



Leek Wootton & Guy's Cliffe Parish Council

Minutes of the Meeting of the Parish Council held on Tuesday, 7 June 2022 at Leek Wootton Village Hall

Present: Councillors Coates (Chairman), Allison, Eldridge, Elsy, Tunkle, D/Cllr Redford, C/Cllr Redford and the Clerk

1.	Apologies for absence Cllr Kirkwood [Approved reason: Holiday]; Cllr Knott [Approved reason: Health]
2.	Declarations of Interest None
3.	Public Participation None present
4.	Minutes 4.1. The minutes of both the Annual Parish Council Meeting and ordinary Parish Council Meeting held on Tuesday, 3 May 2022 were approved [1: Cllr Allison / 2: Cllr Elsy] and signed. 4.2. Matters arising not on agenda: None
5.	Development of land at Woodcote (Warwickshire Police Headquarters) Community Meeting held in the Church on 26/05/2022 was lively with a lot of interest. Cllr Kirkwood and Coates conveyed the Parish Council's position, which ties in with the consensus. It was felt important that members of the public were given a chance to voice their opinions. Deadline for submission of comments to WDC was 31/05/2022 and the response on the Portal has been very strong [Currently 251 documents that are not part of the original application 221 listed as 'Objection' 188 from Parish Residents]. D/Cllr Redford commented that, for the size of development it is a remarkable number of responses and believes it will definitely go to the Planning Committee. DS22: Legal advice received from Stratford on Avon/Warwick District Councils' Legal Services [attached] is that this is not 'set in stone' nor legally binding; it is open to interpretation because of the passage of time. The PC feels this advice is ambivalent and has forwarded the document to another legal adviser for comment and is awaiting their response. The Chairman has spoken to CALA and asked whether they have seen the portal. They have and used the word, "remarkable" about the number of responses. CALA will now be engaging with the planning authority for the next weeks, maybe months. If there are any major adjustments it will have to go forward as a revised application and will give the public another chance to review. If there is no major revision it will go forward with or without minor revisions. CALA has indicated that it feels its application is 'solid'. A discussion followed about the various expectations of residents expressed at the community meeting and concerns about remainder of the Woodcote estate and the future of the Grade II listed building. The Chairman concluded that the PC needs to wait and see what the outcome of CALA's discussions with the planning authority are. If there is a revised application, this is likely to require an extraordinary PC meeting, especially if it happens over the summer.

Initial: RC

6. **Speeding and Response Vehicles**
 Making steady progress. Cllr Tunkle emailed the PCC and Chief Constable which appears to have had some effect:
 PC Ken Bartlett from Road Safety Unit, Coventry, is supervising this CSW initiative. Has been to site twice to look at locations and follow through on risk assessments.
 Volunteers: 10 (with a possible 2 more). Vetting forms to go to the Police. Safety Briefings have been circulated.
 Training will be conducted at Police HQ, possibly in July.
 Cllr Elsy asked about possibility of CSW in Hill Wootton. 100m clear road is required, which may not be possible in Hill Wootton.
7. **Leek Wootton War Memorial Recreation Ground Car Park**
 Disappointing news received that the RUCIS fund is now closed for 2022/23.
 There is an issue with the planning application. The Planning Officer says they have only received one application (the original one), but the architect says they have submitted a revised application.
 The PC was alerted to the issue when, after sending in the bat survey and ecological survey, the Planning Officer advised, *"We would be likely to refuse because of the large tree removal"*. The revised scheme has a much-reduced amount of tree removal and on investigating the documents on the planning portal the only plan on there was the old one.
 The Planning Officer has been alerted and is currently holding the application in abeyance while the PC tries to sort out the problem. The Chairman has asked the architect to forward the revised application ASAP, regardless of any disagreement.
 The PC discussed how to move forward. D/Cllr Redford offered to speak to the Planning Officer to see how the PC can proceed; should it withdraw the application or continue to hold it in abeyance and carry the fee over.
ACTION: D/Cllr Redford to contact Planning Officer
8. **Broadband**
 The Clerk contacted Openreach to find out about progress and ask how installation of fibre connections for the new properties on Woodcote Lane may affect the Community Fibre Partnership work. Response: *"Yes the Cala work is proceeding ready for the when the houses are completed. New Sites is always a priority and sits outside normal engineering processes. This is because of old laws that give all homes a right to service, originally to be able to raise a 999 call. Although with Mobiles this is less required, it still sits remains so all new houses on completion need to be able to order a land line for when they are resident. As we no longer install copper its fibre.*
"They will have new end to end fibre installed for that project and won't affect the legacy. Typically, new developments really help as they take out a lot of the cost repair the legacy issues in the old ducts, whilst bringing new infrastructure with them."
 In addition, they informed the Clerk that Coventry, Solihull and Warwickshire Broadband is due to go into a wider procurement program so the voucher program will pause while the area goes into full review.
 Also attached spreadsheet with the build lists for review. This list is still unamended from the last time it was sent to the Clerk. Clerk has written back with the amended spreadsheet, originally sent back on 22/10/2021.
 Hill Wootton project has stalled at the Skew Bridge (railway on Hill Wootton Road/B4115).
 A discussion followed. D/Cllr Redford has received communication from the Overview and Scrutiny Committee which is researching problem areas with broadband. Would like details of project progress/problems.
ACTION: Clerk to send information to D/Cllr Redford

Initial: RC

9. **Progress Reports for information**
- 9.1. The Playground (Cllr Coates)
 New bark in place and ongoing maintenance plan in place.
 Incident with child climbing tree and branch broke. Clerk proposed that the PC gets a tree safety report.
ACTION: Clerk to research arboriculture safety survey providers and report back to PC
- 9.2. LW&GC Environment Group (Cllr Elsy)
 Cllr Allison raised an email received from a resident of Leek Wootton who is organising an Environment Group (as discussed in May). They have requested an article about Himalayan Balsam (an invasive plant) to be put in *The Link* with Parish Council name.
 Would it be acceptable for this to be set up as a 'satellite' working party group? The PC was in agreement and Cllr Elsy volunteered to be liaison for the group.
 Article is asking for information about sightings of the plant.
 A discussion followed about various invasive plants found locally.
ACTION: Clerk to forward article to The Link in PC's name
ACTION: Clerk to advise resident that Cllr Elsy will be liaison
ACTION: Clerk to set up an Environment email to forward to the group
- 9.3. Leek Wootton War Memorial Recreation Ground (Cllr Coates)
 Nothing further (see Item 7)
- 9.4. Leek Wootton Village Hall (Cllr Eldridge)
 Nothing to report
- 9.5. Leek Wootton Sports Club (Cllr Allison)
 Cricket season under way.
 Many from the Club helped out at the Jubilee event on 05/06/2022, running the quiz, setting up gazebos, running stalls, etc.
 Footballers have award ceremony on 12/06/2022.
 Footballers desperate for pitches since Castle Farm has closed for refurbishment.
 A discussion followed about approaching the Police for temporary use of the sports field to help with the shortage of pitches, because Castle Farm has closed. The Chairman concluded that a letter to the Chief Constable, cc'ing the Police & Crime Commissioner [PCC], making a formal request for discussion about temporary access/use of the Police sports field. Agreed.
 C/Cllr & D/Cllr Redford proposed involving Jeremy Wright MP and asked to be copied into the letter. Also cc to MP.
ACTION: Clerk to write to Chief Constable, cc PCC, MP, C/Cllr & D/Cllr
- 9.6. Other
- 9.6.1. Parish Walk-about
 Next date to be arranged via email.
ACTION: Cllr Allison to send out proposed dates when weather improves

Initial: RC

9.7. Community Engagement

9.7.1. 02-05/06/2022: HM The Queen's Platinum Jubilee

Events over the long bank holiday weekend went very well, if a little wet.

There are a number of leftover medals and prizes. Could go to Horticultural Society and/or school.

**ACTION: Cllr Allison to get names of all kids in the tug-o-war for medals
[UPDATE: Skittles organiser has sent details of winners also]**

The Clerk relayed a query from the WI about the donations collected at the Jubilee event totalling £270.35. There was a suggestion that it be donated to the same charity as the quiz night, but WI is asking whether there is to be a Jubilee tree planted in the parish (as mooted at a Jubilee planning meeting) that the money could be put towards.

Tree planting season is not until the Autumn. Species and site for new tree to also be considered.

The Council agreed to open a Platinum Jubilee Tree Fund and asked the Clerk to inform the WI that it is up to them where they would like the money to go; charity, tree fund or split between the two.

ACTION: Clerk to write to WI

ACTION: Clerk to set up a Platinum Jubilee Tree Fund

9.7.2. 10/09/2022: Community Live

Cllr Allison to begin planning and get information into public domain before summer holidays begin.

9.8. Community Maintenance:

- WCC Highways (Cllr Kirkwood) – Nothing to report
- Grounds Maintenance Contract – proceeding well
- Other (Clerk)

Clerk asked about condition of the Tink-a-Tank and whether the contractors need to be asked to cut back. Clerk to investigate.

Cllr Elsy asked who a drain problem should be reported to. Issue with blocked drain in Hill Wootton. Information provided.

10. **County and District Councillors' reports**

10.1. Warwickshire County Council

- COVID – Stopped collating data in detail, or publishing it. Infection rates are low and not been notified of any deaths in the county directly attributed for 2 months or so.
- Development at Woodcote – copied in to residents' letters. All sent through to WCC's planning department for their consideration. WCC Ecology has made an objection and WCC Rights of Way has submitted a long list of conditions. Waiting for WCC Highways' engineers to look specifically at access to and from the site. Sent on LW&GC consultant's transportation report to WCC Highways.
- Monkey Pox – 270 cases in the country and is now a notifiable disease. As of today none notified within the county.

10.2. Warwick District Council

- Energy rebate – WDC has paid a further £37,500 of rebate money, totalling £5,500,000 paid out so far. Now includes 4,000 payments for non-direct debit paying customers. Letter sent out to 11,500 customers. Paper version of the form has been created for non-online customers.

Initial: RC

The Chairman asked whether anyone has received complaints about IndieGo bus system. C/Cllr Redford asked for any issues to be reported immediately to him. No complaints received so far. The Chairman has been asked about the app by someone who did not understand and they were directed to use the telephone number instead.

Cllr Allison asked a question about cost from a bus pass holder, will they be charged £4? No – bus passes can be used on the IndieGo buses. The Clerk featured this in the article in the June *Link* magazine.

Drivers have been asked to be as flexible as possible because it is a new system.

11. Planning

11.1. To note planning decisions made:

- W/22/0499 – Village Shop, 1A Home Farm, Leek Wootton, Warwick, CV35 7PU – Application for Prior Approval under Schedule 2, Part 3, Class MA for proposed Change of Use of the ground floor shop (Use Class A1 or A2) to a use falling within Class C3 (Dwellinghouse), and for Associated Operational Development, as shown on the 'Proposed Ground Floor Plan' submitted on 16th March 2022 - **GRANTED**
- W/21/1871 – Village Hall Car Park, Warwick Road, Leek Wootton, Warwick, CV35 7RB - Proposed alterations and extension to existing car park (Applicant: Leek Wootton Parish Council) – **DECISION UNKNOWN (Currently showing on Planning Portal as Status 'Unknown')**(see item 7)
- W/22/0529/LB - Saxon Mill, Coventry Road, Warwick, CV34 5YN - The repair and reconstruction of a sandstone boundary wall – **GRANTED**
The Chairman asked about the footpath surface across the bridge. Fence still in place.

11.2. A report on the progress of current planning applications:

- W/21/1493 - 1 Rock Cottages, Warwick Road, Leek Wootton, Warwick, CV35 7RB - Demolition of existing garage & erection of 1no. three bedroom dwellinghouse and separate detached double garage with associated works (Comment due: 24/08/2021) Objection - over-development and garage building intrusive, being on front of the building line and on high ground (Sent: 22/09/2021)
- W/21/1805 & 1806/LB - Goodrest Manor House, Rouncil Lane, Kenilworth, CV8 1NN - Alterations to existing barn comprising new windows, replacement roof lights, reinstatement of original doors, new roof tiles and internal alterations (Comment due: 10/02/2022) – No objection (Sent: 22/02/2022)
- W/22/0465 – Land at Warwickshire Police Headquarters, Woodcote Lane, Leek Wootton, Warwick, CV35 7QA - Erection of 83 dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure. – **OBJECTION** (Sent: 30/05/2022)
- W/22/0505 - Mulberry Cottage, Warwick Road, Leek Wootton, Warwick, CV35 7QU - Application to vary condition 2 of planning application ref: W/11/1431 (Proposed Conversion of Redundant Barn into Holiday Accommodation.) to seek permission for fenestration alterations. – No objection (Sent: 04/06/2022)

11.3. To consider new planning applications:

- W/22/1562 – The Hotel, The Warwickshire Golf and Country Club, Warwick Road, Leek Wootton, Warwick, CV35 7QT - Proposed two-storey extension to existing hotel to provide an additional 26 bedrooms and single-storey extension to provide hotel breakfast room. (DUE: 22/06/2022)
Cllrs Coates and Eldridge met with The Warwickshire and they explained their plans. This application is in line with the proposal. – No objection agreed.

11.4. Other current applications (FOR INFORMATION ONLY)

- None

Initial: RC

12.	<p>Finance</p> <p>12.1. The Financial Report to 7 June 2022 was approved.</p> <p>12.2. The following payments were approved:</p> <ul style="list-style-type: none"> • Refund (HE): £57.65 • Clerk's Expenses (MAY) £12.00 • Printing: Bulletin £68.15 • Printing: 420 Parish Council leaflets cut 6 to A4 sheet £17.50 • Assessment of CALA Planning Application £1,296.00 <p>ACTION: Request final invoice for Assessment of CALA Planning Application from Kirkwells</p> <p><u>Platinum Jubilee</u></p> <p>There are a number of Platinum Jubilee invoices outstanding. The Clerk has done an interim account for the event which, once the Jubilee Fund Grant on £735 received from WDC is spent leaves a remainder of circa £250 for the Parish Council to pay. This is not the final figure as not all invoices have been submitted yet.</p> <p>The Chairman thanked D/Cllr Redford for the grant, which allowed the community to have a great day.</p> <p><u>Community Grant Fund</u></p> <p>The Chairman raised a request from WI for funds from the Community Grant Fund for £320 to have the WI Garden tidied and cut back. Whilst the PC has previously arranged for this work to be done, the Council agreed in principle.</p> <p>ACTION: Clerk to write to WI</p> <p>12.3. Annual Audit 2021/22</p> <p>12.3.1. The Annual Governance Statement 2021/22 was approved (unanimously) and signed.</p> <p>12.3.2. The Accounting Statement for 2021/22 was approved (unanimously) and signed.</p>
13.	<p>Parish Council Administration</p> <p>13.1. Parish Council Vacancy</p> <p>The Chairman announced that there are currently two candidates.</p> <p>The Clerk will invite both applicants to the July PC meeting with a brief statement to present to the Council. They will then be asked to leave the room and a secret ballot will take place to decide.</p> <p>ACTION: Clerk to write to candidates to explain the co-option procedure</p> <p>13.2. Training None</p>
14.	<p>Correspondence for information</p> <p>The list of items of correspondence was acknowledged. No major issues arising.</p>

15.	<p>Councillors' Reports and items for future agenda Each Councillor is requested to use this opportunity to report minor matters of information not included elsewhere on the agenda and raise items for future agendas. <u>Councillors are respectfully reminded that this is not an opportunity for debate or decision making.</u></p> <ul style="list-style-type: none"> • Cllr Eldridge proposed writing to Jeremy Wright MP to congratulate him on his knighthood. <p style="text-align: center;">ACTION: Clerk to write to letter of congratulation on behalf of the Council</p> • Cllr Allison asked whether consideration of a dedicated space or storage facility for the PC property. <p style="text-align: center;">ACTION: Clerk to add to the next agenda in Parish Council Administration section</p>
16.	<p>Date of next meeting To confirm the date of the next meeting which is scheduled for 7:30pm on Tuesday, 5 July 2022 at Leek Wootton Village Hall. D/Cllr Redford gave apologies for the next meeting.</p>
17.	<p>To consider the exclusion of the public and press in the public interest for consideration of the following items:</p> <p>17.1. Personnel issues. None</p> <p>17.2. Legal issues. None</p>

Signed: Richard Coates (Chairman)

Date: 05/07/2022

Initial: RC

MEMORANDUM

For the Head of Law and Governance

To: Tony Ward

cc: Ross Chambers

From: Sue Mullins
 Direct Dial: 01789260975
 e-mail: sue.mullins@stratford-dc.gov.uk
 My Ref: 022196 Your Ref:

Date: 06 May 2022

Leek Wootton Housing Allocation / Policy DS22

Thank you for your instructions on this matter. Following on from consideration of the issue and our helpful conversation earlier this week, I now set out our formal advice on this matter. I understand that this advice will be shared with persons outside Warwick District Council (WDC).

Background

Leek Wootton Police Headquarters is situated on this site. At the time of the preparation of the Warwick District Council Local Plan adopted in 2017, the intention of Warwickshire Police was to merge with West Mercia Police. As a result of this planned merger, Warwickshire Police no longer had any need for the Headquarters building on the site and was therefore intending to sell the site for development.

Warwickshire Police worked with the Council and other parties through the Local Plan process to prepare a masterplan for the allocation of the site for development. The draft masterplan was agreed in principle (but not formally) and formed a key part of the evidence submitted to the Local Plan Examination. The outcome of the process was the adoption of Policy DS22.

The aim of Policy DS22 is to ensure the comprehensive and timely development of the entirety of the allocation. There were two explicit key elements to the site's development. Firstly, the conversion of Woodcote House to apartments (with some new build housing in the immediate curtilage of Woodcote House) and, secondly, the development of further land within the allocation site that was a 'greenfield' element.

Since adoption of the Local Plan, including Policy DS22, the merger between Warwickshire Police and West Mercia Police is no longer proceeding and, as a consequence, Warwickshire Police have fully re-occupied Woodcote House as their Headquarters. More recently Warwickshire Police have sold the 'greenfield' development parts of the site to Cala Homes. Cala Homes are now seeking Planning permission for residential development of the 'greenfield' part of the site (Planning Application: W/22/0465).

Issues for consideration

It appears highly unlikely that Cala Homes will be able to develop the entirety of the site allocation in the comprehensive and timely way envisaged in Policy DS22 and the draft Masterplan as the Police Headquarters Building is continuing to be occupied by Warwickshire Police.

The local community's perception is that the Local Plan Planning Inspector approved the allocation and 'special circumstances' that enabled the justification for the removal of the site from the greenbelt on the basis that the site would come forward as a wholly residential development with a comprehensive package of benefits available to both existing and future residents of the village. Any departure from this full package (as per the draft Masterplan presented to the Local Plan Examination) is likely to be viewed by the local community as representing an unacceptable departure from what was 'promised' and will not be in the spirit of the 'offer' made in the draft Masterplan at the point of the Local Plan Examination.

From the WDC perspective, it would be useful to be able to approve/ realise some housing development at this location to assist in meeting the housing requirements of the Local. Planning officers' view is that the principle of residential development is established at this location, albeit that the circumstances have changed.

Appendix Item 5: Legal Opinion on DS22

Advice

WDC, in its capacity as the Local Planning Authority (LPA), has received a planning application from Cala Homes in respect of the Leek Wootton site, and this has to be determined. Planning applications are determined under Section 70 of the Town and Country Planning Act 1990 (TCPA). Section 70(2) of the TCPA provides as follows:

- (2) In dealing with an application for planning permission or permission in principle the authority shall have regard to-**
- (a) the provisions of the development plan, so far as material to the application,**
 - ...
 - (c) any other material considerations.**

Section 336 of the TCPA states that the:

"development plan" must be construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004"

The development plan comprises any regional strategy for the area, the development plan documents adopted or approved for the area and any neighbourhood development plans made in relation to the area (Section 38 Planning and Compulsory Purchase Act 2004). The development plan therefore includes the Local Plan adopted in 2017, as well as the Neighbourhood Plan for Leek Wootton and Guy's Cliffe of Spring 2018. The draft Masterplan for the site will also be a material consideration in the determination of the application, although may carry less weight due to the fact that it has not been formally adopted.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides as follows:

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The status of the Development Plan is further reinforced by the National Planning Policy Framework which states at paragraph 47:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

In determining the planning application for this site, the LPA therefore has to have regard to Policy DS.22 in the Local Plan as it is clearly relevant to the application, the Neighbourhood Development Plan and the draft Masterplan. The application should be determined in accordance with Policy DS.22 (and other relevant provisions of the development plan) unless material considerations indicate otherwise.

Policy DS.22 and the draft Masterplan in relation to the site are both predicated on a comprehensive development of the whole site which is why Policy DS.22 provides that:

"All planning applications for development of the site within the Growth Village Envelope must comply with the Masterplan and accord with other relevant policies of this Local Plan and any adopted Neighbourhood Development Plan, taking account of viability. In determining any planning applications on the site the local planning authority will seek to ensure that the proposals:

- a. Protect and enhance the historic assets and their setting;**
- b. Secure the sustainable long-term future of Woodcote House as a Grade 2 Listed Building;**
- c. Contribute positively to the landscape character;**
- d. Deliver a mix of housing, including affordable housing;**
- e. Demonstrate a high quality of design and layout, including an appropriate means of access and circulation;**
- f. Make provision for all reasonable infrastructure requirements, including open space;**

Appendix Item 5: Legal Opinion on DS22

- g. Make provision for the future management / maintenance of the balance of the site (those areas not to be utilised for housing development),**
h. The Council will require the developer to enter into an agreement / agree a mechanism in order to provide certainty that both the new build (greenfield) housing elements on the allocation and Woodcote House conversion (and the associated restoration of its setting) are delivered simultaneously or within a mutually acceptable timescale”.

Development of the site in the comprehensive way envisaged by Policy DS.22 and the draft Masterplan is highly unlikely to be achieved given the change in circumstances as a result of the failed Police merger and the current application cannot comply with all the provisions of Policy DS.22. Indeed, any application to develop the site without the inclusion of the Police Headquarters building could not comply with policy DS.22 in its entirety.

This does not mean that any and all applications to develop the site which do not wholly comply with Policy DS.22 should automatically be refused. The starting point has to be the policy, but this should be considered in the light of any material considerations indicating that a departure from the policy may be acceptable. It is not at all unusual for development plan policies to be superseded by events subsequent to the adoption of such policies, given the lengthy provision for development, consideration and approval of such policies, and there is no obligation on LPAs to “slavishly adhere” to the development plan if material considerations indicate that departure from those policies is considered, on balance, to be acceptable (R (Cala Homes (South) Ltd v Secretary of State for Communities and Local Government [2011]).

The change in circumstances brought about by the failed police merger and the likelihood of the whole site coming forward for comprehensive development are, in my view, material considerations in determining the application and should be weighed in the usual way when considering the application. It is for Planning Officers/ Planning Committee to make a judgement on where the balance lies between the development plan and the application, as with any other application which is not in complete accord with relevant development plan policies.

The LPA therefore has to determine the planning application on the basis of the situation as it currently stands, taking into account all relevant material considerations and giving reasons for any departure from the development plan.

Please let me know if you require any further advice or assistance.

Regards

Sue Mullins

Team Leader – Planning and Regulatory
 Legal Services

