

**To: The Deputy Leader and Members of the
Planning and Development Board**

**(Councillors Simpson, Reilly, Bell, L Dirveiks,
Henney, Humphreys, Jarvis, Jenns, Jones,
Morson, Moss, Phillips, Smitten, Sweet and
A Wright)**

For the information of other Members of the Council

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For enquiries about specific reports please contact the officer named in the reports

PLANNING AND DEVELOPMENT BOARD AGENDA

3 APRIL 2017

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 3 April 2017 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 4 **Planning Applications** – Report of the Head of Development Control.

Summary

Town and Country Planning Act 1990 – applications presented for determination

The Contact Officer for this report is Jeff Brown (719310).

- 5 **Draft Local Plan – consultation and next steps** – Report of the Assistant Chief Executive and Solicitor to the Council.

Summary

This report will update members on the Draft Local Plan consultation and outline the next steps.

The Contact Officer for this report is Dorothy Barratt (719250).

- 6 **Emergency TPO – Herring Road** – Report of the Head of Development Control.

Summary

This report seeks confirmation of action taken to make an emergency tree preservation order in respect of a group of trees at this site.

The Contact Officer for this report is Jeff Brown (719310).

- 7 **Tree Preservation Order 109 Tamworth Road Wood End** - Report of the Head of Development Control.

Summary

The Board is invited to consider a revised plan in respect of the Tree Preservation Order at 109 Tamworth Road, Wood End.

The Contact Officer for this report is Fiona Wallace (719475)

- 8 **Tree Preservation Order Father Hudson's Coventry Road Coleshill** - Report of the Head of Development Control.

Summary

The Board is invited to consider the representations received and decide whether or not to confirm the Tree Preservation Order at Father Hudson's Coventry Road Coleshill.

The Contact Officer for this report is Fiona Wallace (719475)

EXEMPT INFORMATION (GOLD PAPERS)

9 Exclusion of the Public and Press

Recommendation:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

10 Breaches of Planning Control – Report of the Head of Development Control.

The Contact Officer for this report is Jeff Brown (719310).

JERRY HUTCHINSON
Chief Executive

Agenda Item No 5

Planning and Development Board

3 April 2017

Report of the Assistant Chief Executive and Solicitor to the Council

Draft Local Plan – consultation and next steps

1 Summary

- 1.1 This report will update members on the Draft Local Plan consultation and outline the next steps.

Recommendation to the Board

That the report be noted

2 Report

- 2.1 As Members will be aware the consultation on the Draft Local Plan will close on 31 March 2017. As that is after the closing for this Board a verbal update will be given at the Board meeting on the number of representations received during the consultation.

3 The Consultation

- 3.1 The consultation began informally following the LDF Sub-committee meeting on 3 August 2016. The formal consultation period commenced on Thursday 10 November 2016 and was originally due to close on 5 January 2016. This was extended until 31 March 2017, to ensure there was time for consideration of the Sustainability Appraisal and to provide as much update to date information on the provision of infrastructure as possible.
- 3.2 Since 3 August there have been a number of events and activities. These include the following:
1. There were 16 consultation events in November and December 2016 with a further 11 in March 2017. These were drop-in exhibitions with officers available to talk through any issues.
 2. All the events were publicised through twitter and Facebook.
 3. A member's meeting to talk specifically about infrastructure. This focussed on education.
 4. Presentations were made to Area Forum meetings as well as to the Northern Warwickshire Chamber meeting.

5. Officers have gone to Parish Council meetings – Polesworth and Dordon.
6. A booklet on the Draft Local Plan, the Sustainability Appraisal and the Draft Infrastructure Plan were circulated to every house in the Borough.

4 Next Steps

4.1 It is proposed to carry out the following:

1. A report on the representations made during the consultation be consideration by the LDF Sub-committee in June.
2. Further meetings take place to discuss infrastructure and in particular focusing on health, transport and leisure.
3. A report is prepared outlining the suggested changes to the Draft Local Plan.
4. A submission version of the Draft Local Plan is prepared for consultation along with an updated Sustainability Appraisal and Draft infrastructure Delivery Plan.
5. Once the representations have been summarised an updated Local Development Scheme setting out the formal timetable for the production of the Local Plan will be presented to Board for approval.

5 Report Implications

5.1 Environment and Sustainability Implications

5.1.1 Consideration of sustainability and the impacts on the environment are key parts of the production of the Local Plan.

5.2 Links to Council's Priorities

5.2.1 The production of the Local Plan is linked to all of the Council priorities.

The Contact Officer for this report is Dorothy Barratt (719250).

Agenda Item No 6

Planning and Development Board

3 April 2017

Report of the Head of Development Control

Emergency TPO – Herring Road

1 Summary

- 1.1 This report seeks confirmation of action taken to make an emergency tree preservation order in respect of a group of trees at this site.

Recommendation to the Board

That the Board confirms the action taken to make an Emergency Tree Preservation Order for the group of trees on land off Herring Road, Atherstone for the reasons given in this report and that all representations received are reported back to the Board for further consideration.

2 Report

2.1 Background

- 2.1.1 Attention was directed to this site to the east of Herring Road off Westwood Road early in March because trees were being felled. Apart from the loss of the trees local people were concerned as there is a path across the site. Local Members contacted the planning division.
- 2.1.2 It was confirmed that there was no existing Order protecting the trees on the land and that the site is not within a Conservation Area.
- 2.1.3 Officers visited the site and established ownership of the land through the Land Registry. An assessment of the remaining trees was undertaken by the Council's Tree Officer and an evaluation form completed. This showed that the trees scored sufficiently well to be considered for protection. As a consequence with the agreement of the Chairman of the Board an Emergency Tree Preservation Order was made on Friday 17 March. It has been sent to the registered owner of the land and appropriate copies have been displayed on the site.
- 2.1.4 In this case because of the proximity to the West Coast Mainline it was necessary to inform the local Asset Manager of Network Rail as well as the British Transport Police because the risk of damage to the line either through the felling of trees or the de-stabilisation of the land. The Health and Safety

Executive were also informed because of the use of the land by the public accessing footpaths beyond the site.

- ... 2.1.5 The completed evaluation form is attached at Appendix A together with a plan of the site. The reasons for making the Order are that the site is well used by the public for access to the countryside being an edge of town location with good public amenity value for recreational purposes. The trees enhance that amenity in the public interest.

3 Report Implications

3.1 Finance and Value for Money Implications

- 3.1.1 There will be no cost to the Council in making the Order or considering the representations received. If the Order is eventually confirmed then in certain circumstances there may be claims for compensation should work to protected trees be refused Consent.

3.2 Legal and Human Rights Implications

- 3.2.1 The owners of the land and those that have an interest in the land have the opportunity to make representations to the Emergency Order and these will need to be considered by the Council when it comes to decide whether to confirm the Order or not.

3.3 Environment and Sustainability Implications

- 3.3.1 The trees here are mature and have longevity such that they can continue to provide a public amenity in an area of the town that is well used for its recreational value.

The Contact Officer for this report is Jeff Brown (719310).

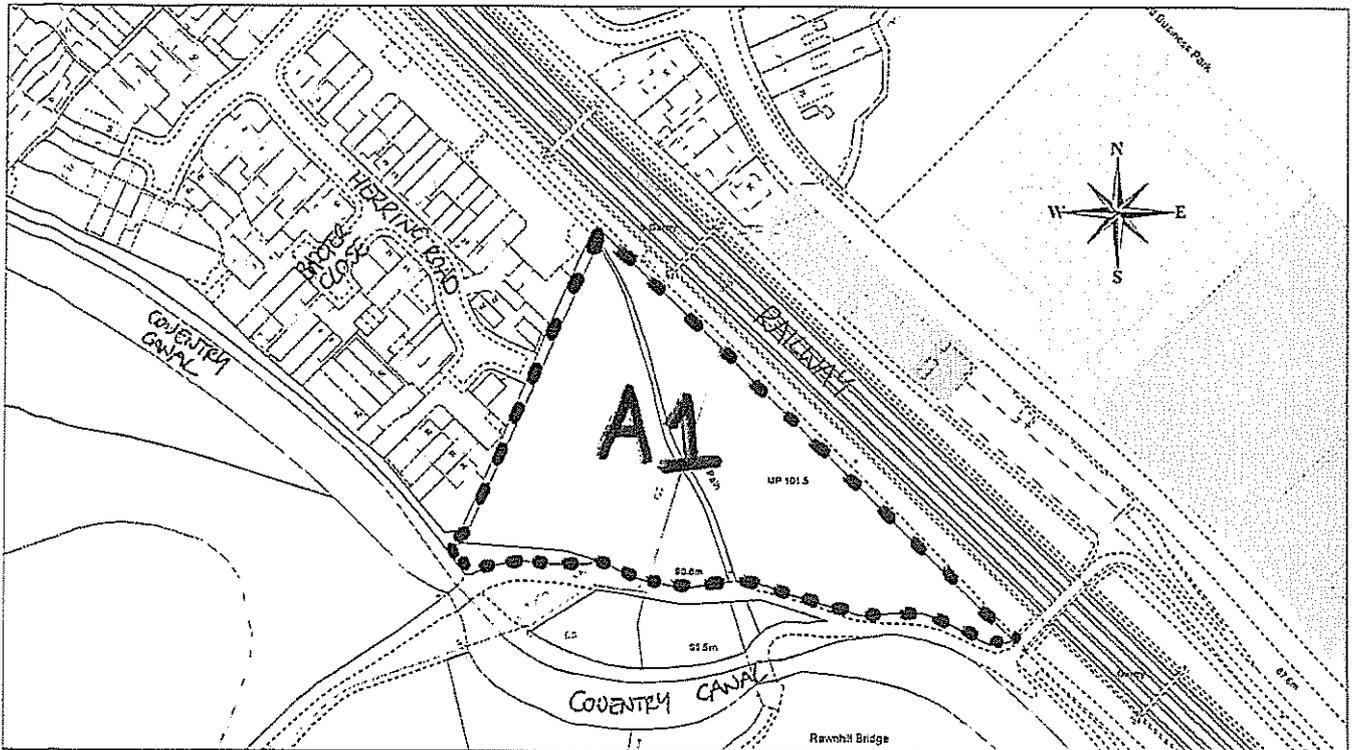
Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

APPENDIX A

Herring Road, Atherstone.



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Agenda Item No 7

Planning and Development Board

3 April 2017

**Report of the
Head of Development Control**

**Tree Preservation Order
109 Tamworth Road
Wood End**

1 Summary

- 1.1 The Council's Tree Officer was consulted in respect of an outline planning application for four houses at 109 Tamworth Road, Wood End, following the submission of a landscape plan as part of a planning application. The Tree Officer identified six mature Oak trees within the site that offer potential for significant amenity value in the future as well as offering habitat value (as indicated on the plan at Appendix A) and are considered worthy of a Tree Preservation Order.
- 1.2 A report was presented to the Board on 10th October 2016 that a Tree Preservation Order be made, in respect of six mature Oak trees and that any representations received be referred to the Board for it to consider whether to make the Order permanent. The provisional Order was made on 7th November 2016.
- 1.3 The required minimum period for representations by interested parties in respect of this Tree Preservation Order expired on 14th December 2016.
- 1.4 The confirmation of the Tree Preservation order was reported to Board on 6th March 2017. A further representation has been received from the owner of the site which observed that trees T2 and T3 were incorrectly positioned on our reference plan and that the large oaks should be sited further north along the boundary hedge.
- 1.5 In view of this representation the Council's Tree Officer has again visited the site and has plotted the trees referred to as T2 and T3 correctly. It is therefore noted at Appendix A, that the TPO plan is correct with modifications.

Recommendation to the Board

That the Tree Preservation Order be confirmed (with modifications) in respect of six mature Oak trees.

2 Observations

- 2.1 The Council's solicitor is satisfied that the Council has complied with the legislative requirements with regards to notifying adjoining owners/occupiers.
- 2.2 A representation has been received from the site owner regarding the position of the trees T2 and T3, though it is noted there is no objection from the owner to confirming the tree preservation order.

3 Report Implications

3.1 Legal and Human Rights Implications

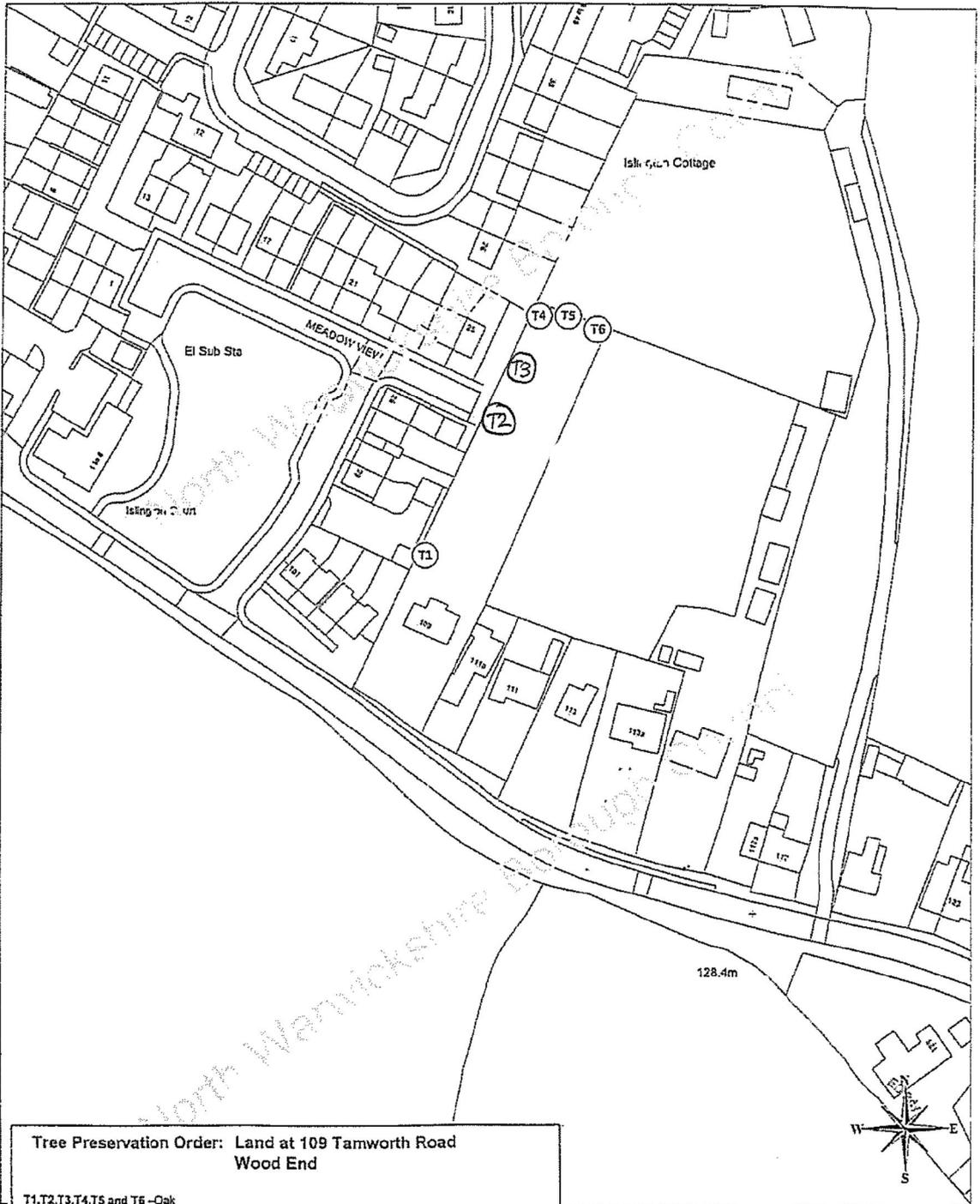
- 3.1.1 The owners of the land have been given the opportunity to make representations to the Council before the Order is confirmed as being permanent.
- 3.1.2 The trees to be protected exhibit significant amenity value for both the present and the future use of the land.

The Contact Officer for this report is Fiona Wallace (719475)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
Memo	NWBC Principal Solicitor	Memo with the Tree Preservation Order, plan and notice sent to owners and adjoining occupiers.	7.11.16
Correspondence	Mr Heathcote	Representation	7.12.16
Board Report	Case Officer	Previous report to Planning Board on 6 th March 2017	6.3.17
Memo	NWBC Principal Solicitor	Memo with representation	7.3.17



Tree Preservation Order: Land at 109 Tamworth Road
Wood End

T1, T2, T3, T4, T5 and T6 - Oak

Scale: 1:1250 | Date: 20.02.17 | File No: 713.042/6 | Drawn By: J.S.

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Agenda Item No 8

Planning and Development Board

3 April 2017

Report of the
Head of Development Control

Tree Preservation Order
Father Hudson's
Coventry Road
Coleshill

1 Summary

1.1 The Council's Green Space Officer was consulted in respect of an application for works to trees in a Conservation Area. The works to trees were refused and a Tempo completed, the trees scored high on a Tempo and an emergency Tree Preservation Order was made on 3rd November 2016 under delegated powers. The Council's Tree Officer identified six mature trees within the site that offer potential for significant amenity value in the future as well as offering habitat value (as indicated on the plan at appendix A) and are considered worthy of a Tree Preservation Order.

1.2 The emergency Order was made on 3rd November 2016 and the required minimum period for representations by interested parties in respect of this Tree Preservation Order expired on 9th December 2016.

1.3 Representations of objection from the owner of the site, an objection from an adjoining owner and one of support from a neighbour have been received. The nature of the objection is as follows:

- The site lies in a conservation area which applies a level of control over the felling of any trees, the new order has been progressed on the basis of the notification for the felling of various of the trees and works to others.
- Their value has been over-emphasised.
- The group of trees spread across the Father Hudson's site have no real relationship with each other.
- No objection to trees nos. 1, 2 and 6 being subject of the order.
- Trees 3 & 4 and the public amenity value is limited being located in the centre of the site in and amongst other tree species and does not enhance the appearance of the site.
- The removal of trees 3 & 4 would not have a *significant impact* on the enjoyment of the environment by the public as the trees derive little public benefit and are not particularly prominent from public vantage points. Government advice that states, "*TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from*

a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified.”

- Tree no. 5, a self-set four-stem Sycamore tree. The tree may have public amenity value in that it can be seen from a public vantage point, but is in isolation and is only visible once the extensive tree planting to the western boundary is passed. The tree is clearly in an inappropriate and unsuitable location. The root system is compromised by the location of buildings and the impact on surrounding buildings is beginning to show. It is only a matter of time before there is a demonstrable impact on the adjacent building that will compromise its use and cause damage.
- Tree no. 5 is unsuitable for its location, there are far better and more important trees in the area, there will inevitably be works required in the future that will require felling. A self-set sycamore it is not rare, provides no screening value and does not enhance the conservation area.
- Tree nos. 3 & 4, two Lawson Cypress and tree no. 5, Sycamore should be omitted from the TPO. That the order be amended to omit trees 3, 4 & 5.

- Further objection received to place a TPO on the cedar tree, as there is expected to be extensive tree root activity in the adjoining residential garden to the south. The impact of the Cedar tree is as follows:
 - The Cedar tree currently causes light problems, dense evergreen affects sunlight throughout the year.
 - There will be future issues with the spreading of roots to the adjoining gardens creating shade, drying out the soils and increasing the acidity of soils through fallen needles.
 - Eventually there will be damage to the boundary fence from the increased girth of the tree.
 - The unique form of this tree species is more suitable to open parkland and any attempts to reduce the canopy can result in an unbalanced and unsightly tree form.

- Letter of support for the TPO received from one neighbour.

1.4 In view of this representations received the Council's Green Space Officer has considered the objections and it is considered that the Council's view has not altered and therefore the TEMPO assessment remains valid and all the tree listed therefore have an amenity value and would be made permanent by the Order. The trees required to be confirmed by the Order are those listed below and shown at Appendix A, that the TPO plan is correct with modification to the Order as the species of the Cedar is a Deodar Cedar.

Recommendation to the Board

That the Tree Preservation Order be confirmed in respect of one Deodar Cedar, one small leafed Lime, two Lawson Cypress and two Sycamore.

2 Observations

- 2.1 The Council's solicitor is satisfied that the Council has complied with the legislative requirements with regards to notifying adjoining owners/occupiers.
- 2.2 The nature of the representations of objection received is understood as there is an objection to making a permanent order on these trees. However the assessment made by the Council's Green Space Officer is considered to be material on the outcome of this recommendation.

3 Report Implications

3.1 Legal and Human Rights Implications

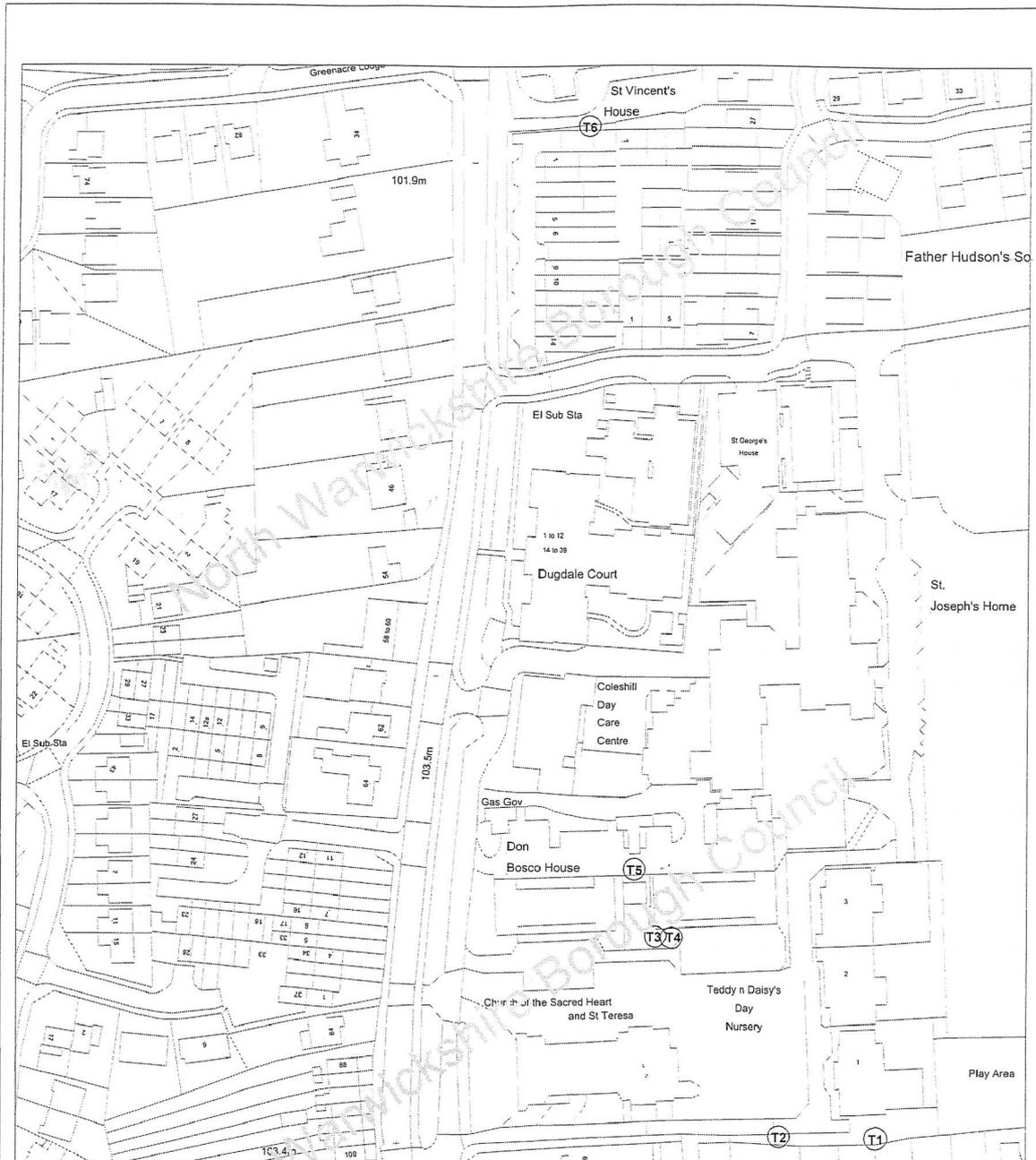
- 3.1.1 The owners of the land have been given the opportunity to make representations to the Council before the Order is confirmed as being permanent.
- 3.1.2 The trees to be protected exhibit significant amenity value for both the present and the future use of the land.

The Contact Officer for this report is Fiona Wallace (719475)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

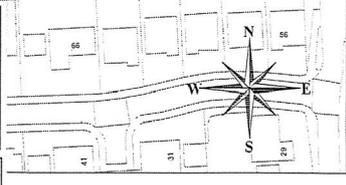
Background Paper No	Author	Nature of Background Paper	Date
Memo	NWBC Principal Solicitor	Memo with the Tree Preservation Order, plan and notice sent to owners and adjoining occupiers.	3.11.16
Correspondence	Reverend O'Connor	Representation	23.11.16
Correspondence	Mr Timms	Representation	5.12.16
Correspondence	Mr Styles	Representation	5.12.16



**Tree Preservation Order: Land at Father Hudsons
Coventry Road
Coleshill**

T1- Cedar, T2- Lime, T3 & T4- Lawson Cypress, T5 & T6- Sycamore

Scale: 1:1500 Date: 22.03.17 File No: 713.019/22 Drawn By: J.S.



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Agenda Item No 9

Planning and Development Board

3 April 2017

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 10

Breaches of Planning Control - Report of the Head of Development Control

Paragraph 6 – by reason of the need to consider the legal implications

The Contact Officer for this report is David Harris (719222).