

**Planning Committee:** 17 May 2010

**Item Number:**

**Application Nos:** W 08 / 0873 & W 08 / 0875

**Registration Dates:** 10/06/08

**Town/Parish Council:** Leek Wootton

**Expiry Dates:** 05/08/08

**Case Officer:** Martin Haslett

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**Woodcote, Warwickshire Police Headquarters, Woodcote Lane, Leek Wootton,  
Warwick, CV35 7QB**

W08/0873: Change of use from offices class B1 to class C2 (Residential Institution)

W08/0875: Use of Woodcote Manor for a purpose within Class B1 (a) Offices as defined by the Town and Country Planning (Use Classes) Order 1987

FOR Warwickshire Police Authority

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**REASON FOR REPORT**

To amend the minutes of the planning committee meeting held on the 29 October 2008.

**PREVIOUS CONSIDERATION BY THE COMMITTEE**

At the Committee meeting on 29 October 2008, the Committee received reports in relation to two planning applications from the Warwickshire Police Authority. In both cases it was recommended that the applications be granted, as follows:

*W08/0873: GRANT, subject to the conditions listed below, following the completion of a legal agreement to secure the implementation of a Green Travel Plan.*

*Conditions:*

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 406.4/10E and specification contained therein, submitted on 10 June 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.*
- 3 Before any works are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.*

- 4 No development shall be carried out on the site which is the subject of this permission, until details of a Green Travel Plan (to promote sustainable transport choices to the site, and the measures proposed to be carried out) have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

The plan shall:

(1) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

(2) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

(3) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

**REASON** : To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site.

W08/0875: GRANT, subject to the conditions listed below, following the signing of a legal agreement to secure the implementation of a Green Travel Plan.

Conditions:

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Before any works are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 3 The premises shall be used for offices (use class B1a) and for no other purpose including any other purpose in Class B1 of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON** : Other uses within this Use Class may not be appropriate in these premises by reason of their rural location and to satisfy Policy RAP7 of the Warwick District Local Plan 1996-2011.

4 *No development shall be carried out on the site which is the subject of this permission, until details of a Green Travel Plan (to promote sustainable transport choices to the site, and the measures proposed to be carried out) have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.*

*The plan shall:*

*(1) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;*

*(2) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;*

*(3) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.*

**REASON** : *To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site.*

Whilst the summary of decisions for the meeting records that the applications were "Granted as per the recommendation in the recommendation in the report", the approved minutes of the meeting on the 29 October 2008 do not refer to the need for a legal agreement to be entered or that permission be granted in accordance with the officer's recommendation.

It should be noted that the Report of the Head of Planning in relation to each application recommended that the permission be granted subject to a legal agreement to secure the implementation of a green travel plan.

Legal Officers of the Council are, therefore, concerned that there is no specific authority to enter into the legal agreements. It is considered by officers that this was an oversight in the drafting of the minutes based upon the evidence to hand.

The following recommendation is made to correct the minutes of the October meeting to ensure that they reflect the correct decision of the meeting.

#### **RECOMMENDATION**

The minutes of the meeting held on 29 October 2008 for applications W08/0873 and W08/0875 be amended to include:

"That authority be given to enter into legal agreements under Section 106 of the Town and Country Planning Act 1990 to secure the implementation of the Green Travel Plan, for planning applications".