) shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.

## **KEY ISSUES**

### **The Site and its Location**

The property lies on the south side of Coten End and now consists of a Sainsburys Local shop, a 'Wickes' shop, and 10 flats above, with parking. It has a school behind, a house to the east (a listed building in the Conservation Area), a large block of flats to the west (Healey Court), with another shop with offices above partly in front and to the west of the site.

### **Details of the Development**

The proposal is to vary the condition quoted above to (1) give 6 months for the submission of details of the renewable energy proposals, instead of 3 months, and (2) to only provide them for the flats.

### **Assessment**

Sainsburys occupied their large unit at an early stage and, therefore, have established energy sources. The same applies to the more recently occupied 'Wickes' shop. Neither had a requirement for sustainable energy on their original planning permission, as this was not Council policy at the time.

The condition, as worded, requires the developers to submit a scheme for all the units including those already occupied since the application was for the retention of the building 'as built' (there being only very minor differences between the approved scheme and that actually built). It is considered that, since the retail units are occupied, it is unreasonable to require the developers to now provide a proportion of the energy they use from new (renewable) resources. It is considered, therefore, that this part of the proposal is acceptable.

The limit of 3 months from the date of the appeal decision has already expired (the decision was dated 22nd February 2011). The issue to be considered, therefore, is whether an extended period should be approved for the submission of the details or whether Enforcement action should be taken. In the present case it is considered that an extended period should be accepted, so that a scheme can be submitted and approved for the flats, since refusal of the application, and the taking of enforcement action, may only further delay the provision of renewable energy sources. Under the circumstances, therefore, it is considered that, notwithstanding the wording in the application, it would be appropriate to require the details to be submitted by the 30th November 2011, with a timetable for the works as 6 months is a long period when the applicants could have prepared the necessary details already. A period of 3 months for the design of the scheme is therefore considered sufficient.

## **RECOMMENDATION**

That the amendment be APPROVED, as follows, which includes a variation to the applicants suggested wording.

- 1 Before 30th November 2011 a scheme, including details for the physical works on site and a timetable for the works to be undertaken, for a proportion of the energy supply of the 10 flats to be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)) shall be submitted to the local planning authority. The approved details shall be implemented in

accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

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