

**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

This document can be made available in large print and electronic accessible formats if requested.

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

PLANNING AND DEVELOPMENT BOARD AGENDA

6 FEBRUARY 2017

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 6 February 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 Corporate Plan 2017 – 18 - Report of the Chief Executive

Summary

The Corporate Plan is updated on an annual basis. The purpose of this report is to seek the Board's approval for the Corporate Plan Key Actions for which it is responsible and to agree the 2017-18 Service Plans for Development Control and Forward Planning.

The Contact Officer for this report is Jerry Hutchinson (719200).

5 General Fund Fees and Charges 2017/2018 - Report of the Assistant Director (Corporate Services) and the Assistant Chief Executive and Solicitor to the Council

Summary

The report covers the fees and charges for 2016/17 and the proposed fees and charges for 2017/18.

The Contact Officer for this report is Nigel Lane (719371).

6 General Fund Revenue Estimates 2017/18 - Report of the Deputy Chief Executive

Summary

This report covers the revised budget for 2016/17 and an estimate of expenditure for 2017/18, together with forward commitments for 2018/19, 2019/20 and 2020/21.

The Contact Officer for this report is Nigel Lane (719371).

7 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).

8 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2016 - Report of the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2016.

The Contact Officer for this report is Robert Beggs (719238).

9 **Tree Preservation Order - Rear of 62 Vicarage Road, Water Orton –**
Report of the Head of Development Control

Summary

The Board is invited to consider the confirmation of a Tree Preservation Order on land to the rear of 62 Vicarage Road, Water Orton.

The Contact Officer for this report is Christina Fortune (719481)

10 **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 item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

**EXEMPT INFORMATION
(GOLD PAPERS)**

11 **Chicken Broiler Appeal, Mancetter –** Report of the Assistant Chief Executive and Solicitor to the Council.

The Contact Officer for this report is Steve Maxey (719438).

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

6 February 2017

Report of the Chief Executive

Corporate Plan 2017 - 18

1 Summary

- 1.1 The Corporate Plan is updated on an annual basis. The purpose of this report is to seek the Board's approval for the Corporate Plan Targets for which it is responsible and to agree the 2017-18 Service Plans for Development Control and Forward Planning.

Recommendation to the Executive Board

- a That those Corporate Plan Targets as set out in Appendix A to the report for which the Planning and Development Board is responsible be agreed; and**

Recommendation to the Board

- b That the Service Plans as set out in Appendix B to the report be agreed.**

2 Report

- 2.1 Corporate Plan Targets and Divisional Service Plans are normally agreed in the January/February cycle of meetings and adopted by Full Council in February at the same time as the Budget.

- ... 2.2 Appendix A sets out proposals for those Corporate Targets which fall within the remit of the Planning and Development Board. Members are requested to recommend to the Executive Board that the Corporate Targets set out in Appendix A are agreed.

- 2.3 A report will be presented to Boards/Sub-Committees after the end of the financial year to show the year end out-turn on the 2016-17 Key Actions. Proposals for 2017-18 will form part of the 2017-18 Corporate Plan which covers the Council's top level priorities.

- 2.4 It is also important, however, that Members are aware of and agree the significant amount of work carried out within the Divisions to provide services to local people. This information appears in a single document for each Division, the Divisional Service Plan, which is the key management tool for ensuring that services deliver their annual work programme.

- ...
- 2.5 The Service Plans for Development Control and Forward Planning comprise Appendix B to this report, as most of these programmes relate to work carried out for this Board.
- 2.6 Where there are any budget implications for another Board/Sub-Committee arising out of this work programme, those implications will be drawn to the attention of the relevant Board/Sub-Committee in the Budget report going to this cycle of meetings. Similarly, any budgetary implications for this Board from Divisional Plans being reported to other Boards/Sub-Committees are dealt with in the Budget Report also on this agenda.
- 2.7 Once the Corporate Plan Targets and Divisional Service Plans have been agreed, they will all be subject to the following reporting procedures for monitoring performance:-
- Monthly reports are considered by Management Team;
 - A traffic light warning indicator is used:-
 - Red – target not likely to be achieved.
 - Amber – target currently behind schedule and requires remedial action in order to be achieved.
 - Green – target currently on schedule to be achieved;
 - Progress reports to each Board/Sub-Committee meeting.

3 Report Implications

3.1 Finance and Value for Money Implications

- 3.1.1 Where possible, Targets and indicators for 2017-18 will be achieved from within existing Board/Sub-Committee resources. Details of any additional funding are included in the right hand column of the table in Schedule A and in the Budget report and will be in appropriate cases, the subject of reports to the Board.

3.2 Human Resources Implications

- 3.2.1 Any Human Resources implications resulting from the proposals in the Schedule will be the subject of further reports to the Board.

3.3 Risk Management Implications

3.3.1 The main risk is ensuring that the Council prioritises its resources to enable it to deliver its priorities. The performance monitoring arrangements set out above provide the mechanism to ensure that remedial action can be taken to review progress and ensure that priority outcomes are delivered.

3.4 Links to Council's Priorities

3.4.1 These are set out in the Appendices.

The Contact Officer for this report is Jerry Hutchinson (719200).

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

PRIORITIES AND KEY ACTIONS

PRIORITY 3 PROTECTING OUR COUNTRYSIDE & HERITAGE	Protecting and improving our countryside and heritage in times of significant growth challenges and opportunities.
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Target	Board/Lead Officer	Additional Training/ Financial Implications
<p>To continue to:-</p> <p>(a) Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy;</p> <p>(b) Use the Design Champions to ensure the best achievable designs are implemented and developed; and</p> <p>(c) To seek to secure the protection of the best of the Borough's built and rural heritage.</p> <p>To report on Growth pressures on the Borough and how to protect the Green Belt as far as possible by February 2018 and at least annually thereafter.</p> <p>To report on these approaches and their impact on sustaining the rurality of the Borough by March 2018.</p>	<p>Planning & Development Board/Design Champions/ACE&StC</p>	<p>To be met within existing budgets.</p>

Target	Board/Lead Officer	Additional Training/ Financial Implications
<p>(a) Whilst continuing to oppose HS2 in principle, to press for maximum mitigation and benefits for the Borough, required as a consequence of the HS2 proposal, in partnership with other affected Councils and community action groups; and</p> <p>(b) To continue to oppose the principle of Opencast Mining.</p>	Executive Board/ACE&StC	Should any additional funding be required, this will be subject to further report.
<p>(a) To maintain a very high standard of street cleanliness (95%) throughout the Borough and to continue to raise awareness (both of the public and other agencies) of the problems of litter, fly-posting and dog fouling.</p> <p>(b) Tackle fly-tipping in line with the Council's Action Plan through joint-working and increased promotion, monitoring & enforcement</p>	<p>Community & Environment Board/AD (S)/ AD (H)</p> <p>Safer Communities Sub-Committee/AD (S)</p>	Any requirement for additional funding will be reported.
To work in partnership with the Highways Authority, Highways England and other partners to improve both the appearance and safety of the Borough's main roads (see also Safer Communities priorities).	Community & Environment Board/AD (S)/ Safer Communities Sub-Committee/CE	Any financial implications will be reported as part of the decision-making process.

Target	Board/Lead Officer	Additional Training/ Financial Implications
To submit the revised Local Plan to the Planning Inspectorate in line with the Local Development Scheme.	Executive Board/Planning & Development Board/LDF Sub-Committee/ACE&StC	To be met within existing budgets.
To continue to take action to reduce the Council's carbon footprint and carbon emission in the Borough, in accordance with the Climate Change Strategy and Action Plan, and to report annually in March on progress. This will include acting on any Government led initiatives for domestic properties.	Community & Environment Board/ACE&StC	To be met within existing budgets.

<p>PRIORITY 6</p> <p>SUPPORTING EMPLOYMENT & BUSINESS</p>	<p>Supporting employment and business to grow the local economy in terms of access to work, skills improvement and wider business development opportunities.</p>
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Target	Board/Lead Officer	Additional Training/ Financial Implications
<p>To develop an action plan based on the Economic Review and Impact Assessment and report on progress by March 2018.</p>	<p>Executive Board/ACE&StC</p>	<p>To be identified as part of consideration of the LGA report.</p>
<p>To continue to work with partner organisations in the Coventry, Warwickshire and Hinckley Joint Committee and to consider further options for joint work in the light of Central Government proposals for greater devolution, if this proves beneficial to the local economy.</p>	<p>Executive Board/CE/ACE&StC</p>	<p>To be identified as part of the negotiating process.</p>

Target	Board/Lead Officer	Additional Training/ Financial Implications
<p>To:-</p> <p>(a) Work with the County Council, Job CentrePlus and other partners to provide apprenticeships/training, including reporting by December 2017 on the feasibility and cost of directly employing more apprentices; and</p> <p>(b) Administer funding provided by developers and through other funding sources to maximise opportunities for employment of local people including employment engagement activity, development of work clubs and bespoke training.</p>	<p>Planning and Development Board/ACE&StC/ ACE (CS)</p>	<p>Use of Section 106 funding and any financial implications identified in the report on employing apprentices.</p>
<p>In partnership with the Local Action Group and Hinckley & Bosworth Borough Council, to continue to ensure the successful delivery of the LEADER programme (2015 to 2020) in accordance with the priorities identified in the approved Local Development Strategy and Business Plan and to report on progress by March 2018.</p>	<p>Community & Environment Board/AD (L&CD)</p>	<p>LEADER is a predominantly externally funded programme.</p>

Target	Board/Lead Officer	Additional Training/ Financial Implications
Looking to improve transport links to local employment and report on progress by March 2018.	Planning & Development Board/ACE&StC	Section 106 funding.
To work to improve broadband access for the people and businesses of North Warwickshire through the work of the Council and specifically the Coventry, Solihull and Warwickshire BDUK Project and report on progress by December 2017.	Resources Board/AD (CS)	BDUK funding and approved Council matched funding.

Development Control Service Plan 2017/18

Introduction – Summary of 2016/17

The last year (2016/17) has seen a substantial rise in the number of applications received. With the loss of a case officer, caseloads have grown as a consequence. However, performance remains very good compared with internal targets as well as when we benchmark with similar sized rural authorities. Delegated decisions remain in line with national figures. The nature of development proposals is changing with more major cases, particularly with residential schemes. Indeed we recently dealt with a case for 630 new houses. Planning fee income therefore remains higher than recently and this is likely to be sustained with the emerging growth agenda.

The main change in approach to the larger applications is focussing on how these developments can be managed and thus master planning and infrastructure delivery are becoming new focus points in the service. Section 106 contributions are thus increasing in significance.

The service is dealing with an increased number of appeals and very unusually we will have four Inquiries during the year – not experienced for over a decade. To date we have not had significant costs awards made against us.

Heritage issues are increasingly being dealt with in-house again.

Enforcement activity remains significant with cases at appeal and in the Courts.

The Building Control Partnership is working far more efficiently than before with a less than anticipated contribution from the Council.

Review of Last Year

What has gone well?

- Overall performance remains strong
- Significant Planning Decisions being made: - e.g. 600 houses in Atherstone
- Variety of applications submitted remains very wide
- Significant increase in the number of applications submitted
- Consequential high fee income
- Section 106 Agreements now bringing in significant contributions for infrastructure
- Draft Development Management Policies subsumed into the new draft Local Plan
- High profile enforcement work – still very active caseload.
- Speaking at Planning Board is positive
- Member involvement in design issues is effective
- Training sessions undertaken for Members
- Pre-application presentations to Members remain important
- Heritage issues beginning to be covered in-house
- Building Control Partnership extended
- Successful internal promotions
- No Ombudsman investigations

What has not gone well?

- Increased workload resulting in officer case- loads higher than seen in last ten years
- Delays in receiving consultation responses from some Statutory Agencies
- Increased number of appeals being allowed
- Significant workload associated with more Public Inquiries
- Cases of breaches of Planning Control remain high
- Capacity Issues

Staffing

- Promotions internally as a consequence of a resignation
- Two posts remain vacant
- Professional heritage training for an officer

1. Service Plan for Next Year

External Assessments

- Designation Regime widened and made more stringent

New Legislation

- The Housing and Planning Act 2016 – more housing and re-definition of affordable homes
- Consequential changes to the NPPF to follow
- Permissions in Principle to be introduced

New Practice or Codes

- Nothing introduced in the year

Value for Money/Efficiency

- Fee income remains high and likely to be sustained
- 106 Contributions becoming more significant and infrastructure oriented.
- Competition and local fee setting remains firmly on the agenda

Performance Indicators

- Targets remain
- Well established audit systems remain in place
- Quarterly reports to Planning Board
- Annual performance Report on a wide range of measures

Use of Technology

- Protocols for procedures with Statutory consultations
- Further digital plotting of constraints – e.g. HS2 safeguarding
- Electronic Submission still at 60% (?)
- Looking to hand held technology for out of office working

Risk Management

- Annual Moderation of Service Risks
- Risks identified in Board reports
- Fraud Awareness training

Customer Surveys/Consultations

- Nothing formal undertaken but anecdotal feed-back is positive
- No Ombudsman cases
- Several complaints looked at but no need to change practice

Corporate Working

- Close links with other services in the delivery of Corporate services – affordable housing/open space/access to jobs/ refuse bins
- Corporate Plan objectives – links to Council priorities – protection of rural character; access to job opportunities and affordable housing to the forefront.
- Very close links to forward planning with progression of the new draft Local Plan
- Infrastructure Planning and Master planning beginning to take a more pronounced role

Sustainable Community Strategy 2009 – 2026

- Raising Aspirations – regular use of Section 106 for skills training and opportunities
- Developing Healthier Communities – Design of new developments/use of 106 contributions and master planning
- Improving Access to facilities – 106 contributions in particular.

Vision/Strategies

- Delivery of Corporate and Community Plan priorities
- Master Planning for new communities and Places
- Delivery of the Core Strategy
- New draft Local Plan

Climate Change

- Core Strategy policies
- Renewable energy in developments
- Sustainable Drainage systems.

Workforce Planning Issues

- Overall sickness record is very good
- Exceptionally experienced staff
- Succession Planning is an issue
- Vacant posts and time taken to resolve
- Case-loads are very high – increased pressure
- Skills Gap – Climate change; Master Planning and Infrastructure Delivery

Process and Policy

- Continuing legislative reform and change
- Increased pressure to deliver the growth agenda

Health and Safety

- No significant issues

Equalities

- Issues covered where appropriate in Board reports

Data Quality

- Written procedures for all indicators with audit checks
- Written procedures for use of software
- Digital constraints mapping

Communications

- Weekly List of applications – a virtual list too
- Accessible Web site
- Press releases
- Public Speaking at Planning Board
- Special Board Meetings for specific high profile cases
- Planning Issues raised at Area Fora
- More pre-application consultation by prospective applicants

Previous Year

- Action 1 – To work towards adoption of the Development Management Policies: The draft policies have now been agreed with changes by Board and have now been included in the new draft Local Plan which is presently out for consultation. Progress therefore made.
- Action 2 – To continue with the review of the service: Completed with over half case officers in the new system and 80% of applications being dealt with under the new system.
- Action 3 – To review the Building Control Partnership: Achieved during the year with a renewal for the next three years.

2. Resources Implications

- Sustained fee income and likely to increase further
- Significant contributions now coming forward for infrastructure delivery
- High Profile cases and particularly public inquiries are very resource hungry
- Vacant posts are having an impact because of high workload

3. Performance Indicators for 1017/18

Our current PI's reflect our past performance against the former National Indicators of the times taken to determine planning applications. These are 60% of all major applications in 13 weeks; 80% of all minors in 8 weeks and 90% of all others within 8 weeks.

These should be retained given the continuing high case-loads and existing staffing levels.

**PLANNING AND DEVELOPMENT DIVISION
SUMMARY SERVICE PLAN 2017/18**

Action	Corporate Priorities	Lead Officer	Start Date	End Date	Priority	Measurement of Success	Resource/Training Implications
1) To work towards adoption of the Development Management Policies	Countryside and Heritage Supporting Employment and Business Promoting Sustainable Communities	Head of Development Control	Already underway	Autumn 2017	1	<ul style="list-style-type: none"> • Adoption of the Policies • Training Sessions 	<ul style="list-style-type: none"> • No unusual implications- already progressed to publication
2) To continue to introduce Master Planning and Infrastructure Delivery into the service	Promoting sustainable communities	Head of Development Control	Already underway	Ongoing	1	<ul style="list-style-type: none"> • Involvement in pre-application stages • Regular Section 106 meetings with providers 	<ul style="list-style-type: none"> • No unusual implications
3) To continue to develop the heritage role in the team.	Countryside and Heritage	Head of Development Control	Already underway	ongoing	1	<ul style="list-style-type: none"> • Training completed • Greater reliance on in-house responses 	<ul style="list-style-type: none"> • Already in the raining budget

Workforce Implications of the Corporate and Service Plan

Workforce Area	Long Term Objectives	Objectives 2017/18	Action By	Performance Measure	Milestone Dates
Skills	<ul style="list-style-type: none"> • All staff more knowledgeable • Better resilience • Widen range/base of knowledge/skills 	<ul style="list-style-type: none"> • Greater general planning knowledge in Central Support 	Within 2017/18	<ul style="list-style-type: none"> • Less avoidable contact 	
Jobs and Job Roles	<ul style="list-style-type: none"> • Greater variety of work 	<ul style="list-style-type: none"> • Involvement by different members of staff 	Within 2017/18	<ul style="list-style-type: none"> • DM Policies published • Explore job satisfaction in staff appraisals 	
Equalities					
Recruitment & Retention	<ul style="list-style-type: none"> • Retain experienced staff • Challenge staff • Delegation of responsibilities • Widen skills base 	<ul style="list-style-type: none"> • Look at “management skills” for the service 	Within 2017/18	<ul style="list-style-type: none"> • Appraisals 	
Learning & Development	<ul style="list-style-type: none"> • Training integral to work • Training focused on known gaps 	<ul style="list-style-type: none"> • Focused Training Plan 	Within 2017/18	<ul style="list-style-type: none"> • Training completed • Evidence of knowledge in reports 	

Workforce Implications of the Corporate and Service Plan

Workforce Area	Long Term Objectives	Objectives 2017/18	Action By	Performance Measure	Milestone Dates
Succession & Career Planning	<ul style="list-style-type: none"> • Challenging work • Increase variety 	<ul style="list-style-type: none"> • Increase variety and challenge • Introduce “management skills” 	Within 2017/18		
Employee Relations					
Health Safety & Welfare	<ul style="list-style-type: none"> • Safe office environment • Safe out of office procedures • Annual risk assessments 	<ul style="list-style-type: none"> • Regular safety audits 	Within 2017/18	<ul style="list-style-type: none"> • Annual Risk Assessments 	
Pay & Rewards					
Flexible Working	<ul style="list-style-type: none"> • More flexible working (in office) • Electronic case files 	<ul style="list-style-type: none"> • Expand electronic case files • On-site hand held technology 			

Forward Planning & Economic Strategy Team Service Plan 2017

Summary

The coming year will be challenging in terms of maintaining progress on a number of projects and ensuring they are delivered in a timely manner whilst maintaining work on the Cross-border Partnership and HS2.

1 A Review of Last Year (2016)

What went well?

1.1 The focus for 2016 has been on the progression of the Local Plan which combines the Core Strategy, Site Allocations and Development Management Plans, and under the Duty to Co-operate making sure that work is progressed to ensure the continuation of other Local Plans.

1.2 The list of work includes:

- Preparation of Draft Local Plan
- Attendance at two rounds of Area Forum meetings to talk about the impending growth
- Undertaking 16 consultation drop-in exhibitions as well as other meetings to publicise the Draft Local Plan
- Attending and preparing for hearings for other Local Plans
- Meeting with various infrastructure providers to inform the ongoing work to update and refine the Infrastructure Delivery Plan
- Evidence base:
 - Commissioning and delivery of:
 - a Joint Coventry and Warwickshire Green Belt Study
 - Employment Land Review addendum
 - Water Cycle Strategy
 - Strategic Land Availability Assessment
- Continued meetings with stakeholders, landowners and agents
- Working with ATLAS (part of the HCA) to take forward the growth agenda
- Making a bid to the HCA for additional resources to assist with capacity
- Developing governance arrangements to take forward and manage the growth
- Assisting the progression of a number of Neighbourhood Plans
- Examination of Arley Neighbourhood Plan and taking through to referendum and adoption
- Formal consultations on Hartshill and Coleshill Neighbourhood Plans
- Servicing and attending the LDF Sub-committee
- Work on Cross-border Partnership
- Continuation of the Cross-border Employment & Skills Group meetings
- Continuing to seek ways of achieving economies of scale to reduce pressure on the budget
- Continued input into regional and sub-regional working with particular reference to the Duty to Co-operate and the Joint Committee

**Forward Planning & Economic Strategy Team
Service Plan 2017**

- The progression of a Memorandum of understanding to deal with the emerging housing numbers in the Coventry & Warwickshire area and dealing with a redistribution from Coventry.
- Working with officers from the GB & BC HMA area to develop a Memorandum of Understanding
- Work on HS2 at national, sub-regional and local levels
- Submission of petitions to the House of Lords and subsequent assistance in the negotiations of issues with HS2
- Working with the LEP through the Growth Hub and the Planning & Business Group
- Worked with partners to submit Expressions of Interest on potential projects for LEP and other sources of funding
- Timely responses to planning applications
- Input into and being main witness on Planning Appeals
- Monitoring completed on time
- National and regional figures completed on time
- Five year housing supply updated for both housing and Gypsy and Traveller pitches / sites
- Assistance in the negotiation of S106 especially for affordable housing and open space provision

What has not gone quite so well?

- 1.3 Although there have been many success in the past year there have been some issues. These are:
- Staff capacity to keep on top of all the current work as well as changes in legislation and aspirational work
 - Information relating to infrastructure is not always easy to arrive at
 - No progress on Conservation Area Appraisals

Work for the coming year

- 1.4 The list below gives an indication of the work expected to be delivered by the team during 2017:
- Continued consultation on the Draft Local Plan
 - Further refinement and development of the Infrastructure Delivery Plan
 - Consultation and then submission of the Draft Local Plan
 - Hearings for Draft Local Plan
 - Giving evidence at Appeals
 - Continuing work on HS2
 - Continued work on HS2 phase 1
 - Work on HS2 Phase 2b including submission of comments on the formally announced route
 - Work proactively with Economic Development partners to consider the economic development role of the Borough and to develop a strategy to achieve the desired outcomes

Forward Planning & Economic Strategy Team Service Plan 2017

- Continue to develop projects that can be put forward for a range of funding sources
- Publication and, if required, an examination into the CIL charging schedule. Will then work with finance, development control and central services to ensure a smooth introduction.
- Conservation area appraisals and review of Hartshill conservation issues

Staffing issues

- 1.6 It will be important to keep under review the capacity of staff to keep the momentum going and ensuring the timely delivery of projects. As part of this a bid has been made to the HCA for capacity funding to assist with the delivery of the growth envisaged.

2 **Service Plan for the coming Year**

External Influence

- The development of a Combined Authority could have an impact either directly or indirectly in how we work with partners within the sub-regional and wider area.

External Assessment

- None expected

New legislation

- Continuing understanding of National Planning Policy Framework
- Neighbourhood Planning
- Community Infrastructure Levy
- Changing funding opportunities for a range of projects including infrastructure and economic projects.

New Practice or Codes

- The Planning Advisory Service continually updates their Best Practice Guidance which will need to be reviewed on a continual basis.

Resource implications

- A lot of changes expected over a relatively short time
- Infrastructure Delivery Plan will need to be updated
- Neighbourhood Planning is more staff resource intensive

Value for Money/Efficiency

- Continuing to seek partnership working to reduce costs wherever possible.

Resource Implications

- Implications on the need to maintain in-house monitoring resources

**Forward Planning & Economic Strategy Team
Service Plan 2017**

Performance Indicators

Table 1: National Indicators that apply to the Service

Number of additional homes provided (net)	2015-16	250
Number of affordable homes delivered (gross)	-2015 -16	
Supply of ready to develop housing sites (awaiting decision on appeal which may determine how we work out this figure in future)	As at 31 August 2016	9.4 years

Table 2: NWBC will be monitored on but reported elsewhere

Flood and coastal erosion risk management	Environment Agency
Improved local biodiversity – active management of local sites	Local Sites Partnership

Table 3: *Local Targets*

Has the local planning authority met the milestones which the current Local Development Scheme (LDS) sets out? :	Yes	Yes	Green	An updated is required due to the extended consultation period
Percentage of new homes built on previously developed land. :	69%	80%	Red	See note below

Note: The last target will need to be reassessed as 80% completions on brownfield sites is now unlikely to be achieved in the future due to the type of sites coming forward through planning permissions and the Draft Local Plan

Use of Technology

- The Local Plan 2006 and Core Strategy 2014 are interactive on-line but could be improved and hosted on Council's own servers. For the emerging Local Plan the issue is that GIS is no longer updated and cost of bringing back Local Plan in a printable version.
- New web pages have been finalised and web links extended
- On-line consultation response form is available.

Risk Management

- Annual Moderation of Risks

Customer Surveys/Consultation

- Consultations will be carried out in relation to the development of the various Planning Policy documents but not directly about the service that Forward Planning provides. These will be both formal consultation periods as well informal meetings with key stakeholders.
- There are resource implications in terms of staff time that it takes to organise and then run events. The Local Plan budget covers the financial costs.

Corporate Working

- Close links with other teams and departments in delivery of Corporate priorities – affordable housing, open space, other

Forward Planning & Economic Strategy Team Service Plan 2017

planning policy documents as well as development and delivery of projects

- Member training
- Future corporate work will be around the introduction of the Community Infrastructure Levy

Community Plan

- The three key themes are interlinked to the work of the team

Vision

- The teams work is cross cutting
- Forward Planning cuts across practically all of the Council's current seven priorities if objectives are to be delivered.

Strategies

- The service is grounded in long term strategic planning most of which shapes Council activity
- It heads and takes up internal Corporate Strategies
- Its focus is external strategic working and linkages
- The service links with all Corporate Priorities

Workforce Planning

- Sickness levels have improved generally within the team.
- The amount and pressure of the momentum of work needs to be assessed on a regular basis to ensure that team morale is not adversely affected.

Process and Policy

- LDS updated programme needs to be agreed on a regular basis with the LDF Sub-committee
- Electronic service delivery programme in place but could be improved
- Identified gap in respect of climate change issues being addressed

Health and Safety

- Risk Assessments undertaken
- Audits need to be undertaken

Forward Planning & Economic Strategy Team Service Plan 2017

Communication

The FP Team have the Statement of Community Involvement (adopted January 2007), which it uses when consulting the public, stakeholders and other organisations. As a result of comments made during the consultation of the Core Strategy and Site Allocations Plan improvements have been made to the processes undertaken.

Climate Change

Officers have met other officers from neighbouring local authorities to discuss further joint renewable energy work.

Previous Years

As the work of the team is long ranging most actions from the previous year need to be carried forward

Resources

The team is busy. Work is escalating in all areas and in particular with the Draft Local Plan and Neighbourhood Plans as well as HS2 work. Realistic timescales therefore need to be ensured to maintain a good delivery rate that means work is accurate and delivered on time. This means that the timetable for the team needs to have an element of flexibility within it.

**Forward Planning & Economic Strategy Team
Service Plan 2017**

SUMMARY ACTION PLAN

Action	Community Plan / Corporate Priorities	Lead Officer	Start Date	End Date	Priority	Measurement of Success	Resource/Training Implications
1 To take Draft Local Plan through Examination process	<ul style="list-style-type: none"> Community Plan: All priorities Corporate Plan 	Forward Planning & Economic Strategy Manager	2016	2018	1	<ul style="list-style-type: none"> Approval of the Local Plan by an Inspector Delivery of sites for development 	<ul style="list-style-type: none"> This will take up a lot of staff time
2 To bring forward Neighbourhood Plans in a timely manner	<ul style="list-style-type: none"> Community Plan: All priorities Corporate Plan 	Forward Planning & Economic Strategy Manager	2012	Ongoing as Plans progresses	1	<ul style="list-style-type: none"> Success referendums and approved Plans 	<ul style="list-style-type: none"> This will take up a lot of staff time from both the team and Democratic Services
3 To review and keep the Infrastructure Plan up to date	<ul style="list-style-type: none"> Community Plan: All priorities Corporate Plan 	Forward Planning & Economic Strategy Manager	Underway	Ongoing	1	<ul style="list-style-type: none"> Regular updates be presented to Board 	<ul style="list-style-type: none"> Staff time initially
4 To bring forward CIL	<ul style="list-style-type: none"> Community Plan: All priorities Corporate Plan 	Forward Planning & Economic Strategy Manager	October 2013	Summer 2017	1	<ul style="list-style-type: none"> Implementation of scheme 	<ul style="list-style-type: none"> Staff time initially but will require consultancy assistance

**Forward Planning & Economic Strategy Team
Service Plan 2017**

5	Monitoring, including keep under review the five year housing supply	Community Plan: <ul style="list-style-type: none"> Improving access to services Corporate Plan	Forward Planning & Economic Strategy Manager		Ongoing basis	1	<ul style="list-style-type: none"> Maintaining a robust evidence base Maintaining information on our five year supply 	<ul style="list-style-type: none"> Keeping up to date with changing monitoring requirements both nationally and regionally Staff time
6	Cross-Border Partnership	Community Plan: <ul style="list-style-type: none"> Raising aspirations, educational attainment and skills Improving access to services Corporate Plan	Forward Planning & Economic Strategy Manager		ongoing	1	<ul style="list-style-type: none"> Delivery of projects that deliver results hitting the SCS targets 	<ul style="list-style-type: none"> Staff resource and possible future budget issues
7	Maintain advice on planning control matters including policy advice	<ul style="list-style-type: none"> Community Plan: All priorities Corporate Plan 	Forward Planning & Economic Strategy Manager		ongoing	1	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
8	Involvement in specialist projects such as HS2, Tame Valley Partnership, Economic Development.	<ul style="list-style-type: none"> Community Plan: All priorities Corporate Plan 	Forward Planning & Economic Strategy Manager		ongoing	1	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">

**Forward Planning & Economic Strategy Team
Service Plan 2017**

Workforce Implications of the Corporate and Service Plan

Workforce Area	Long Term Objectives	Objectives 2013/14	Action By	Performance Measure	Milestone Dates
Skills	<ul style="list-style-type: none"> All staff more knowledgeable Better resilience Widen range of knowledge / skill 	<ul style="list-style-type: none"> Continued understanding of policy changes 	All	Training undertaken	Within 2016
Recruitment & Retention	<ul style="list-style-type: none"> Retention of experienced staff Challenge staff Delegation of projects Widen skills base 	<ul style="list-style-type: none"> Look at work and opportunities within it 	D Barratt	Appraisals	Within 2016
Learning & Development	<ul style="list-style-type: none"> Training integral to work Training focused on known gaps 	<ul style="list-style-type: none"> Focused training plan 	All	Training completed Evidence of knowledge in reports	Within 2016
Health & Welfare	<ul style="list-style-type: none"> Safe office environment Annual risk assessments 	<ul style="list-style-type: none"> Regular safety audits 	All	Annual Risk Assessments	Within 2016
Flexible Working	<ul style="list-style-type: none"> To ensure the health & wellbeing of the team 	<ul style="list-style-type: none"> To continue to allow working from home 	All	To improve the sickness records even further	Within 2016

Agenda Item 5

Planning and Development Board

6 February 2017

Report of the Assistant Director (Corporate Services) and the Assistant Chief Executive and Solicitor to the Council General Fund Fees and Charges 2017/2018

1 **Summary**

- 1.1 The report covers the fees and charges for 2016/17 and the proposed fees and charges for 2017/18.

Recommendation to the Board

That the schedule of fees and charges for 2017/18, set out in the report be accepted.

2 **Introduction**

- ... 2.1 Attached for the Board's consideration at Appendix A are details of present and proposed fees and charges for the financial year 2017/18. Prices for Street Naming and Numbering and Local Land Charges have generally been increased by 2% in line with the budget strategy for 2017/21 agreed by the Executive Board. Some of the prices will have been rounded to either the nearest £0.10 or £1.00.

- 2.2 Although Planning Control is under the control of this Board, the fees and charges have not been included in this report as they are set nationally by Government.

3 **Report Implications**

3.1 **Financial Implications**

- 3.1.1 The pricing structure contained in this report is expected to generate an additional £1,250 of income on Street Naming and Numbering and Local Land Charges in 2017/18. No further allowance for fee increases has been budgeted for. The revised fees are contained within the Deputy Chief Executive's report on the General Fund estimates 2017/18, presented elsewhere within the agenda for this meeting.

- 3.1.2 A 1% change in income generated by Street Naming and Numbering and Local Land Charges would result in an increase or decrease in income of £630.

3.2 Risk Management Implications

3.2.1 Changes to fees and charges may impact on the level of demand. However, this has been considered in proposing the revised charges.

The Contact Officer for this report is Nigel Lane (719371).

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

NORTH WARWICKSHIRE BOROUGH COUNCIL
PLANNING AND DEVELOPMENT BOARD
FEES AND CHARGES FROM 1 APRIL 2017

	2016/2017 TOTAL CHARGE £	2017/2018 TOTAL CHARGE £	VAT RATING
LAND CHARGES			
Official Land Charges Register search (LLC1)	32.00	33.00	Outside Scope
Each additional parcel of land	3.00	3.00	"
Con29 R Search	102.00	104.00	Standard
Each additional parcel of land	9.60	10.00	"
Additional Question (CON29O / CON29 R) - first question	20.40	21.00	Standard
Each additional question	1.20	1.20	"
Common Land Enquiry (if submitted as part of search)	14.40	14.70	Standard
Personal searches by appointment	Free	Free	N/A

Registered Common Land and Town or Village Green (question 22) submitted in isolation should be sent to Warwickshire County Council

STREET NAMING & NUMBERING

Add a new property name	58.80	60.00	Outside Scope
Correct an address anomaly	29.20	30.00	"
New development (per plot up to 10 plots)	116.50	120.00	"
New development (per plot above 10 plots)	14.60	15.00	"
Rename/renumber	58.80	60.00	"
Name a new street	116.50	120.00	"
Amend development layout (per plot)	29.20	30.00	"
Commercial property (per unit)	29.20	30.00	"
Rename a street	Price upon request	Price upon request	"
Building conversions per unit (minimum charge 2 units)	60.00	60.00	"
Confirmation letters to solicitors/others	25.00	25.00	"

PHOTOCOPYING AND PRINTING CHARGES	2015/2016 TOTAL CHARGE £	2016/2017 TOTAL CHARGE £	VAT RATING
Planning decision notice (domestic)	0.20	0.25	Including VAT at standard rate
Planning decision notice (commercial) (Including building regulation completion certificate)	0.20	0.25	"
Correspondence	0.20	0.25	"
Committee report	0.20	0.25	"
Copies of letters	0.20	0.25	"
A4 plans	0.20	0.25	"
A3 Plans	0.20	0.25	"
A2 Plans	1.45	1.50	"
A1 Plans	1.45	1.50	"
A0 Plans	1.45	1.50	"
Tree Preservation Order	0.20	0.25	"
Section 106 ,52 & 38	0.20	0.25	"
Weekly List (copy charge) per list	0.20	0.25	"
Listed Building Extract	0.20	0.25	"
Planning Site History (Domestic)	0.20	0.25	"
Planning Site History (Commercial)	0.20	0.25	"
Detailed Information Requests/Research (any other request not incorporated in above charges)	29.70	30.30	"

PLANNING AND ADVERTISEMENT APPLICATIONS

These charges are set by central government and are contained within the Town and Country Planning Regulations.

Details of current charges can be obtained from the Council's Development Control section :

Telephone	01827 715341
Fax	01827 719363
e-mail	planningcontrol@northwarks.gov.uk
Web site	www.northwarks.gov.uk

Agenda Item No 6

Planning and Development Board

6 February 2017

Report of the
Deputy Chief Executive

General Fund Revenue Estimates
2017/18

1 Summary

- 1.1 This report covers the revised budget for 2016/17 and an estimate of expenditure for 2017/18, together with forward commitments for 2018/19, 2019/20 and 2020/21.

Recommendation to the Board

- a To accept the revised budget for 2016/17; and**
- b To accept or otherwise vary the Estimates of Expenditure for 2017/18, as submitted, for them to be included in the budget to be brought before the meeting of the Executive Board on 7 February 2017.**

2 Introduction

- 2.1 In consultation with other Assistant Directors, the Assistant Director (Finance and Human Resources) has prepared an estimate of net expenditure for 2017/18 and this, together with a revised budget for 2016/17, appears in Appendices A and B. To provide a more complete picture of the spending pattern of the service, the actual figures for 2016/17 are shown.

- 2.2 At its meeting in September, the Executive Board agreed the budget strategy for 2017-2021 which required savings of £2.3 million over a four year period. This required budget savings of £730,000 in 2017/18 with additional savings of £500,000, £500,000 and £550,000 in 2018/19, 2019/20 and 2020/21 respectively. Some limited provision for growth was built into the strategy in specific areas.

- 2.3 Assistant Directors were asked to identify areas where savings could be made, either by a reduction in expenditure or through the generation of additional income.

- 2.4 A subjective analysis of the Board's requirement is shown below:

	Approved Budget 2016/17 £	Revised Budget 2016/17 £	Original Budget 2017/18 £
Employee Costs	458,400	459,090	474,440
Supplies and Services	227,350	208,200	119,880
Gross Expenditure	685,750	667,290	594,320
Income	(678,390)	(573,880)	(636,700)
Net Controllable Expenditure	7,360	93,410	(42,380)
Departmental Support	118,540	109,260	105,500
Central Support	179,640	171,730	173,370
Capital Charges	16,390	16,390	16,390
Net Expenditure	321,930	390,790	252,880

2.5 The Council values all of its assets using a five year rolling programme, and this can affect the level of capital charges that are made to services and can therefore significantly affect the net service cost. Although few assets are used for the services within this Board, changes in net service expenditure that are as a result of increases or decreases in capital charges are shown below net operating expenditure in the following pages.

3 **Comments on the 2016/17 Revised Budget**

3.1 The revised budget for 2016/17 is estimated to be £390,790; an increase of £68,860 on the approved provision. The main reasons for variations are set out below:

3.2 **Planning Control £132,560**

3.2.1 The income from planning fees is expected to reduce by £100,000 as the timing of some larger applications has changed. In addition the provision for the cost of appeals has increased by £27,000 and additional recharges for software maintenance of £2,500 are expected.

3.3 **Building Control (£45,420)**

3.3.1 The decrease of £45,420 is due to the improvement in the financial performance of the Building Control Partnership agreement with Nuneaton and Bedworth Borough Council.

3.4 **Departmental and Central Support (£17,190)**

3.4.1 Departmental support recharges have decreased as a result of vacancies in Development Control and Central Services. Central Support recharges have decreased as a result of changes in salary allocations of Central Services and Customer contact.

4 **Comments on the 2017/18 Estimates**

4.1 The 2017/18 estimate has been prepared, taking into account the following assumptions:

- A 1% pay award from 1 April 2017;
- Increases in the Council's pension contribution rate for current employees of 0.75% per annum up to 2020/21;
- An increase in income to reflect the increases included in the fees and charges report elsewhere on this agenda
- Savings of £30,000 as a result of improved performance of the Building Control Partnership with Nuneaton and Bedworth Borough Council.

4.2 The total estimated net expenditure for 2017/18 is £252,880; a decrease of £69,050 on the 2016/17 approved budget and a decrease of £137,910 on the revised 2016/17 budget. The main variations from the revised estimate are given below.

4.3 **Planning Control** **(£163,520)**

4.3.1 The supplies and services budget has been reduced with the removal of the costs of appeals of £105,000 and an expected increase in planning fee income of £61,000 when some larger appeals come through the system.

4.4 **Building Control** **£15,420**

4.4.1 Not all of the improved performance in 2016/17 has been carried through into 2017/18, as performance can fluctuate between years.

4.5 **Local Land Charges** **£10,760**

4.5.1 Employee expenses have increased by £12,060 due to a change in salary allocations, which has moved costs from within departmental support.

5 **Growth Items**

5.1 Some unavoidable growth was built into the Council's Budget Strategy, approved in September 2016. There are no growth items relating to the services covered by this board.

6 **Risks to Services**

6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £50,000 each.
- A change in the level of planning applications received. A fall in applications would lead to a reduction in planning income, whilst an

increase in applications would increase the pressure on staff to deal with applications in the required timescales.

- The Government require all planning applications to be dealt with within 26 weeks. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning team deal with almost 100% of current applications within this time, there is a potential that some may slip, leading to a decline in the Planning income level.
- There are potential additional costs for the Council in carrying out its planning function. If the Council loses a planning appeal, an award of costs can be made against the Council (the appellants costs for the appeal). If the Council consistently loses appeals it will become a designated authority, which means that prospective applicants can submit their applications directly to the planning directorate. This would mean the Council would lose the accompanying planning fee.

6.2 A risk analysis of the likelihood and impact of the risks identified above are included in Appendix C.

7 Future Year Forecasts

7.1 In order to assist with medium-term financial planning, Members are provided with budget forecasts for the three years following 2018/19. The following table provides a subjective summary for those services reporting to this Board:

	Forecast Budget 2018/19 £	Forecast Budget 2019/20 £	Forecast Budget 2020/21 £
Employee Costs	486,770	499,390	509,880
Supplies and Services	120,330	122,740	123,210
Gross Expenditure	607,100	622,130	633,090
Income	(649,430)	(662,410)	(675,660)
Net Controllable Expenditure	(42,330)	(40,280)	(42,570)
Departmental Support	102,100	103,880	105,250
Central Support	177,240	181,310	184,880
Capital Charge	16,390	16,390	16,390
Net Expenditure	253,400	261,300	263,950

7.2 The forecasts given above have used a number of assumptions, which include pay awards of 2% in 2018/19 to 2020/21, increases in contracts and general increases in supplies and services of 2% in 2019/20. In total, net expenditure is expected to increase by 0.2% in 2018/2019, by 3.1% in 2019/20 and by 1.01% in 2020/2021.

7.3 These forecasts are built up using current corporate and service plans. Where additional resources have already been approved, these are also

included. However, these forecasts will be amended to reflect any amendments to the estimates, including decisions taken on any further corporate or service targets.

8 Report Implications

8.1 Financial Implications

8.1.1 As detailed in the body of the report.

8.2 Environment and Sustainability Implications

8.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources without disruption of essential services.

8.3 Risk Management Implications

8.3.1 There are a number of risks associated with setting a budget, as assumptions are made on levels of inflation and demand for services. To minimise the risks, decisions on these have been taken using past experience and knowledge, informed by current forecasts and trends. However, the risk will be managed through the production of regular budgetary control reports, assessing the impact of any variances and the need for any further action.

The Contact Officer for this report is Nigel Lane (719371).

NORTH WARWICKSHIRE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT BOARD

SUMMARY OF GENERAL FUND REVENUE ESTIMATES

Code	Description	Actual 2015/2016 £	Approved Budget 2016/2017 £	Revised Budget 2016/2017 £	Original Budget 2017/2018 £
4009	Planning Control	(25,056)	(41,250)	91,310	(72,210)
4010	Building Control	23,475	50,000	4,580	20,000
4012	Conservation and Built Heritage	20,417	32,230	30,560	32,090
4014	Local Land Charges	(31,751)	(34,520)	(33,940)	(23,180)
4018	Street Naming and Numbering	1,870	900	900	920
	Net Controllable Expenditure	(11,045)	7,360	93,410	(42,380)
	Departmental Support	108,922	118,540	109,260	105,500
	Central Support	165,252	179,640	171,730	173,370
	Capital Charges	14,201	16,390	16,390	16,390
	Planning and Development Board Total	277,330	321,930	390,790	252,880

4009 - PLANNING CONTROL

A statutory service which determines planning and listed building applications submitted to the Council and the enforcement of contraventions of the Planning Acts.

DESCRIPTION	ACTUALS	APPROVED BUDGET	REVISED BUDGET	ORIGINAL BUDGET
	2015/2016	2016/2017	2016/2017	2017/2018
Employee Expenditure	417,739	414,320	417,300	418,490
Supplies and Services	65,015	146,470	176,050	72,380
Miscellaneous Expenditure	4,194	-	-	
GROSS EXPENDITURE	486,948	560,790	593,350	490,870
GROSS INCOME	(512,003)	(602,040)	(502,040)	(563,080)
NET CONTROLLABLE EXPENDITURE	(25,056)	(41,250)	91,310	(72,210)
Departmental Support	82,580	79,700	74,310	78,830
Central Support	135,105	146,940	139,440	140,350
Capital Charge	14,201	13,090	13,090	13,090
NET EXPENDITURE	206,830	198,480	318,150	160,060

Contributes to corporate priorities :

- Protecting our countryside and heritage
- Promoting sustainable and vibrant communities
- Supporting employment and business

KEY PERFORMANCE INDICATORS

Number of Planning Applications		915		900		900		900
Gross cost per application	£	770.09	£	874.92	£	896.78	£	788.94
Net cost per application	£	226.04	£	220.53	£	353.50	£	177.84
Caseload per officer		169		167		167		167

4010 - BUILDING CONTROL

A statutory service which ensures the health and safety of the occupants of buildings by achieving acceptable standards of building work through the enforcement of the Building Regulations. The Building Control service has been provided in Partnership with Nuneaton and Bedworth Borough Council since November 2007.

DESCRIPTION	ACTUALS	APPROVED BUDGET	REVISED BUDGET	ORIGINAL BUDGET
	2015/2016	2016/2017	2016/2017	2017/2018
Employee Expenses	1,119	-	-	-
Supplies and Services	22,356	50,000	4,580	20,000
NET CONTROLLABLE EXPENDITURE	23,475	50,000	4,580	20,000
Departmental Support	1,551	1,520	1,550	1,570
Central Support Services	12,852	13,540	17,050	17,230
NET EXPENDITURE	37,878	65,060	23,180	38,800

Contributes to corporate priorities :

- Protecting our countryside and heritage

4012 - CONSERVATION AND BUILT HERITAGE

This service looks to maintain the historical built heritage within the Borough

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2015/2016	BUDGET 2016/2017	BUDGET 2016/2017	BUDGET 2017/2018
Employee Expenditure	417	44,080	41,790	43,890
Supplies and Services	-	50	50	50
Earmarked Reserves	20,000	-	-	-
GROSS EXPENDITURE	20,417	44,130	41,840	43,940
GROSS INCOME	-	(11,900)	(11,280)	(11,850)
NET CONTROLLABLE EXPENDITURE	20,417	32,230	30,560	32,090
Departmental Support	-	10,720	9,400	9,680
Central Support	4,022	4,920	4,960	5,030
NET EXPENDITURE	24,439	47,870	44,920	46,800

Contributes to corporate priorities :
- Protecting our countryside and heritage

4014 - LOCAL LAND CHARGES

The Council is obliged to maintain a register relating to its area which includes any details of developments, road proposals, closing orders etc., which may affect properties and details of any charge (financial or otherwise) that is registered against each property. In addition the Council provides details on enquiries made by solicitors acting on behalf of prospective purchasers. The income received from search fees is based upon charges that the Council is free to set itself.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2015/2016	BUDGET 2016/2017	BUDGET 2016/2017	BUDGET 2017/2018
Employee Expenditure	2,132	-	-	12,060
Supplies and Services	20,478	21,940	18,630	18,380
GROSS EXPENDITURE	22,610	21,940	18,630	30,440
GROSS INCOME	(54,361)	(56,460)	(52,570)	(53,620)
NET CONTROLLABLE EXPENDITURE	(31,751)	(34,520)	(33,940)	(23,180)
Departmental Support	17,900	19,260	16,600	7,900
Central Support	12,509	13,390	9,580	9,890
Capital Expenditure	-	3,300	3,300	3,300
NET EXPENDITURE	(1,342)	1,430	(4,460)	(2,090)

KEY PERFORMANCE INDICATORS

Number of Local Land Charge Searches	563	530	480	480
Gross cost per search	£ 94.17	£ 103.00	£ 93.35	£ 100.48
Net cost per search	-£ 2.38	£ 2.70	-£ 9.29	-£ 4.35

4018 - STREET NAMING & NUMBERING

This function covers naming and numbering of new and existing properties and streets, to ensure consistency and reliability of addressing, which then feeds into the Council's Land and Property Gazetteer.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2015/2016	BUDGET 2016/2017	BUDGET 2016/2017	BUDGET 2017/2018
Employee Expenditure	810	-	-	-
Supplies & Services	4,122	8,890	8,890	9,070
Earmarked Reserves	7,376	-	-	-
GROSS EXPENDITURE	12,308	8,890	8,890	9,070
GROSS INCOME	(10,438)	(7,990)	(7,990)	(8,150)
NET CONTROLLABLE EXPENDITURE	1,870	900	900	920
Departmental Support	6,891	7,340	7,400	7,520
Central Support	764	850	700	870
NET EXPENDITURE	9,525	9,090	9,000	9,310

Contributes to corporate priority :
- Creating safer communities

Appendix C

Risk Analysis

	Likelihood	Potential impact on Budget
Need for public enquiries into planning developments	Medium	Medium
Decline in planning applications leading to a reduction in Planning Income.	Low	Medium
Applications not dealt with within 26 weeks, resulting in full refund to applicant.	Low	Medium
Implications of losing planning appeals, resulting in appellant costs awarded against the Council or loss of Planning Income	Low	Medium

Agenda Item No 7

Planning and Development Board

6 February 2017

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 6 March 2017 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	CON/2017/0003	4	Land on the corner of, Merevale Lane, Baxterley, Atherstone, Warwickshire, Variation of Condition 11 attached to Application NWB/14CM016 to allow the delivery of material to the Anaerobic Digestion Plant on public and bank holidays	General
2	PAP/2014/0320	12	Marston Fields Farm, Kingsbury Road, Lea Marston, Removal of condition No.5 of planning permission NW85/0639 relating to occupancy of an agricultural dwelling	General
3	PAP/2015/0473	16	Land North Of Fircone, Farthing Lane, Curdworth, Application under Section 106B of the Town and country Planning Act to continue a development without compliance with an accompanying Section 106 Agreement.	General
4	PAP/2016/0060	18	Great Chapel Field, Wall Hill Road, Chapel Green, Fillongley, Retention of change of use of land from agricultural to dog training/exercising, including new access, car park and siting of moveable field shelter and dog agility course equipment	General
5	PAP/2016/0213	32	Land South of Gardeners Cottage, Pooley Lane, Polesworth, Outline application (access only) for residential development	General
6	PAP/2016/0278	46	Blackgreaves Farm, Blackgreaves Lane, Lea Marston, Single storey extension to shooting lodge	General
7	PAP/2016/0519	67	Croft Mead Business Centre, Croft Mead, Ansley, Redevelopment to accommodate 10 dwellings	General

General Development Applications

(1) Application No: CON/2017/0003

Land on the corner of, Merevale Lane, Baxterley, Atherstone, Warwickshire, CV9 2LA

Variation of Condition 11 attached to Application NWB/14CM016 to allow the delivery of material to the Anaerobic Digestion Plant on public and bank holidays, for

Bio-gen (UK) Ltd

Introduction

This is an application submitted to the County Council as the Waste Planning Authority. It will determine the application and has invited comments from the Borough Council in order to assist in that determination.

The Site

This is the site of the Anaerobic Digestion Plant and Biomass facility at the corner of Merevale Lane and the Coleshill Road in Baxterley on the site of a former shale tip.

Access is off Merevale Lane.

The Proposal

The Secretary of State granted planning permission for this plant in 2010 following a Public Inquiry. This was modified through subsequent permissions in 2011 and 2016.

The 2016 one had a condition relating to hours of delivery of fuel to the plant. This reads,

“Except as may otherwise be agreed in writing by the County Planning Authority for a temporary period in the event of urgent circumstances, which could not reasonably have been avoided, deliveries of material to fuel the biomass power plant and the anaerobic digester and the removal of materials resulting from these proposals, shall only be carried out between the following hours:

- 0700 to 1900 hours Monday to Friday
- 0700 to 1300 hours Saturday

No deliveries or export of material shall occur to or from the site on Sundays, Bank Holidays or Public Holidays”.

The proposal is to vary this condition to allow deliveries to the AD facility on public and bank holidays during the hours of 0800 to 1600. The proposed variation would not apply to the export of material from the site which would remain as identified above.

The proposal neither includes the introduction of Sunday movements – just those at the Bank Holidays. The routing agreement - for HGV movements via Merevale Lane to the A5 – would not be altered.

The applicant points out that the present wording refers specifically to “urgent circumstances”. They say that Christmas and Easter are busy peak periods in the production of food waste and thus greater flexibility is needed in order to continue food collections during these periods. They say that such deliveries cannot be “reasonably avoided”. This argument is supported by businesses that use the AD facility – see Appendix A.

The applicant says that deliveries would be no more than 5 HGV’s a day (ten movements). This he continues is well below the existing week day movements – the permission enables 70 movements a day. This is a combined figure for both the AD plant and the biomass facility combined. He estimates that the AD plant amounts to around 30 movements a day.

Background

The condition was agreed between the parties at the Inquiry referred to above. Notwithstanding this in the period running up to Christmas 2016, there was a request for deliveries over that period, but this was refused by the County Council on the grounds that such activity should reasonably have been known about and thus was not “unavoidable”. This application has been submitted by the appellant as a consequence.

Development Plan

The Warwickshire Waste Core Strategy 2013 to 2028 – Policy DM2 (Managing Health, Economic and Amenity Impacts of Waste Development)

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

The access into this plant is off Merevale Lane and the routing agreement is via that Lane to the A5. There are very few residential properties along this route and it is not considered that an additional ten movements would be materially harmful in highway terms. However there is still the amenity consideration to consider. The JLR site is now in fully operational and has no restrictions on HGV movements other than maximum numbers. In these circumstances additional HGV movements would occur if this application is allowed. However the proposed increase is minimal and would have very little material impact in highway or amenity terms. It is therefore considered that in these circumstances there is no evidence available to show material or adverse harm. It is accepted that the applicant agreed to the condition at the Inquiry in the knowledge of how his operations are managed and that consequently he should be required to maintain his position. However that is not the planning issue here – that is to determine whether there is a material adverse impact in allowing the variation. It is considered that there is not.

Recommendation

That the Borough Council raises no objection to this application, but requires the County Council to limit HGV movements to 10 a day (five in and five out).

BACKGROUND PAPERS

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

Planning Application No: CON/2017/0003

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Consultation request	16/1/2017

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



UK
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Merevale Bank Holiday Opening

Simon Musther
Head of Commercial Operations
Milton Parc
Milton Ernest
Bedfordshire
MK44 1YU

3rd October 2016

Dear Simon

Re: Merevale AD Facility – Bank Holiday Opening

We would like to give our support to your application to provide Bank Holiday operating at your facility at Merevale Lane, Baxterley, Atherstone, Warwickshire, CV9 2LA.

The public holidays have become an increasingly busy period for our operations. We are open for "business as usual" on all public holidays (excluding Christmas Day) and require your facility to be available to handle food waste.

It is therefore of great importance to our business that your Merevale AD facility is open to receive the often increased volumes of food waste arising over Bank Holidays. There are no other viable alternatives for us over these periods.

We look forward to receiving your confirmation that you have been able to obtain consent to open on Bank Holidays.

Yours Sincerely,

Vivien Lupton
Procurement Manager
Saica Natur

Merevale Bank Holiday Opening

Veolia, Watling St, Hinckley,

Simon Musther
Head of Commercial Operations

Milton Parc

Milton Ernest

Bedfordshire

MK44 1YU

Date...12/10/16

Dear Simon

Re: Merevale AD Facility – Bank Holiday Opening

We would like to give our support to your application to provide Bank Holiday operating at your facility at Merevale Lane, Baxterley, Atherstone, Warwickshire, CV9 2LA.

The public holidays have become an increasingly busy period for our operations. We are open for "business as usual" on all public holidays (excluding Christmas Day) and require your facility to be available to handle food waste.

It is therefore of great importance to our business that your Merevale AD facility is open to receive the often increased volumes of food waste arising over Bank Holidays. There are no other viable alternatives for us over these periods.

We look forward to receiving your confirmation that you have been able to obtain consent to open on Bank Holidays.

Yours Sincerely,

David Rose

Operations Manager

FORTRESS

a Carbon Neutral Company 

Simon Musther

Head of Commercial Operations

Milton Parc

Milton Ernest

Bedfordshire

MK44 1YU

28.9.16

Dear Simon

Re: Merevale AD Facility – Bank Holiday Opening

We would like to give our support to your application to provide Bank Holiday operating at your Merevale Lane, Baxterley, Atherstone, Warwickshire, CV9 2LA.

The public holidays have become an increasingly busy period for our operations. We are open for "business as usual" on all public holidays (excluding Christmas Day and New Years' Day) and require your facility to be available to handle food waste.

It is therefore of great importance to our business that your Merevale AD facility is open to relieve the often increased volumes of food waste arising over Bank Holidays. There is no other viable alternatives for us over these periods.

We look forward to receiving your confirmation that you have been able to obtain consent to open on Bank Holidays.

Yours Sincerely,



Robert Pass

Registered Office

Fortress Recycling and
Resource Management Ltd
Fortress House
Stratford Road
Warwick
CV34 6RA

Telephone

01926 493 414 (Warwick)
01922 716 789 (Aldridge)

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operations@fortressrecycling.com

Registered No.

01992096



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Merevale Bank Holiday Opening

Simon Musther

Head of Commercial Operations

Milton Parc

Milton Ernest

Bedfordshire

MK44 1YU

Date..... 14th October 2016

Dear Simon

Re: Merevale AD Facility – Bank Holiday Opening

We would like to give our support to your application to provide Bank Holiday operating at your facility at Merevale Lane, Baxterley, Atherstone, Warwickshire, CV9 2LA.

The public holidays have become an increasingly busy period for our operations. We are open for "business as usual" on all public holidays (excluding Christmas Day) and require your facility to be available to handle food waste.

It is therefore of great importance to our business that your Merevale AD facility is open to receive the often increased volumes of food waste arising over Bank Holidays. There are no other viable alternatives for us over these periods.

We look forward to receiving your confirmation that you have been able to obtain consent to open on Bank Holidays.

Yours Sincerely,

Ken Craythorne
Site Services Manager

Ocado Central Services Limited
Titan Court, 3 Bishop Square, Hatfield Business Park, Hatfield,
Hertfordshire AL10 9NE United Kingdom
T +44 (0)1707 228000 F +44 (0)1707 227999 www.ocado.com

Registered in England & Wales at the above address, Number 9547023

(2) Application No: PAP/2014/0320

Marston Fields Farm, Kingsbury Road, Lea Marston, B76 0DP

Removal of condition No.5 of planning permission NW85/0639 relating to occupancy of an agricultural dwelling, for

Mr George Bains

Introduction

This item is referred to the Board for determination as a Local Member has concerns about the loss of the condition.

The Site

Marston Fields Farm is located on the north-west side of the Kingsbury Road at the far western end of Marston. There are five or six detached houses to the east; a caravan and camping park to the south and land to the west is currently being restored to lakes and a fishery following the extraction of clay – see Appendix A.

The Proposal

Planning permission was granted in 1985 for the erection of a farm house here but this was the subject of an agricultural occupancy condition. The proposal is to remove that condition.

In support of the case, the applicant has provided a covering letter which explains that since 1985 much of the unit has undergone change through the grant of permission to extract sand and gravel and restoration of the land to a fishery (2006 onwards and most recently in 2016). Additionally the only building on the holding has been the subject of a lawful change of use to B1 use (first in 2007 on a temporary basis and then in 2010 on a permanent basis). HS2 too will involve the acquisition of land from the holding to construct a rail-head.

Additionally a marketing report has been submitted to establish if there is any need or interests from an agricultural unit or worker in the vicinity. This report also summarises the agricultural history of the holding. The marketing took place locally; on national websites and also in the agricultural press. No offers were received the asking price was said to reflect the presence of the occupancy condition.

Representations

The Lea Marston Parish Council objects because the owner took his own decision to release land for other non-agricultural uses, but the remaining land can still be used.

Consultations

The Council's Agricultural Advisor – he is satisfied that there is no agricultural justification for continuing with the condition. It is not essential from an agricultural perspective to require permanent residential presence on the site in view of the small size of the remaining unit which makes it unviable as an agricultural holding.

In respect of the marketing exercise then he agrees that this was undertaken properly within the local and national press as well as for a reasonable period of time. The value of the house reflects local house values and the asking price too reasonably reflects an appropriate discount in view of the condition.

His professional advice is that the condition should be removed.

Development Plan

The Core Strategy 2014 – NW3 (Green Belt) and NW2 (Settlement Hierarchy)

Other Relevant Material Considerations

Observations

The issue here is whether there is an agricultural case for the continuation of the occupancy condition. The professional advice of the Council's agricultural advisor is very clear – there is no case. Whilst the Parish Council say there is remaining agricultural land here, it provides no evidence that that land requires permanent residential presence or that it would provide a viable holding. Any refusal on these grounds would be difficult to defend at appeal in the absence of such supporting evidence. Moreover the marketing process has been found to be both reasonable and sound. There has been no interest shown in the property as an agricultural property.

In these circumstances Members are advised that the proposed removal of the condition has been justified.

Recommendation

That planning permission NW85/0639 dated 19 July 1985 can continue without compliance with condition 5.

Notes

The Local Planning Authority has met the requirements of the National Planning Framework in this case through exploring all of the relevant issues arising.

BACKGROUND PAPERS

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

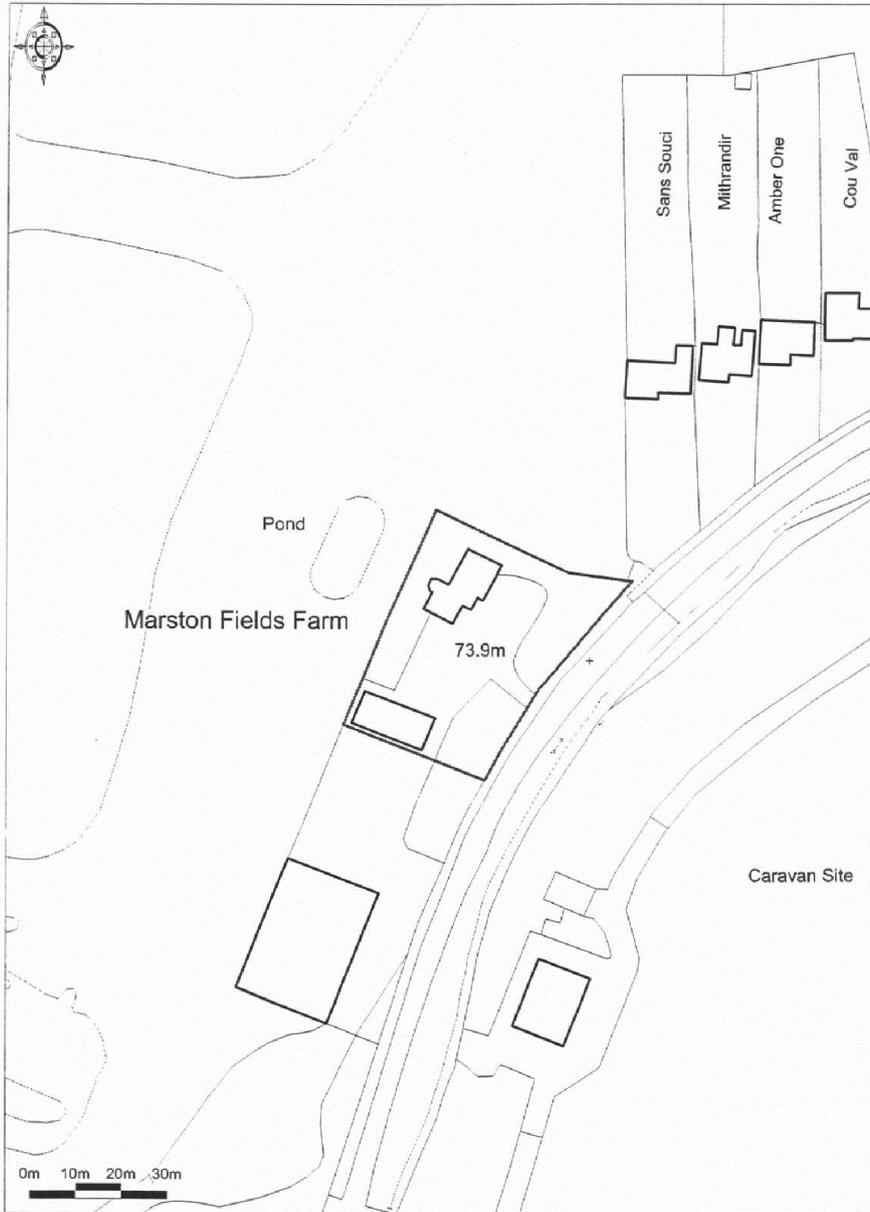
Planning Application No: PAP/2014/0320

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	20/6/2014
2	Agent	Letter	26/10/2016
3	Rhodes Rural Planning	Consultation	Nov 2016
4	Lea Marston Parish Council	Objection	5/12/2016
5	Case Officer	E-mail	6/12/2016
6	Case Officer	E-mail	6/12/2016
7	Agent	E-mail	21/12/2016
8	Rhodes Rural Planning	E-mail	4/1/2017

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Marston Fields Farm
Old Kingsbury Road
Marston
Sutton Coldfield
B76 0DP



Promap

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Chartered Surveyors
Property Consultants

(3) Application No: PAP/2015/0473

Land North Of Fircone, Farthing Lane, Curdworth, B76 9HE

Application under Section 106B of the 1990 Town and Country Planning Act to continue a development without compliance with an accompanying Section 106 Agreement for

Mr J Holmes

Introduction

This is not a planning application, but it is reported to the Board because it involves a Section 106 Agreement.

Background

An outline planning application for one dwelling was granted in October 2015 on land off Farthing Lane on the edge of Curdworth, but inside its defined settlement boundary. It was accompanied by a Section 106 Agreement requiring an off-site affordable housing contribution of £12,075 in lieu of on-site provision. This is to be paid on commencement of development.

The Proposal

The applicant has submitted a request to enable the development to proceed without this contribution. He refers to the recent Court case which resulted in a change to the National Planning Practice Guidance in 2016.

The National Planning Practice Guidance (the “NPPG”)

The guidance in the NPPG in respect of financial contributions towards affordable housing delivery was changed in early 2016 following a Court case. This was reported to Members at the time and in summary it says that such contributions should not be sought for developments of less than ten dwellings.

Observations

Members will be aware that planning policy is not a material consideration here given the change in circumstance brought about by the change to the NPPG. There have been other cases reported to the Board as a consequence of this alteration affecting these smaller developments. In this case work has not yet commenced and therefore the timing of this request to continue without payment is properly made. There is no weight here behind the possibility of retaining the Agreement given this background.

Recommendation

That the development permitted under planning permission PAP/2015/0473 dated 20th October 2015 may proceed without compliance with the Section 106 Agreement dated 16th October 2015.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0473

Background Paper No	Author	Nature of Background Paper	Date
1	Mr Holmes	Letter	10/1/2017

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

(4) Application No: PAP/2016/0060

Great Chapel Field, Wall Hill Road, Chapel Green, Fillongley,

Retention of change of use of land from agricultural to dog training/exercising, including new access, car park and siting of moveable field shelter and dog agility course equipment, for

Mr Stephen Hammon - Heart Of England Promotions

Introduction

This application was reported to the January meeting of the Planning and Development Board. Councillors resolved to visit the site prior to determination. The visit is scheduled to take place on 4 February.

A copy of the previous report to Board is attached as Appendix 1.

The recommendation remains unchanged and Members are again invited to determine the application.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0060

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28 01 16 1 11 16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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Application No: PAP/2016/0060

Great Chapel Field, Wall Hill Road, Chapel Green, Fillongley,

Retention of change of use of land from agricultural to dog training/exercising, including new access, car park and siting of moveable field shelter and dog agility course equipment, for

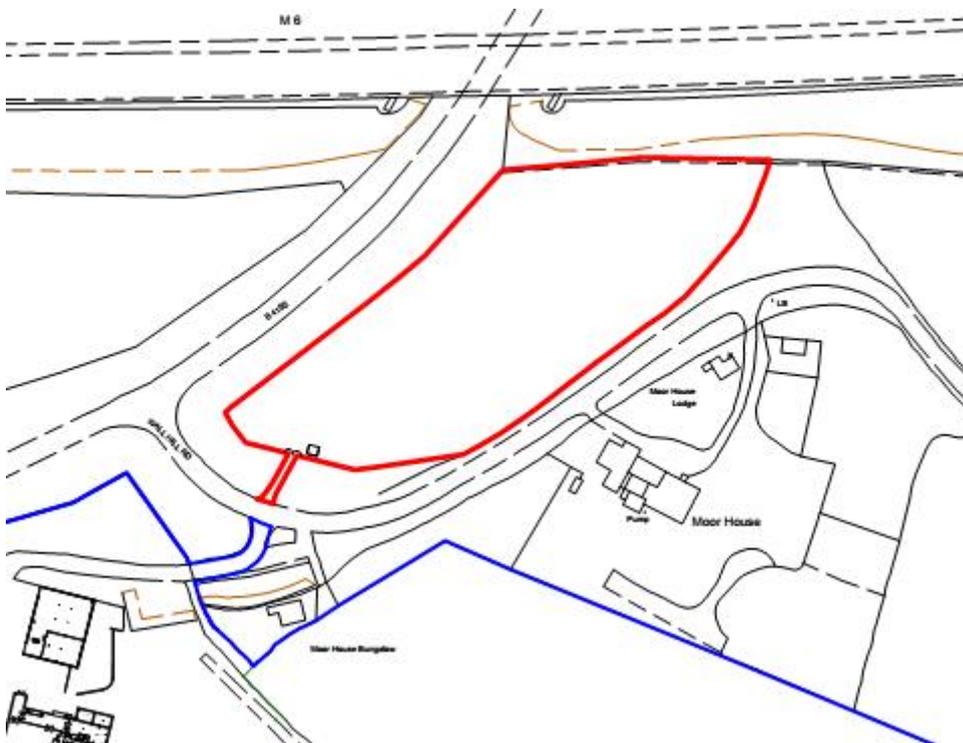
Mr Stephen Hammon - Heart of England Promotions

Introduction

The application is reported to Board for determination in light of the receipt of representations and in recognition of the planning history of proposals presented by the applicant in this vicinity.

The Site

The site is a roughly rectangular field situated to the south of the M6 at Chapel Green Fillongley. It is bordered to the west by Meriden Road and to the south and east by Wall Hill Road. The Heart of England Conference and Events Centre lies to the south on the opposite side of Wall Hill Road and is in the same ownership as the applicant. The residential properties Moor House, Moor House Lodge and Moor House Bungalow all lie in the vicinity of the application site on the opposite side of Wall Hill Road. The site is shown in the plan extract below.

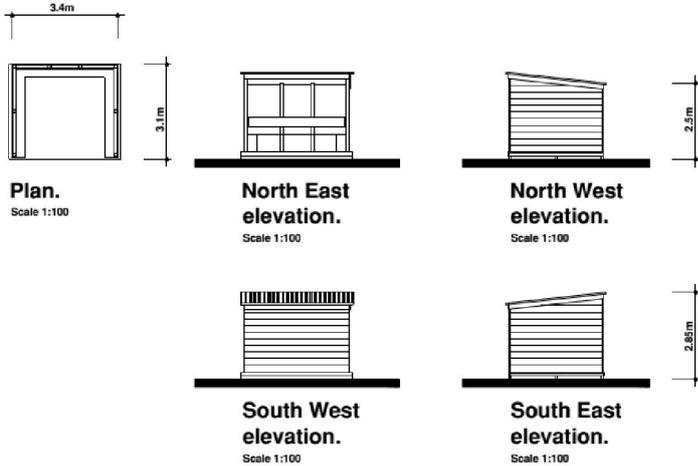


The Proposal

The application is partly retrospective and partly a proposal for new works. The change of use of land from agricultural to dog training/exercising commenced without the benefit of planning permission in late 2015.

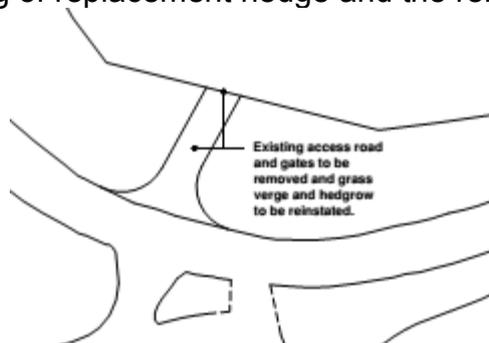
The proposed element of the application is the formation of a new access and car park and the siting of a moveable field shelter and dog agility course equipment.

A small, open fronted, timber shelter is proposed, with the design shown below:

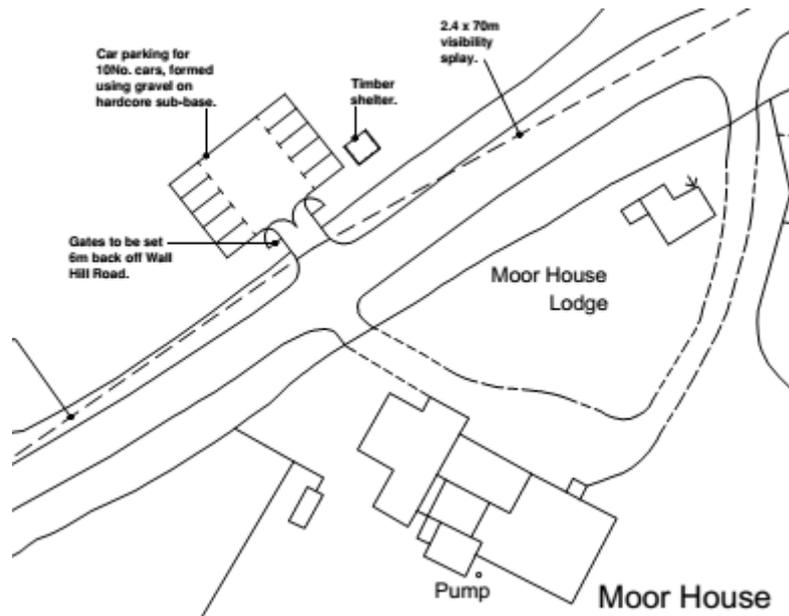


The shelter is the same as the one currently positioned close to the existing entrance. It would be removed from that position and relocated close to the proposed new entrance and the union flag would be removed from it.

The existing access shown below, would cease to be used and the land would be reinstated with the planting of replacement hedge and the reinstatement of the verge



An alternative access would be formed further along Wall Hill Road at the position shown below (into the hedgerow on the left hand side of the image)



The images below show the agility equipment positioned within the site. They also show the fencing that has been erected to separate the dogs from the public footpath which passes along the northern edge of the site.





Background

Since September 2015 the field has been rented out to a dog trainer/behaviourist who lives locally. She subsequently erected a small open-fronted timber shelter or pavilion at the southern edge of the field (with a flagpole) and set up a moveable suite of equipment for a dog agility course at the northern end. This was ready for use by 10 October 2015. The tenant then advertised the field as a dog agility course via her Facebook pages and set up a closed group called 'Coventry Agility Fun' to promote its use. It is described as a group for pet dog owners to encourage their dogs to have some fun on the agility course. The trainer is a qualified NASDU instructor (National Association of Security Dog Users) with qualifications in canine behaviour and learning and certificates in dog handling and training.

Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations) and NW12 (Quality of Development)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework - (the "NPPF").

Consultations

Warwickshire County Council Highway Authority - No objection subject to conditions

Rights of Way Team, Warwickshire County Council - Public footpath M295 runs along the northern boundary of the application site. It is noted that fencing has been provided to protect public footpath users from any disturbance by dogs. The Rights of Way team therefore has no objection in principle to the proposals but request that the requirement to maintain a fence to protect the public footpath, set back at least 3 metres from the boundary, is stated as a condition on any consent, if granted. Any consent should also carry an advisory note stating that public footpath M295 must remain open and unobstructed at all times.

Environmental Health Officer – Suggests that it would be appropriate to specify a maximum number of dogs on site at any one time. He expresses concern at the prospect of large congregations for activity such as dog shows but does not offer an objection in principle.

Representations

Letters of objection have been received from Fillongley and Corley Parish Councils and from five local residents. The concerns include the following:

- The land should not be lost from agricultural production.
- Nearby residents will suffer loss of amenity due to noise, traffic and parking issues.
- Training of dogs will inevitably require shouts/calls/whistles all of which will cause nuisance to neighbours. The use would be too close to residential properties.
- The objectors note that the applicant likens the proposed use to horse riding and take issue that horse riding not at all akin. The objectors point out that horse riding is a country activity which involves calm and quiet treatment of the animals involved. By contrast (and based on the 'taster' event held on the land) the type of dog training involves high pitch whistles and screaming and shouting from those attending. The dogs are really enthusiastic, and will constantly bark with excitement.
- The provision of a car park would adversely affect the openness of the Green Belt.
- The bright blue jumps etc. are left out constantly and are clearly visible from inside surrounding properties and are inappropriate development within the Green Belt, harming its openness and visual amenity.
- The "Shelter" and flag pole also add to the clutter and is inappropriate.
- The style of temporary urban fencing to cordon off the public footpath is inappropriate in this location due to its inappropriate visual impact.
- Dogs off the lead may be intimidating to walkers using the public footpath path.
- The achievable visibility splays are inadequate and below standard and the new access would be close to a blind bend and have a lack of visibility to the T-junction. Residents are concerned about the volume and speed of traffic using Wall Hill Road.

- There is concern that the permission would lead to other clutter such as signs and lighting which would change the character and appearance of the area and other activity such as the use of a generator that would be a disturbance to local residents and the provision of other facilities such as toilets.
- There are adequate dog training and agility centres for use by the general public within 2miles – Corley Training Centre in Highfield Lane and regular Saturday morning sessions at Fillongley Village Hall, so there is no necessity to construct a third venue.
- If permission is granted the Council is requested to attach conditions limiting the character of the use to the use applied for only (i.e. not a general recreational use) and to limit hours of operation.
- Concern is expressed that any controlling conditions will not be adhered to.

Observations

The site lies within the Green Belt. Paragraph 79 of the National Planning Policy Framework (NPPF) sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 indicates that the Green Belt serves five

purposes, including assisting in safeguarding the countryside from encroachment. Paragraph 81 sets out that Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation. Paragraph 87 establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 establishes that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with exceptions, including provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

A dog training use is reasonably regarded as an outdoor sport/recreation. It is a use which facilitates access to the countryside and is in accord with the Green belt policy of the promotion of access to outdoor recreational opportunity. It is a use which requires the use of open land and is akin to other recreational and animal related uses that are commonly located in rural areas. Indeed, there are other established dog related uses in the locality of the application site which have been referred to by the objectors.

The application needs therefore to be assessed in relation to the impacts that would result from the grant of planning permission, including the impacts on openness, visual amenity, highway safety and residential amenity.

In terms of the impact on openness and the visual impacts from the proposed development, the site is enclosed by hedgerow and trees on all sides. The dog agility equipment is situated on the lower part of the land at the foot of the embankment for the M6 motorway. Whilst the equipment is primarily blue in colour, it is low level and occupies only a relatively small part of the overall site. It is of a quantity which could be considered reasonably required for the training/exercise of dogs and it is considered that it does not cause an undue intrusion into the openness of the area or any significant harm to visual amenity of the area, even given that a public footpath passes through the site. However, there would be potential for increased harm to openness and increased harm to visual amenity if the quantity, scale or extent of the equipment was increased. For that reason, if permission is granted, it would be appropriate to place conditional limits on the location, extent and scale of the dog training equipment used at the site. The siting of dog agility or other dog training equipment would be most appropriately limited to the northernmost fifth of the site, adjacent to the M6 motorway embankment, where it would cause least visual intrusion and where it would concentrate activity away from the nearby dwellings. It would also strike an appropriate balance between ensuring that the use of the land remained open and in keeping with the rural character of the land, whilst ensuring that the site enjoys a beneficial use. To ensure that the equipment remained of an appropriate scale, with limited visibility, it is considered that a height limit of 2 metres would be appropriate.

Though the application proposes the formation of a new vehicular access, it also proposes the closure and reinstatement of an existing access. The existing access is visible from both Wall Hill Road and the main Meriden Road. It is elevated and contains a relatively long hard surfaced route across a wide verge. The proposal would remove the hard surfaced route and reinstate the verge to a grassed surface and would remove the gateway and reinstate a hedgerow in the gap. Though the new access position would necessitate the loss of some roadside hedge it would be limited to the loss of the gateway alone because visibility splays can be achieved within the highway. The existing roadside tree would remain. The new access would arguably be less visually prominent than the existing access and its use would, with the limitations suggested by

the Highway Authority, be less hazardous to highway safety. There is therefore no objection to the formation of a replacement access.

The timber shelter is of a modest size and limited height, being only 3.1 metres high at its tallest point, it will have very limited visible behind the hedgerow boundary following the removal of the union flag. It is considered that the shelter is reasonably necessary for the activity as it affords a small amount of shelter and can be used for administrative tasks. It is not a storage building, as suggested by some objectors. It is considered to be the provision of appropriate facilities for outdoor sport and outdoor recreation, which will not substantially harm the openness of the Green Belt and will not conflict with the purposes of including land within it. The small scale shelter structure is therefore appropriate development in the Green Belt.

The proposed car park is possibly the element of development which has the greatest potential for adverse impact on the openness of the Green Belt, however, the extent of the car park is limited to 10 spaces and would be surfaced with a low key gravel finish. The parking would sit behind a roadside hedge which would provide some visual screening. It is considered that the transitional nature of this relatively small number of parked vehicles would not cause undue harm to openness. With a conditional requirement for additional tree planting to supplement the hedgerow fronting the length of the site which adjoins Wall Hill Road, the car parking area would not cause undue visual intrusion.

Residents and Parish Council's express the concern that the grant of planning permission for this use of the land would inevitably lead to other associate development – advertisements, toilet facilities, overnight stopping caravans, lighting etc. It is agreed that there would be potential for the development of the activity to lead to other more harmful visual impacts and detrimental change in the rural character of the land. For this reason it would be appropriate to attach conditions which introduce controls over such matters. A condition limiting the operation of the site to daylight hours only will obviate the need for the installation of exterior lighting and the removal of permitted development rights for temporary uses of land and some minor developments (means of enclosure and CCTV cameras), together with a requirement for approval of all signs, advertisements or flags, would be appropriate.

It is considered appropriate to place a limit on the number of dogs for dual reasons. Firstly, it is appropriate to limit the number of dogs on the land at any one time in order to limit the likelihood of disturbance from noise, and secondly, it is necessary to limit the number of vehicular movements to and from the site for highway safety reasons.

In respect of concerns about noise, it should be recognised that the land lies immediately adjacent to the M6 motorway and that there is consequently a higher background noise level than would be found in countryside locations more remote from the motorway. With the limit on the number of dogs on site at any one time the Environmental Health Officer does not object to the development. It is considered that the effect on residential amenity of nearby properties would not be so significant that it would justify the refusal of planning permission.

In terms of highway safety, the location of the proposed access will provide better visibility splays, and the gradient of the access will be an improvement compared to the existing access. Parking provision will be for 10 vehicles, and the applicant has also agreed to limit the use to 10 vehicle visits per day. As such, the highway authority considers that proposed parking should be acceptable. The proposed access to the site

will also be wide enough to provide two way traffic flows. Capacity on the highway network should not be an issue. Therefore, the Highway Authority's response to the amended details is one of no objection subject to conditions.

Given that the use has already commenced and that the use of the existing access is deemed to be unsafe, it would be appropriate to require the cessation of the dog training activity until such time as the replacement access is completed to the satisfaction of the Local Planning Authority in writing. It is further appropriate to require the permanent closure of the existing access at the same time.

Whilst it is recognised that the dog training use would alter the experience of walkers using the public footpath, it should be noted that the Rights of Way Officer does not object to the use of the land providing that an appropriate fence is erected in an appropriate location. Whilst the Heras fencing may have been an appropriate temporary solution to the enclosure of the land, it is of an urban character and not in keeping with this rural location. It would be appropriate to make the replacement of this fencing a conditional requirement of any planning permission granted.

On balance the use may be supported, with restrictions, as an appropriate development in the Green Belt.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 01 Rev E received by the Local Planning Authority on 1 November 2016 and the plan numbered 355/216/02 received by the Local Planning Authority on 28 January 2016.

REASON

In order that the development is carried out in accordance with the appropriate plans.

2. The use hereby approved shall not operate at any time until the replacement access and car park have been completed and the existing access has been closed to the satisfaction of the Local Planning Authority in writing, in consultation with the Highway Authority.

REASON

In the interests of highway safety.

3. The use hereby approved is for the training and/or exercising of dogs only. It shall expressly not be used for any other purpose whatsoever. The number of dogs on site at any given time shall not exceed ten and the site shall not be used for the purpose of dog shows or competitions.

REASON

In the interests of the amenities of the area.

4. Prior to the commencement of development the design and appearance of the proposed entrance gates and any associated fencing shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall be implemented in full and maintained as such at all times thereafter.

REASON

In the interests of the amenity of the area and in the interests of highway safety.

5. Prior to the commencement of development a scheme for additional tree planting to supplement the hedgerow along the length of the site where it adjoins Wall Hill Road and for the specification of the new section of hedgerow shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be planted in full within the first available planting season following the construction of the car park. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenity of the area.

6. The siting of dog agility or other dog training equipment shall be limited to the northernmost fifth of the site, adjacent to the M6 motorway embankment. With the exception of the northernmost fifth of the site and the approved car park nothing whatsoever shall be stored, sited, constructed, displayed or parked on any other part of the site. The height of the dog agility or other dog training equipment shall not exceed 2 metres.

REASON

In the interests of the visual amenity of the area, in the interests of residential amenity and to maintain the openness of the Green Belt.

7. The approved car park shall be formed using gravel on a hardcore base and shall not have a bound finish, with the exception that it shall be constructed from a bound material for a distance of 6.0 metres, as measured from the near edge of the public highway carriageway. The use shall not operate at any time unless the car park is available for the parking and manoeuvring of vehicles.

REASON

In the interests of the amenity of the area and in the interests of highway safety.

8. The parking of cars and other vehicles shall be confined to the car park only and shall not be parked or stored at any other position within the site at any time.

REASON

In the interests of the amenity of the area.

9. The use hereby approved shall not operate between the hours of sunset and sunrise on any day. For the avoidance of doubt, sunset and sunrise shall be taken to be the times specified for Birmingham, UK, by the HM Nautical Almanac Office (<http://astro.ukho.gov.uk>). The site shall not be used for the purpose of overnight stays at any time.

REASON

In the interests of the amenity of the area.

10. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), no signs, flags or advertisement may be displayed without the express written consent of the Local Planning Authority.

REASON

In the interests of the amenity of the area.

11. No development whatsoever within Classes A and F of Part 2 and Class B of Part 4, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenity of the area and to maintain the rural character and appearance of the area.

12. Within two calendar months of this permission details of a fence to replace the temporary Heras fencing alongside the public footpath shall be submitted to and approved by the Local Planning Authority in writing. The replacement fence shall be sufficient to provide for the safety of users of the public footpath, shall be of a design and appearance in keeping with the rural setting of the site and shall be erected at a position which is set back at least 3 metres from the boundary of the footpath. The approved replacement fencing shall be erected and the temporary fencing removed from the site within one calendar month of the approval of details and shall be maintained as such at all times thereafter.

REASON

In the interests of the amenity of the area, to maintain the accessibility of the public footpath and to protect users of the public footpath.

13. Access for vehicles to the site from the public highway (Wall Hill Road C63) shall not be made other than at the position identified on the approved drawing, number 355 / 216 / 01 Rev E, providing an access no less than 5.0 metres in width for a distance of 20.0 metres, as measured from the near edge of the public highway carriageway. Gates hung within the access shall not be hung so as to open within 6.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

14. The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. The vehicular access to the site shall be surfaced with a bound material for a distance of 6.0 metres, as measured from the near edge of the public highway carriageway, and shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of highway safety.

15. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 70.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety.

16. No more than 10 vehicles shall visit the site per day (20 vehicle movements).

REASON

In the interests of highway safety.

17. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of highway safety.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0060

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28 01 16 1 11 16
2	Warwickshire County Council Highways Authority	Consultation Response	3 3 16 31 10 16 3 1 17
3	Warwickshire County Council Footpaths	Consultation Response	29 2 16
4	Environmental Health Officer	Consultation Response	25 2 16 10 11 16
5	Corley Parish Council	Representation	21 11 16
6	Fillongley Parish Council	Representation	23 11 16
7	Hooke	Representation	23 11 16
8	Shipley	Representation	29 2 16 22 11 16
9	Y McHugh	Representation	29 2 16 22 11 16
10	M McHugh	Representation	29 2 16 22 11 16
11	Burrin	Representation	17 11 16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

(5) Application No: PAP/2016/0213

Outline application (access only) for the residential development of up to 40 dwellings for

Mr K Holloway

Introduction

This application is reported to the Planning and Development Board at the discretion of the Head of Development Control in view of the objections received and in view of two recent appeal decisions which are relevant to the determination of this application.

The Site

The proposed development site lies to the north of the housing development known as The Lynch off the B5000 on the west side of Polesworth. The site is bound by Gardeners Cottage to the north; the Coventry Canal and public footpath AE16 to the east, the Lynch to the south and Pooley Lane to the west. The settlement of Polesworth lies to the east of the site and the M42 is further to the west.

The site measures some 2 hectares and is bound by mature hedgerows along its northern and western boundaries with a landscaped buffer to its eastern boundary. The gardens of the properties on The Lynch form its southern boundary.

The outline of the site is shown at Appendix A.



The Proposal

The scheme relates to the development of this field with residential units. It is submitted in outline format but with details of the vehicular access from Pooley Lane. The Masterplan submitted with the proposal includes the extent of a development plateau along with the access off Pooley Lane and landscaped areas. The indication in the plans submitted is that the site can accommodate up to 40 dwellings.

The following documentation has been submitted with the application:

- A Design, Access, Heritage and Planning Statement
- A Preliminary Ecological Appraisal
- A Flood Risk Assessment with surface drainage calculations
- Surface Water Storage Calculations
- An Access Layout
- An Archaeological Heritage Assessment
- A Reptile Survey

The proposal would be the subject of a Section 106 Agreement with the following draft heads of terms suggested by the applicant:

- 40% of the units to be affordable housing with 85% of these as socially rented units and 15% as shared ownership.
- £85,814 towards public open space in Polesworth
- Works to resurface the public footpath AE16 with a bound material and to install street lighting from the site to the B5000
- Maintenance and management of woodland areas and hedgerows within the site.
- Maintenance and management of the surface water balancing pond.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW19 (Polesworth and Dordon) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

The Draft Local Plan for North Warwickshire – 2016

Appeal Reference: APP/R3705/W/15/3136495 - St Modwen

Appeal Reference: APP/R3705/W/16/3149573 - Ansley

Consultations

Inland Waterways Association – It confirms that it objects to the proposal. It recognises that the landscaped buffer will be retained between the site and the canal. However, the topography of the site means that it rises away from the canal and so the development will be prominently visible from the Coventry Canal. It considers that this development will extend a finger of built development into the presently open countryside and so diminish the attractiveness of the canal's rural setting for recreational and tourism uses.

Environmental Health Officer – No comments to make on the application other than about the proximity of housing in the northern corner of the site which is close to an area of land being used for the training of heavy plant operatives.

Warwickshire (Public Rights of Way) – It confirms that there is no objection to the scheme. However, as the Right of Way AE16 runs through the site there is a need to ensure that the balancing pond and none of the vegetation proposed encroaches on this path. This footpath needs to remain open at all times. A request is made for a contribution towards the maintenance of footpaths in the area.

Warwickshire Museum – It confirms that the proposed development lies within an area of archaeological potential and it is probable that the field has been in an agricultural use since at least the medieval period. A number of Roman and medieval period finds have been found in the area. As such they confirm that an archaeological evaluation should be undertaken on the site before the application is determined. This archaeological evaluation was undertaken and the Planning Archaeologist re-consulted.

Warwickshire Fire and Rescue Service – It requests that a planning condition regarding the provision fire hydrants on the site is imposed.

Warwickshire Wildlife Trust – The Trust confirms that the Preliminary Ecological Appraisal is suitable for determining this application and this Appraisal shows that the woodland and majority of the hedgerow will be retained and protected. A reptile survey has also been submitted. With regards to Biodiversity then at present there is a loss of 49% of the biodiversity of the site. This is due to the loss of low value improved grassland. Conditions are suggested if the application is approved.

Highway Authority – The County Council confirms that it has no objection to the proposal. Pooley Lane is a private road owned by the applicant. Because of this it does not have a speed restriction placed on it. There is a need for the new junction into the site to incorporate 'y' distances of 70 metres as a minimum in the interests of the users of Pooley Lane. Pooley Lane does not have any footways or street lighting. As such the Section 106 Agreement should ensure that the public footpath AE16 linking the site to the B5000 is surfaced with a bound material and street lighting is installed.

Warwickshire County Council's Flood Risk Management Officer – He confirms that there is no objection to the proposal subject to the imposition of a planning condition relating to the design of the surface and foul water drainage schemes.

Warwickshire County Council's Infrastructure Team – It requests monies towards Sustainable Travel Packs and Library Services.

Representations

Polesworth Parish Council – It wishes to raise the following questions related to the maintenance of the public footpath; the potential to rebuild the collapsed wall at The Lynch and whether Pooley Lane is wide enough to cope with the additional traffic.

Nine letters of objection have been submitted from local residents raising the following issues:

- The site is located within the Meaningful Gap and residents see the protection of this gap between the two settlements as being very important.
- Pooley Lane is a narrow road without any footpaths or street lighting. This highway network cannot cope with the traffic likely to be generated from this housing scheme.
- The services and schools around the site cannot cope with additional people.
- This site lies outside the Development Boundary for Polesworth and is not a preferred site as identified in the Site Allocations Plan.
- The site is important for nature conservation and is used by a variety of bird species.
- The site is in close proximity to the historic building of Pooley Hall.

Observations

a) Introduction

There have been two recent appeal decisions in the Borough which need to be taken into account during the determination of this proposal. They are material to the determination of this case. The first appeal decision relates to the issue of whether the Borough has a 5-year housing land supply. The second appeal decision relates to the wording of Policy NW19 and the weight to be given to its wording in respect of retaining the separate identities of Polesworth and Dordon and Tamworth and to maintain a meaningful gap between them.

This report will assess this proposal against the Development Plan policies in the Core Strategy and the weight to be given to these policies as a result of the conclusions made by the Inspectors when determining these two appeal decisions.

b) The Principle of Development

The site lies outside of the Development Boundary for Polesworth. Policy NW2 in North Warwickshire's Core Strategy seeks to develop a broad distribution pattern for development with more than 50% of the housing and employment requirements being provided in or adjacent to the Market Towns outside of the Green Belt and their associated settlements. Polesworth with Dordon is identified as one of these Market Towns.

This proposed site is adjacent to the development boundary for Polesworth which includes the existing development known as The Lynch. As such, the proposal accords with this Policy.

There is a public footpath which runs through the site and links it to Polesworth town centre via Tamworth Road. The Section 106 contribution sought is to surface this footpath and install street lighting to ensure that occupiers can use this path for direct access to the bus services along Tamworth Road and for the shops, services and schools in Polesworth. These pedestrian linkages comply with the requirements of Policy NW10 (4) and (5) to promote healthier lifestyles for the community to be active and to encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities.

As such it is considered that the site proposed is in a sustainable location being located adjacent to a Market Town outside the Green Belt and complies with the settlement hierarchy as laid out in Policy NW2 and the criteria in Policy NW10.

The site has not been identified as a preferred housing allocation for Polesworth in the Council's Draft Local Plan. This is because the site is located within the area of land identified as a Meaningful Gap between Polesworth and Dordon and Tamworth as identified in Policy NW19 of the Core Strategy. The Council has developed guidance to inform the implementation of Policy NW19 and the draft Local Plan. Following public consultation and modification this Meaningful Gap Assessment was adopted by the Council in August 2015 as guidance to inform the implementation of Policy NW19. This guidance shows the site to be located within Area 2 due to its higher sensitivity to development impact as it follows the broad, eastern corridor of the M42. The guidance further goes on to say that small scale very limited development may be able to be accommodated in this area.

As this proposal is for the development of the majority of the site for up to 40 housing units, it would not be classed as being small in scale and so would be contrary to the guidance informing Policy NW19. However, this is where Members need to be made fully aware of the implications of the two recent appeal decisions on housing land supply and the wording of Policy NW19 before making a decision on this application.

Policies NW2 and NW19 are policies which control the supply of housing. Paragraph 49 of the NPPF states that:

“Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”

Accordingly, the Council must demonstrate that it has a five year land supply for its Development Plan to be considered up to date and for the relevant policies controlling the supply of housing to carry significant weight.

In the Ansley appeal decision the Inspector gives weight to the more recent housing need evidence from 2015 for the Coventry and Warwickshire housing market area (CWHMA) 2011-2031, which shows that the Council's objectively assessed need has increased to 4740, which includes allowance for an economic uplift in both the Coventry and Warwickshire Housing Area as well as the neighbouring Greater Birmingham, Solihull and Black Country housing market area. Furthermore, the Council has agreed to accept an additional 540 dwellings redistributed from Coventry and Warwickshire thus its total housing requirement is 5280. It is acknowledged that this new requirement is set out in policy LP6 of the emerging North Warwickshire Local Plan.

As such the Inspector found that the Council's housing need would increase from that advocated in Core Strategy policy NW4. Whilst it is acknowledged that the Core Strategy is just two years into adoption, the 2015 evidence is significant and new, irrespective of the age of the development plan and therefore it should form the basis of calculating the housing requirement.

Therefore the Inspector found that on the evidence before them, the Council's five year housing supply figure is closer to a 3.5 years supply.

The Council will be producing a revised housing land supply figure in March 2017 which will include the two large sites which were discounted by the Inspector the one in Ansley and the Old Holly Lane application in Atherstone. This should result in the Council's housing land supply being closer to 5 years rather than 3.5 years. However, it is unlikely to show that the Council does have a 5 year housing land supply.

Bullet point 4(1) of paragraph 14 of the Framework is engaged because the Council cannot demonstrate that it has a five year supply of housing at this moment in time. This is reinforced by the fact that the Council is not progressing its Draft Site Allocations Plan and Draft Development Management Plan such that there have been delays in bringing forward housing sites through a Local Plan to meet the housing requirement.

Paragraph 14 of the Framework states that a presumption in favour of sustainable development exists and should be seen as a golden thread running through decision-taking. This paragraph states that Councils should:

- Where the development plan is absent, silent or relevant policies are out of date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

As such there is a presumption that the principle of residential development is accepted in this sustainable location at the present time. However, the test that needs to be fulfilled in accordance with paragraph 14 is whether the adverse impacts of granting a planning permission here for housing would significantly and demonstrably outweigh the benefits.

The main impacts of approving a residential development site in this location are:

- The impact on the meaningful gap between Polesworth and Dordon; and
- the impact on the character and appearance of the area.

c) The Meaningful Gap

The maintenance of a strategic gap between Polesworth and Dordon and Tamworth has been a longstanding planning policy objective for the Council, and is very important locally. This is undisputed and is referred to in Core Strategy Policy NW19. It states that proposals "...to the west of Polesworth and Dordon must respect the separate identities of Polesworth and Dordon and Tamworth and maintain a meaningful gap between them."

At the St Modwen appeal, the Inspector found that there was no definition of what constitutes a 'meaningful gap' within the Core Strategy, or any other adopted development plan document. Instead, a judgement is required based on the evidence available, which includes the Council's 2015 *Meaningful Gap Assessment* ('MGA').

As already identified in this report, the MGA identifies the application site within Area Two.

The Inspector determining the St Modwen appeal stated that although the MGA has been subject to consultation and is a material consideration used to support the emerging Local Plan, the starting point is the adopted Core Strategy. In the Core Strategy the relevant test is whether or not a meaningful gap would be maintained to the west of Polesworth and Dordon and Tamworth.

The land to the south of this site is not located within the Meaningful Gap as this contains the development known as The Lynch. The fields between Pooley Lane and the motorway will remain undeveloped and so there is an argument that the development of this site will extend the development along this side of Pooley Lane but will ensure that there is a defined gap between the proposed development and the open fields to the west of Pooley Lane.

Draft Policy LP5 in the emerging *North Warwickshire Local Plan* includes a third criterion that all new development in the 'gap' should be small in scale, not intrude visually into the gap, or physically reduce its size. However, the plan is only at the draft stage and consultation is still on-going. Bearing in mind that they may be subject to change, the Inspector in the St Modwen appeal did not give Policies LP5 and LP2 any significant weight in reaching their decision.

Therefore, when assessing the proposal against the wording of Policy NW19 in the adopted Core Strategy, development on this site will still maintain a meaningful gap between the west of Polesworth and Tamworth. This is coupled with the fact that Policy NW19 is not a housing delivery policy and thus has moderate weight, whilst the Council cannot demonstrate a five year housing land supply.

d) The impact on the character and appearance of the area

The proposed site is an enclosed field. From Tamworth Road the site itself is obscured by the development known as The Lynch. From the Coventry Canal the site is obscured by the mature boundary trees and hedges along the Canal and along the public footpath to the east. However, in view of the topography of the site which steeply slopes away from the Canal up towards Pooley Lane, the site is visible from the village of Polesworth. At present, views from Polesworth towards the west are of open countryside. The development plateau as proposed would involve dwellings being built along Pooley Lane and so these would be clearly visible when viewed from Polesworth.

In comparison, although the adjoining development at The Lynch has been constructed on this steep slope, the development has only been built half way up this slope and does not extend up to Pooley Lane. The property along Pooley Lane in this location is a bungalow and in virtue of its height there are limited views of The Lynch development and this bungalow from Polesworth.

The Inland Waterways Association object to the proposal on the upper reaches of this site due to the potential for this development to obscure views from the Canal into the attractive open countryside. Indeed, this was also one of the reasons why the site was not allocated as a preferred site in the Draft Local Plan as it is a prominent site in the landscape due to its topography.

Public Right of Way AE16 runs alongside the eastern boundary of the site, and from here this is an attractive field which positively contributes to the overall rural character and appearance of the area. The site is surrounded by expansive open countryside to the west.

The loss of open countryside land and an attractive field would amount to harm to the character of the area. Policy NW12 of the Core Strategy is predominately a design policy and states that all development proposals must demonstrate a high quality of sustainable design that positively improves the individual settlement's character, appearance and quality of an area. The policy is relevant to the determination of the proposal and there would be some conflict with it for this reason.

Being an elevated site its loss would be widely felt. As such it is considered that the development plateau shown on the Masterplan and the indication that the proposal would accommodate 40 dwellings would cause a significant level of harm to the character and appearance of the village and to the landscape character and visual receptors. This harm would be significant.

The applicant's agent has indicated that they wish to work with the Council in order to design a residential scheme which reduces these impacts on the character and appearance of the area to a more acceptable level. They propose to amend the scheme to:

- i) Include the entire landscape buffer alongside the Canal which is within their ownership to be included in the planning application site boundary. Planning conditions can then be imposed on this buffer as well as Heads of Terms in the Section 106 Agreement to ensure that the trees and hedgerows in this location and around the site are protected and enhanced and that these areas are maintained in the future.
- ii) Reduce the development plateau being applied for so that a buffer strip is incorporated into the scheme along Pooley Lane. This will also compensate for the loss of hedgerow required in order to achieve visibility splays of 70 metres. A large area of land to the north and north-west of the site will become a landscaped area and so is excluded from any development. This will also address the concerns being raised by the Environmental Health Officer with regard to noise from the neighbouring commercial uses as well as address the concerns raised regarding the loss of biodiversity. Any impacts on the setting of Pooley Hall which is a Listed Building will also be lessened.
- iii) Lower the levels of the site towards Pooley Lane but excluding this buffer strip.
- iv) Reduce the numbers of units being applied for in recognition of the reduction in the development plateau. A more suitable number would appear to be 30 dwellings.

It is the opinion of Officers that if these amended plans are submitted then this will reduce the impact of development on this site on the character and appearance of the countryside in this locality. Although there will still be an impact, it is considered that the weight to be given to this impact could lessen to moderate. Members are invited to decide whether, on balance, the Board can support an amended scheme.

e) Highway Infrastructure

The Highways Authority has no objections to the increase in traffic along Pooley Lane or at its junction with the B5000 Tamworth Road as a result of this scheme. They acknowledge that Pooley Lane is a private highway which is not maintained by the Highways Authority. They do raise concerns that although the speed limit on this private road is 30mph, this is not so evident in ways that it would usually be in a publicly maintained highway as the road does not have repeater speed limit signs or street lighting. As such, they recommend that a condition is imposed to ensure that the visibility splays from the new access onto Pooley Lane are a distance of at least 70 metres.

Concerns are also raised about Pooley Lane's lack of street lighting and footways making it unattractive for pedestrians and cyclists to use. They do, however, recognise that the majority of pedestrians will use public footpath AE16 as being the quickest route into Polesworth and Pooley Country Park. As such, improvements to this footpath are required before any of the dwellings are occupied to provide for surfacing in a bound material and street lighting for its length from its whole length within the development site up to the public highway of the B5000 Tamworth Road.

As such, it is considered that an amended scheme here showing an increase in the visibility splays and improvements to public footpath AE16 will mean that the proposed scheme complies with Policy NW10 (Development Considerations) in the Core Strategy and Policies TPT1, TPT3 and TPT6 in the North Warwickshire Local Plan 2006.

f) Loss of Biodiversity

Warwickshire Wildlife Trust raises concerns about the loss of biodiversity through the development of this site. Through the use of WCC's Biodiversity Impact Assessment calculator, the original plans show a loss to biodiversity of 1.72 biodiversity units resulting from this development. This is as a result of the loss of poor improved grassland.

Paragraph 118 of the NPPF states that when determining planning applications, Authorities should aim to conserve and enhance biodiversity by applying the principle of if significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.

The amended plans being sought from Officers will reduce the amount of land which is developed. These areas of land can be planted to offset the loss of this poor improved grassland habitat. There is also the possibility of planting mature native trees such as beech, English Oak and field maple in these areas.

The Trust also recommends that planning conditions are imposed on the need for a construction environment management plan, a Landscape and Ecological Management Plan and a Lighting Design Strategy for light-sensitive biodiversity. Compliance with these conditions will protect the biodiversity value of this site.

As such it is considered that in accordance with the requirements of the NPPF, significant harm to biodiversity is reduced if the development plateau is reduced in area to allow these areas to be set aside for biodiversity enhancements and through the retention and management of the existing vegetation on the site.

g) Impact on the Archaeological Value of the Site

Concerns have been raised by the Planning Archaeologist at Warwickshire County Council regarding the potential for the site to contain Roman remains. The site lies approximately 170 metres from Pooley Hall which is a Listed Building and its eastern boundary adjoins the Coventry Canal which is a heritage asset and Polesworth Conservation Area which is some 300 metres away.

Following these concerns, an Archaeology Report has been submitted by the applicant. The Report concludes that although the site is within a sensitive heritage location, development on this site will not greatly affect the significance of these known heritage assets. The amendments to the scheme as recommended in the character and landscape section to reduce the amount of built development to the north and north-west of the site will lessen the impact on the setting of Pooley Hall and on views from the Canal and the Conservation Area.

The Archaeology Report acknowledges that it is possible that the site contains as yet unidentified earth fast archaeological remains from previous occupation of the site. As the application is submitted in outline and so there is flexibility on where the development can take place on the site, it is recommended that a planning condition is imposed requiring a programme of archaeological works to be undertaken on site before the submission of any reserved matters applications. This works will include a geophysical survey followed by a programme archaeological trail trenching.

As such it is considered that amendments to the scheme as proposed by the applicant will address any concerns raised about the potential for development on this site to impact on the setting of the heritage assets in the locality.

h) Residential amenity

With regards to the residents to the north and south of the site, the application is submitted in outline format and so any reserved matters application can ensure that the units are all orientated to have their rear gardens backing onto any rear gardens of these existing residential properties. The proposal to reduce the levels on site will reduce the impact on the residents at The Lynch. The proposal to reduce the development plateau to the north and north-west will also reduce the impact on the residents at Gardeners Cottage.

As such it is not considered that there will be a significant loss of privacy or loss of light from the proposal for the residents to the north and south of the site. The proposal thus complies with Policy NW10 (Development Considerations) in the Core Strategy 2014.

i) Affordable Housing

Policy NW6 (Affordable Housing Provision) requires that 40% of the dwellings shall be affordable units. This can be required through a Section 106 Agreement whereby 40% of the dwellings are affordable units with 85% of these units being socially rented units.

j) Access to services and education

A number of the objections received raise concerns about the pressure on the existing services in the area from the occupiers of these units. Warwickshire County Council has not asked for any contributions towards education from this proposal. A contribution is required towards the provision and improvement of open space in Polesworth. There have been no objections raised by the NHS regarding the provision of medical services in the area.

Conclusions

The scheme involves the development of this field in the open countryside and within an area of land categorised as the Meaningful Gap between Polesworth and Tamworth. As discussed, although Policy NW2 encourages the development of land adjoining the development boundaries of the Market Towns outside of the Green Belt, there are other policies in the Core Strategy which the development of this site conflicts with. The weight given to these other policies in this report has been substantial and so normally this application would need to be considered for refusal.

However, Members have been made aware of the implications of the two recent appeal decisions in the Borough and how they impact materially on the determination of this application. Whilst the Council cannot demonstrate a five year housing land supply, there is a presumption to approve sustainable development without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is considered that the development plateau shown on the Masterplan and the indication that the proposal would accommodate 40 dwellings would cause a significant level of harm to the character and appearance of the village and to the landscape character and visual receptors. This harm would be significant.

As indicated in the report the applicant's agent wishes to work with the Council in order to design a residential scheme which reduces these impacts on the character and appearance of the area to a more acceptable level. It is the opinion of Officers that if these amended plans are submitted then this will reduce the impact of development on this site on the character and appearance of the countryside in this locality. Although there will still be an impact, it is considered that the weight to be given to this impact could lessen to moderate. Members are invited to decide whether, on balance, they can support an amended scheme. This amended scheme will then be reported back to the Planning and Development Board at a later meeting.

Recommendation

That the Board is minded to support an amended scheme being submitted on this site and that the matter be reported back to an early meeting of the Board for a determination. The amendments should:

- i) include the entire landscape buffer alongside the Canal which is within their ownership in the planning application site boundary. Planning conditions can then be imposed on this buffer as well as in the Heads of Terms in the Section 106 Agreement to ensure that the trees and hedgerows in this location and around the site are protected and enhanced and that these areas are maintained in the future.
- ii) reduce the development plateau being applied for so that a buffer strip is incorporated into the scheme along Pooley Lane. This will also compensate for the loss of hedgerow required in order to achieve visibility splays of 70 metres. A large area of land to the north and north-west of the site will become a landscaped area and so excluded from any development. This will also address the concerns being raised by the Environmental Health Officer with regard to noise from the neighbouring commercial uses as well as address the concerns raised regarding the loss of biodiversity. The impacts on the setting of Pooley Hall which is a Listed Building will also be lessened.
- iii) Lower the levels of the site towards Pooley Lane but excluding this buffer strip.
- iv) Reduce the numbers of units being applied for in recognition of the reduction in the development plateau. A more suitable number would appear to be 30 dwellings.

BACKGROUND PAPERS

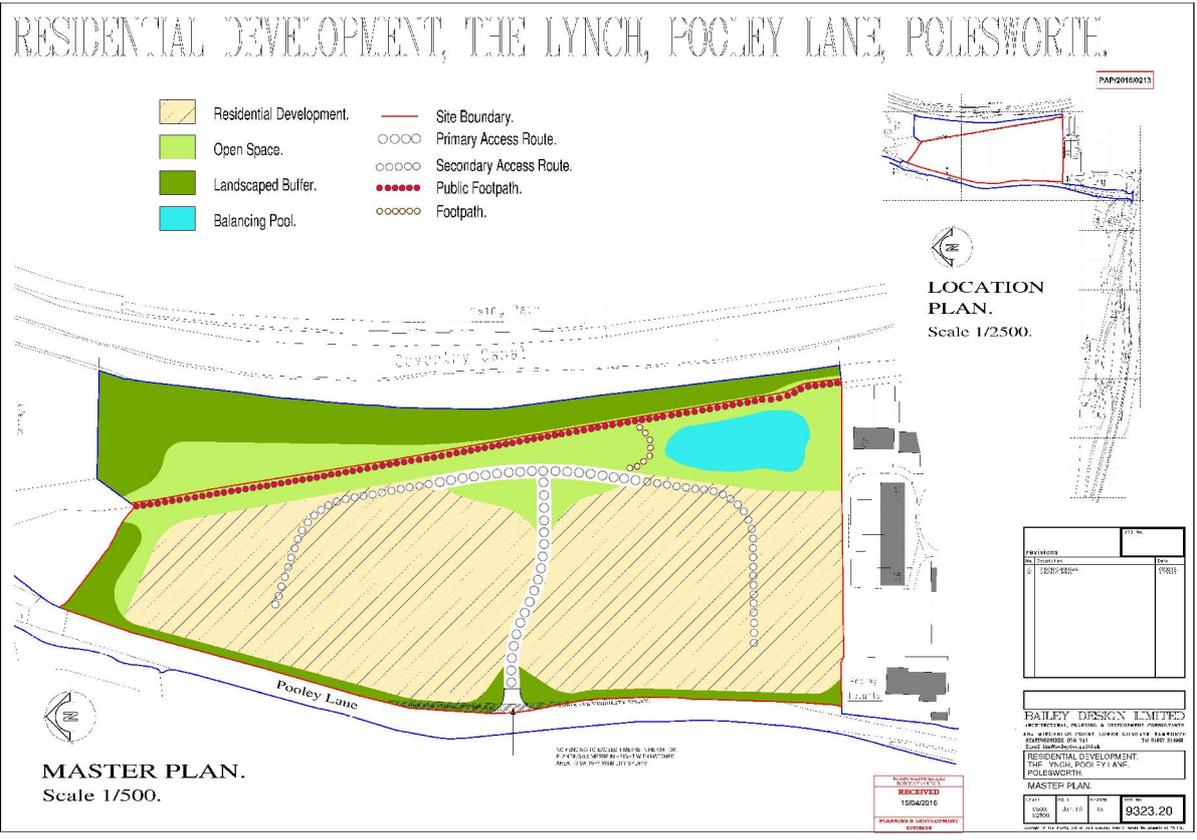
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2016/0213

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/5/16
2	Press Notice	Atherstone Herald	9/6/16
3	R Clark	Objection	18/6/16
4	L Smith	Objection	16/6/16
5	S Lea	Objection	2/6/16
6	T Owens	Objection	7/6/16
7	B Coley	Objection	10/6/16
8	L Taft	Objection	13/6/16
9	Inland Waterways	Objection	3/6/16
10	Pollution Control Officer	Consultation	9/6/16
11	Planning Archaeologist	Consultation	8/6/16
12	Fire Officer	Consultation	8/6/16
13	Wildlife Trust	Consultation	7/6/16
14	Agent	E-mail	27/6/16
15	Highways Authority	Consultation	30/6/16
16	G Smith	Objection	11/7/16
17	WCC Flood Risk Officer	Consultation	4/7/16
18	Planning Archaeologist	Consultation	3/8/16
19	Polesworth Parish Council	Consultation	8/7/16
20	S Wilkinson	Letter	8/8/16
21	J Price	Objection	27/6/16
22	WCC Infrastructure Team	Consultation	27/6/16
23	Snr Pollution Control Officer	Consultation	27/6/16
24	WCC Rights of Way	Consultation	16/6/16
25	M Williams	Objection	22/9/16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



(6) Application No: PAP/2016/0278

Blackgreaves Farm, Blackgreaves Lane, Lea Marston, B76 0DA

Single storey extension to shooting lodge for

Mr Guy Breeden - Lea Marston Shooting Club Limited

Introduction

The application is reported to Board at the discretion of the Head of Development Control.

The Site

The site lies within the Green Belt and is accessed from Blackgreaves Lane. It is situated adjacent to Blackgreaves Farm. The lane runs along the northern boundary of the site, with a cricket ground and a golf course to Lea Marston Hotel on the northern side and agricultural land to the south. There are residents to the west in converted barns of the original Blackgreaves Farm. The site is well established for clay pigeon shooting. The context of the site in relation to where the shooting lodge extension is proposed and the immediate surroundings is illustrated at Appendix A and an aerial view of the site is below:



The Proposal

This is a single storey extension to the existing building, to be constructed in timber, with timber windows and slate tiles to the roof. The proposal would extend the existing building and would provide an opportunity to remove the existing storage containers on the site. The application presents the opportunity to bring the site under planning control.

Background

The existing shooting lodge was approved in July 2012. Both the fishing pools and clay pigeon shoot are lawful uses. A number of steel storage containers still exist at the site. These appear to have been present for a number of years. The reason for the extension is to provide additional accommodation for an induction and training room and office which are considered to be essential to the health and safety of the use and for the secure storage for equipment.

Photos of the existing arrangement at the site are available at Appendix B.

Development Plan

The Core Strategy: - NW1 (Sustainable Development); ENV3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) NW16 (Green Infrastructure) and NW17 (Economic Regeneration) Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design)

Other Material Planning Considerations

The National Planning Policy Framework 2014 - (the "NPPF")

Consultations

Highway Authority – No objection subject to conditions for access improvements; the provision of a turning area and for a limit of 100 visitors per day.

Environmental Health Officer – There are conditions attached to a Noise Abatement Notice affecting the site as set out in the observations section below. It may well be a good idea to require design appropriate shooting stands (including a noise survey he must agree the results of with us to prove the design works to reduce the noise) and regularise the position of them so that they are further away from the properties to the west.

Police Architectural Liaison Officer – No objection.

Representations

Lea Marston Hotel – The numbers attending this shoot have raised from around 4,000 to now some '15,000 shoots per annum. The noise of shotguns firing is increasingly detrimental to our golf, spa and leisure business and it would be highly desirable to have bunding and noise reduction measures carried out as part of this development.

Lea Marston Parish Council – The parish council object to the development as it is not appropriate development in the Green Belt. Additionally, the Parish has received numerous longstanding complaints about breaches of the conditions of the shoot and the operators, who also happens to be the developer and about a failure to maintain soundproofing provision to limit the noise of this activity. This failure to comply with conditions has a direct impact on the amenity of local residents and businesses.

Observations

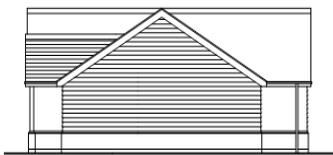
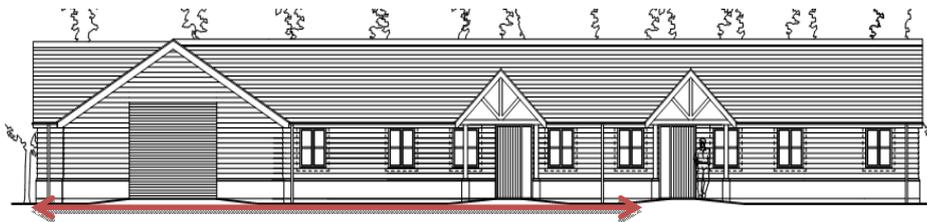
The main consideration is the effect of the extension to the existing shooting lodge on the visual and residential amenities of the area and openness of the Green Belt.

a) Design and existing use

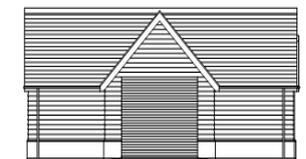
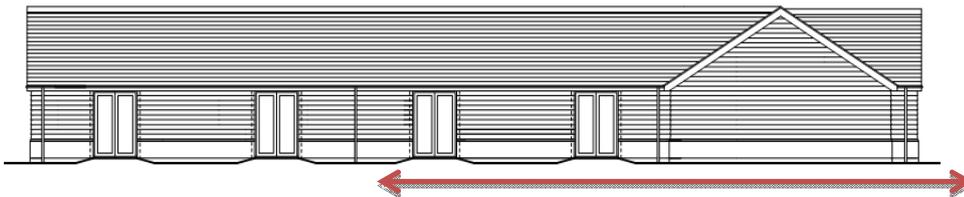
The proposed extension to the lodge measures 18.5 metres in length and 7.5 metres in width at its narrowest point and 10.5 metres in width at its widest point. The eaves height is 2.4 metres and the ridge height is 4.8 metres. In terms of the design then the scale of the building and use of materials would complement the existing building.

The size of the extension equates to 556m³ in volume, the scheme has been reduced during the application process and is smaller than the original scheme submission which was for an extension of around 300m³ and for a further detached store building equating to 500m³. The reduction to the scheme is an improved design and retains the built form in one place rather than buildings being spread around the site. Half of the floor space of the extension would be for the secure storage of the clays, traps, and ammunition and gun store.

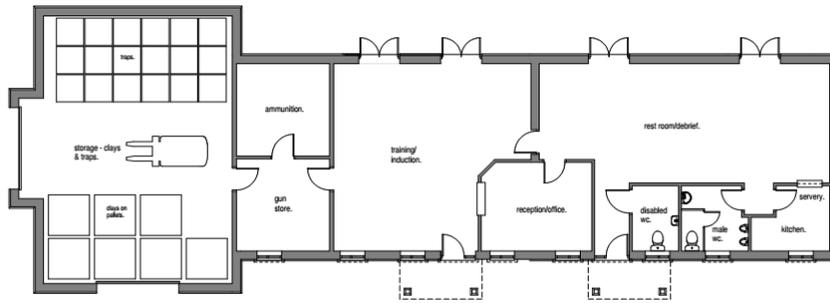
The appearance of the extension to the shooting lodge is illustrated below by the red line:



Front elevation facing into the site



Rear elevation



PROPOSED FLOOR LAYOUT.

The extension is to facilitate the administration of the clay pigeon shoot, then space for training and induction for users and secure storage of ammunition is necessary at this site, for health and safety requirements. In addition the traps cannot be stored outside, nor can they be stacked, so a certain level of floor space is appropriate to accommodate that need. The outside storage containers would therefore be removed for the provision of an extension.

Whilst the buildings are single storey, which reduces their impact on the landscape, the amount of accommodation provided by these buildings is not considered to exceed that which would be deemed "essential" for the area, given the storage containers would be removed. There would be no repetition of the facilities provided on the site. In terms of design the proposal would therefore not be considered contrary to policy NW12 of the Core Strategy and the appearance of the area can be improved by supplementary landscaping.

b) Use

The current use is lawful and operates with limited planning restrictions. It could continue to operate without the proposal for an extension. The need for the extension is however for the purposes of operating the use with stringent health and safety requirements for appropriate training and induction as more than half the extension is taken up with secure storage for the equipment already stored on site in inappropriate containers. The planning balance with this application is therefore that of bringing the site under planning control.

The site does however operate under the limits of an agreement under a Noise Abatement Notice. The limitations of the agreement are as follows:

The shooting is restricted to:

- a. *Mondays to Fridays 9:30am to 5:30pm with a maximum cumulative duration of 5 hours*
- b. *One of the Mondays to Friday's session per week can run between 2:30pm and 8:30pm with a maximum cumulative duration of 4 hours*
- c. *Saturdays 9:30am to 6pm with a maximum cumulative duration of 5 hours*
- d. *Sundays 9:30am to 3:30pm with a maximum cumulative duration of 4 ½ hours*

The time limit for installing the Noise Barriers referred to in the Notice is increased to 3 months.

For the avoidance of doubt “maximum cumulative duration” means the maximum number of hours shooting in any one day.

The safety and operational procedures require users to be signed in and licenses to be inspected. Additionally there has to be de-briefing and training. As a consequence there can be an overlap between sessions and so when users have finished with equipment, the next group of users will be waiting to start their session. There is a maximum of 7 users per session. The use employs instructors and office clerks who take the bookings. There is a minimum of 15 employees in full and part time positions. The organisers operate sessions on a daily basis. The Training room will be for up to 75 people with training and health and safety videos being played prior to commencement of shooting. The requirement for a de briefing space and additional toilets is a fundamental requirement so that debriefing can be held at the same time as training.

The demand for the leisure pursuit of clay shooting has given rise to the need for facilities and the site works closely with the governing bodies of clay shooting in the UK (CPSA and The Disabled Shooting Group) for which the improved facilities are essential to meet DDA regulations. Therefore the space required within the extension and exterior footways will have to meet DDA regulations.

The extension would not increase the number of shoots. There are already over 15,000 visits to the shooting ground per annum. The building is to provide welfare for members of the public and club members, of which there are over 1,400 registered. There are already daily limits by hours imposed at which firing can be carried out per day in any case. The numbers of users at the site has never been limited at this site, but can operate only within the hours limited by the Notice.

The NPPF, Part 3, seeks to promote a strong rural economy by supporting economic growth. Paragraph 28 states that to promote a strong rural economy, plans should support the sustainable growth and expansion of all types of business and promote the development and diversification of agricultural and other land-based rural businesses. Policy NW17 is consistent with the NPPF which states that the Council will give full consideration to proposals to diversify the economic base of farming and the rural economy. The use of the site does allow for employment opportunities and so has an economic advantage for the rural economy.

The NPPF, Part 8, seeks to promote healthy communities. Paragraph 73 requires access to open spaces and opportunities for sport and recreation can make a contribution to the health and well-being of communities. Though the use is not a conventional sport, it does promote access to recreation and the outdoors and therefore complies with the notion of promoting healthy communities.

In order to control the use of the site a condition limiting the use of the extension to facilities ancillary to the clay pigeon shooting will be required, as well as a condition limiting the use of the floor space to that set out by the proposed plan to prevent any other use or conversion of the building creeping in.

c) Green Belt

The site is in the Green Belt. The visual impact of a proposal is of critical importance to the assessment of the proposal within the Green Belt.

The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence, the Green Belt serves five purposes. The five purposes are set out in paragraph 80 of the NPPF and are dealt with in turn as follows:

- *To check urban sprawl* – This development is a relatively discrete development contained within the site boundary which is defined by the existing use, which would not have a significant impact on urban sprawl. The surrounding countryside remains open.
- *Prevent neighbouring towns merging* – This proposal would not result in merger of any settlements in the Borough.
- *Safeguarding the countryside from encroachment* – The site is already in use with the existing building and informal hardstanding for vehicular parking with storage containers it already has some urban features and it is seen as having an urbanising influence. The extension to the existing building would further develop the site, but the planning balance is that no further encroachment would occur in the countryside as the planning balance is that the storage containers would be removed. The application proposal presents the opportunity to gain planning control of the site.
- *Preserve the setting of historic towns* – This element is not engaged by this development.
- *To assist in urban regeneration by recycling derelict land* – The proposal does not recycle derelict land but will remove the storage containers.

As with previous Green Belt policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances with exceptions listed at paragraph 89. The Green Belt exception that applies to the proposed extension is as follows:

- *provision of appropriate facilities for outdoor sport, outdoor recreation... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.* - It is considered that the site is already in use with the existing building, parked vehicles and storage containers and lawful land use for clay pigeon shooting. This already has partial urbanising effect and this is the lawful use of the site and the sport of clay pigeon shooting can only be conducted in a countryside location, making this a sport that requires access to the countryside. The proposed extension therefore facilitates access to the countryside for a controlled sport that could not otherwise be carried out in urban locations for obvious safety and amenity reasons.

To assess the actual harm to the Green Belt and the impact on the purposes of including land within the Green Belt then is no definition of “openness” in the NPPF or indeed the Core Strategy. The application site is presently an open space beyond the existing structures being the existing containers and lodge, with existing informal hardstanding at the entrance and a loose surface for vehicular parking. The site is largely surrounded on its northern boundaries by landscaped hedgerow which offers some screening from Blackgreaves Lane.

The existing farm to the north west of the site is some distance away, though the overall setting has an open character, the nature of the recreational use, (aside from the buildings) does retain an open character for clay pigeon shooting and fishing at the existing pond. The site would be developed with the new extension. This can have an impact on the present open character.

The weight attributed to harm on openness by the extension rests on the planning balance and regard is given to the following material considerations:

- This is that the use will continue to operate to the limits of the existing arrangement at the site with or without the proposal for an extension. In terms of the necessity of the extension then further regard is had to the following as material considerations:
- The main focus is on the need to store clays at the site.
- The main focus is also to keep fire arms secure.
- It is also necessary to ensure proper de-briefing/ introductory training is carried out.

The planning balance over green belt harm is that the application presents the opportunity to re-visit the planning conditions and control the use of the site into the future. Drawing the above considerations together, it is considered that the proposal is an appropriate facility for outdoor sport and recreation, subject to conditions to control the use.

Overall therefore it is not considered that the proposals materially conflict with the purposes for including land within the Green Belt. The actual harm caused by the proposal is limited on the openness of the Green Belt particularly with the removal of the storage containers.

d) Other Harm - Landscape Character and Visual Impact.

The landscape character of the area is defined by open countryside being set within the Tame Valley Wetlands, generally regarded as a low-lying landscape visually contained by wetland vegetation. This flat highly modified river corridor landscape has been worked in the past for sand and gravel, resulting in a new wetland landscape. Slightly elevated above the flood meadows is the settlement of Lea Marston and Marston. The area contains scrub and wetland vegetation, elsewhere land uses include infrastructure links such as the M42 and rail lines pass through the area, which means that urbanising influences occur locally rather than throughout the landscape, there is the small ancient woodland of Dunton Woods to the south west of the application site.

Following gravel extraction, few areas of traditional landscape remain and further pressure from HS2 approximately 600 metres to the west of the site would also have an urbanising effect. Though the immediate surroundings appear to be attributed to leisure pursuits encouraging access to the countryside, this is noted by the golf course north of the site at Lea Marston Hotel.

The site is relatively self-contained visually. This is assisted by existing landscaping along the boundary. As a consequence the impacts from further afield are considered to be minor there is considered to be only a limited impact on the landscape of the surrounding area by the extension proposed and the landscape character is not materially worsened by the extension, beyond the extent at which the site already operates. The area earmarked for the extension is informal hardstanding and so there would be no removal of scrub. Further landscaping can be considered as the design and management of new and enhancement of existing recreational facilities should reflect the character of existing landscape features and hence more planting can be achieved around the site. There is not a SSSI or a SINIC nearby the application site.

Thus the proposal would not be considered to be contrary to policies NW13 or NW16 of the Core Strategy.

In terms of visual impacts of the proposed built form then the proposed extension is of a low height with a horizontal design, it would not result in an urbanising influence beyond that of the present storage containers. Its finish would be in timber which has a rural appearance. It is considered that there would be no adverse impact from the perspective of the nearest neighbours to the site due to distance and particularly to intervening hedgerow. It is thus a localised impact rather than affecting the wider views of the landscape.

In terms of other neighbours amenities then comments relating to the noise from the use generated by clay pigeon shooting has been raised. However the site is already in use, the popularity of the site has already increased and operates within the limits already set in place by Environmental Health. A planning condition which is compatible to these limits set by Environmental Health will be applied on a permission notice. The previous planning permission at the site did not limit operational hours of the use. This should continue to control disturbance to neighbours.

It is also noted that noise barriers have to be included at the site as part of the requirements of the notice enforced by Environmental Health and so a conditional requirement of the application could relate to the details and siting of the noise barriers. It is unlikely that an earth bund would be necessary as this would amount to an engineering operation, an earth bund would have to be high to take any effect which would also have to be weighed on green belt harm. Limitations within the notice by Environmental Health would be the controlling factors at this site in terms of noise control.

e) Heritage Matters

The nearby heritage asset is a listed building close to the site at Blackgreaves Farm. This is approximately 110 metres from the site. The proposed development would not directly impact on the architectural or historic interest of the asset, but its setting could be affected by the visual impact of retaining the storage containers in situ as per the present arrangement on site. The benefits for the proposal is that it brings the application site under planning control by removing the storage containers and encouraging planting through a landscaping scheme that would make a material difference to enhancing the setting of the listed building.

f) Highways

The increase in the number of visitors using the site has resulted in highway comments. It is proposed that highway conditions be applied to any permission. The request for conditions would result in a tarmacked surface within the site. This can too result in an urbanising effect as discussed above, however there is a balance in providing a safe access to the site where the current access arrangement would not be compliant with the number of visitors using the site. This application has therefore resulted in the opportunity of controlling the site from a highways perspective.

However the condition required by highways requesting a limit of 100 customers per day would be difficult to enforce, particularly as the site is already operational with more than 100 customers a day using the site. This condition would not therefore be necessary and it is considered sufficient on highway safety that the requirements of the other highways conditions are satisfactory. Overall, the increase in traffic generation is considered not to have any measurable effect upon general traffic volumes or road safety, indeed given that some of the activities have been taking place for some time, to some extent the impact of the development is already on the network. There is a large area available on site for parking vehicles which is considered more than adequate to accommodate all the vehicles that visit the site. No off-site parking is likely to take place.

g) Health and safety

Public safety is necessary and it is understood that training of safety officers is paramount to the safety of the members and the general public, users of the shooting ground and surrounding facilities.

The site is a high security area. Car park lighting is only used when the car park is in use. The lighting around the building is a low level LED source and acts as a deterrent, along with the security cameras preventing any break-ins or attempted robberies. The high level of security is a requirement of the firearms licensing authority and police. A condition can be applied to assess security lighting scheme at the site, as any lighting must be angled so as to avoid glare and light pollution. Similarly there should be no shooting taking place with the assistance of vehicle headlights. Car park lighting should not therefore be relevant here as the use of the site could not apply to clay pigeon shooting outside of daylight hours and therefore no additional lighting would be required around the site, with the exception of security lighting around the building which should be on a sensor and not permanently illuminated.

In terms of the wider area and community then the site is nearby a golf course on Blackgreaves Lane and near the North Warwickshire Cycle Way along Haunch Lane and footpaths. Though regard is given to public safety by non-users given the proximity of the golf course and public footpath, the use is already operational regardless of the proposal for an extension, the position of the shooting stands do face south and in the direction of the footway, but this is presently operational. A note reminding the applicant relating to the safety of users of the public footway can be added as a note on the permission.

Conclusion

The shooting lodge already exists; clay pigeon shooting is an existing use at the site. The proposal for an extension to the lodge will be to the same height and material appearance as the existing. As discussed above there is aesthetic benefit in the proposal, provided that all steel containers can be removed from the site with no substantial impact on the green belt. The weight given to Green Belt harm is limited. There are also material considerations that weigh in the balance for supporting the application particularly given the use at this site is already operational. There is an economic benefit and the site promotes access to the countryside. The design and appearance is acceptable. The proposal is thus in accordance with saved NW10, NW12, NW13, NW16 and NW17 of the Core Strategy and national policies as set out in the National Planning Policy Framework.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates 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, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 9118.20 and 9118.21 received by the Local Planning Authority on 18 August 2016.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The development hereby permitted shall be ancillary to the principal use of the site as a clay pigeon shoot and fishing/angling purposes, and for no other purposes within class D2 of the Use Classes Order 1987 (as amended).

REASON

To prevent unauthorised use of the building.

4. The storage and floor area used for clays and traps, ammunition store, training room and office identified within the extension hereby approved shall not be used for any other storage purposes or uses and the floor plan shall be retained in the layout approved by Condition 2 at all times.

REASON

To ensure there is capacity for storage within the building so as to prevent outside storage and to define the limits of the floor space to prevent conversion and unauthorised use of the building.

5. The open land within the curtilage of the site shall not be used for open storage, display or sale of anything whatsoever.

REASON

In the interests of the amenities of the area and openness of the Green Belt and to prevent encroachment into the Green Belt arising from displaced storage equipment.

6. The existing storage containers shall be removed from the site prior to completion of the extension hereby approved, to the written satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area and to protect the openness of the Green Belt.

7. No development shall be commenced before details of the facing bricks of the brick skirt, timber cladding, and roof tiles have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

8. No development shall commence until a landscaping scheme has been submitted to the Local Planning Authority for approval and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

9. On Mondays to Fridays shooting shall only take place between the hours of 09.30am and 17.30pm with a maximum cumulative duration of four hours on any one day. Only *one* of the Mondays to Friday session per week shall operate between 2:30pm and 8:30pm with a maximum cumulative duration of 4 hours. On Saturdays shooting shall only take place between the hours of 09.30am and 18.00pm with a maximum cumulative duration of five hours. On Sundays shooting shall only take place between the hours of 09.30am and 15.30pm with a maximum cumulative duration of four and a half hours. No shooting whatsoever shall take place on public holidays; Good Friday, Easter Sunday, Christmas Day or days of recognised national importance; Remembrance Day and Remembrance Sunday.

REASON

To define the limits of the consent and in the interests of the amenities of neighbouring occupiers and land uses.

10. A major event which might attract in excess of 50% more participants than would normally use the shoot shall not be staged more than once in any 28 day period.

REASON

In the interests of the amenities of the area.

11. A register of all dates, times and number of attendees shall be maintained and be made available for inspection by the Council on request.

REASON

To ensure the use is operating within the limits of the consent stipulated by Conditions 9 and 10 and in the interests of the amenities of the area.

12.No shooting shall take place with the assistance of vehicle assisted headlights.

REASON

In the interests of the amenities of the area.

13.Notwithstanding the requirements of Condition 2, no development shall commence until a noise survey and details of the design, height and sound absorption properties and position of existing and/or proposed noise barriers to the shooting stands have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area and reducing noise transmission.

14.No development shall commence until details of the design and location of external security lighting and CCTV installation have been submitted to and approved in writing by the Local Planning Authority. External lighting shall be angled 0-degrees to the horizontal so no glare shall occur on the public highway.

REASON

In the interests of the amenities of the area and safety on the public highway.

15. Notwithstanding the plans submitted the development shall not be occupied until the existing vehicular access to the site has been widened to a width of 6.5 metres for a distance of 15.0 metres, as measured from the near edge of the public highway carriageway. The access to the site shall be surfaced with a bound material for a distance of 20.0 metres, so as to reduce material transfer on to the public highway. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway. No gates shall be hung within the vehicular access to the site so as to open within 7.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

16. The development shall not be commenced until a turning area and parking areas have been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear and to park off the public highway. Such areas shall be retained for the duration of the works.

REASON

In the interests of highway safety.

17. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of highway safety.

INFORMATIVES

1. The applicant is reminded on the time restrictions and limitations that operate at the site as per the notice between Mr. Breedon and North Warwickshire Borough Council, enforced by Environmental Health as follows:

The shooting is restricted to:

Mondays to Fridays 9:30am to 5:30pm with a maximum cumulative duration of 5 hours. One of the Mondays to Friday's session per week can run between 2:30pm and 8:30pm with a maximum cumulative duration of 4 hours.

Saturdays 9:30am to 6pm with a maximum cumulative duration of 5 hours

Sundays 9:30am to 3:30pm with a maximum cumulative duration of 4 ½ hours.

2. The Environmental Protection Act 1990 provides for either a Local Authority or the owner/occupier of premises to abate and/or prevent recurrence of noise amounting to a nuisance under the terms of Sections 80 & 82 respectively. Furthermore, a Local Authority is empowered to act where satisfied noise amounting to nuisance is likely to occur, and it is a statutory requirement for Authorities to cause the areas over which they have jurisdiction to be inspected for the purpose of determining how such powers should be exercised.
3. Permanent works (such as the construction of barriers for controlling noise or the erection of other structures) require planning permission, and advice can be obtained from the Local Planning Authority.
4. This permission does not approve any advertisements. A separate application is required to regularise adverts at the site. The applicant/landowner is advised to contact the Local Planning Authority for further advice on advertisement applications on 01827 715341.

5. Permanent works (such as the construction of barriers for controlling noise or the erection of other structures) require planning permission, and advice can be obtained from the Local Planning Department.
6. Shoot organisers should be aware of their duties to employees and others under the Health and Safety at Work Act 1974, having specific regard to occupational noise and safe shooting practice. The discharge of a firearm within 15.2m of the centre of a highway may constitute an offence under the Highways Act 1980.
7. The applicant/landowner is advised that the regular build-up of lead from shot falling onto land could lead to additional health problems in the longer term. The advice of the Local Water Authority and Environmental Health Department should always be sought by applicant/landowner before changing the land back to pasture or grazing.
8. Organisers should note that the public have a right to use such highways, footpaths, bridleways and waterways unfettered and must ensure the safety of users and must avoid any likelihood of falling shot or clays becoming a danger to the public.
9. In order to warn members of the general public that some shooting noise may be experienced, all footpaths within 1 kilometre radius of the shoot are recommended to have signs displayed by the organisers indicating the existence of the shoot.
10. A 'major event' might be a regional, national or international competition, or any other event which might attract in excess of 50% more participants than would normally use the shoot. In such cases, notification to surrounding occupiers of land and to the local authority should be regarded as essential and additional measures to reduce the impact on noise sensitive premises should normally be taken as required by Condition 10.
11. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

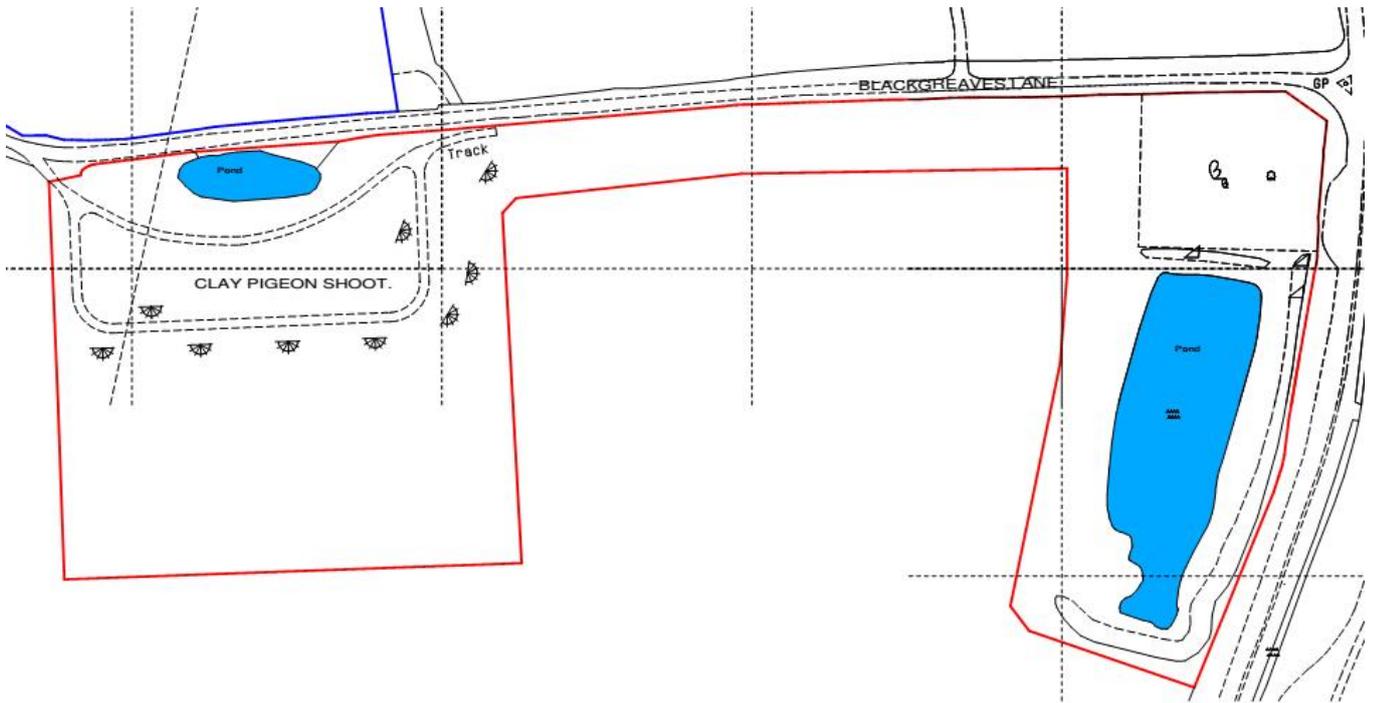
Planning Application No: PAP/2016/0278

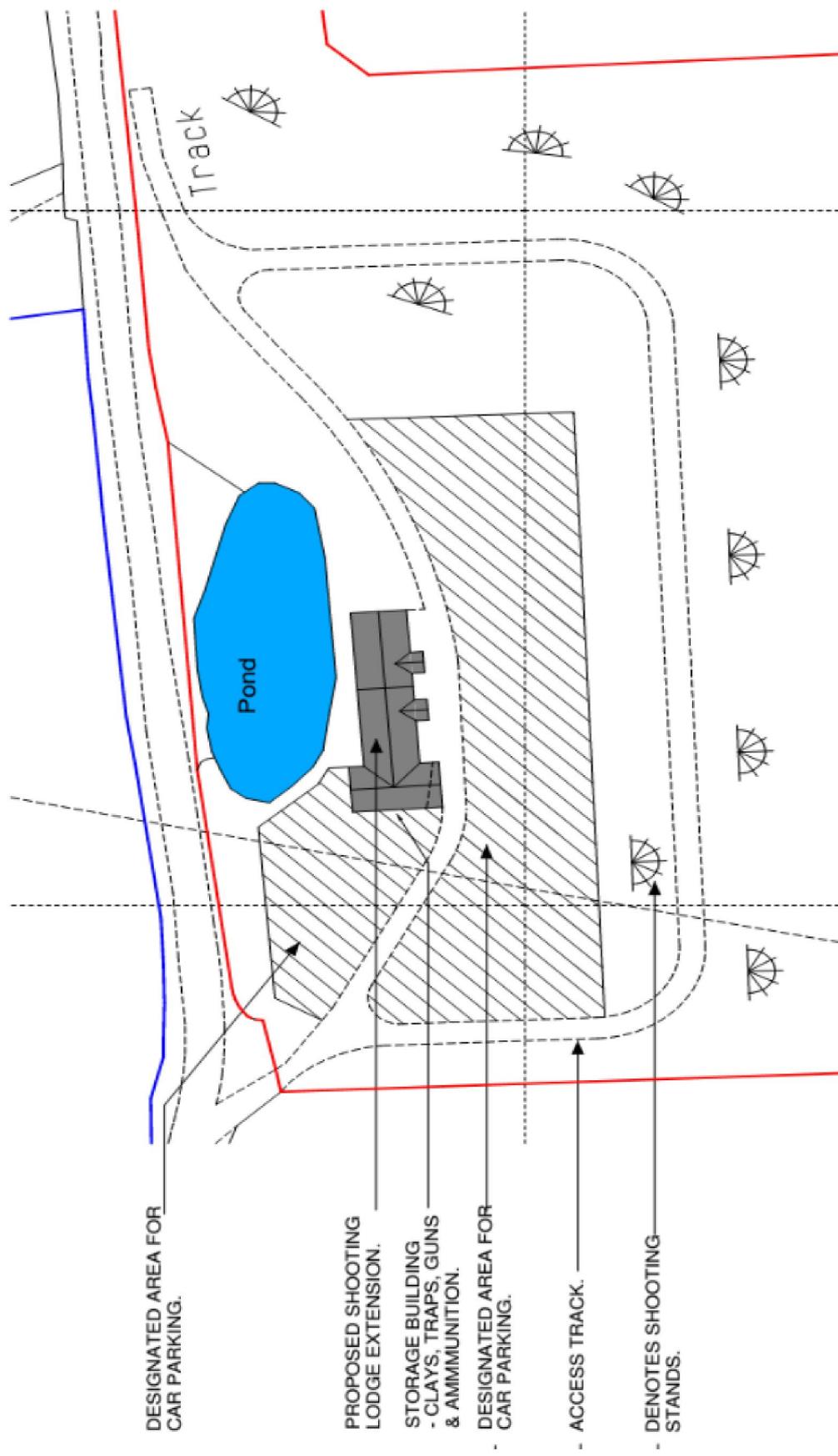
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/5/16
2	WCC Highways	representation	25/5/16
3	WCC Museum		3/6/16
4	Lea Marston Hotel		6/6/16
5	NWBC EHO		8/6/16
6	Police architectural liaison officer		21/7/16
7	WCC Highways		20/10/16
8	Lea Marston PC		13/12/16
9	NWBC EHO		26/1/17
10	Agent to Case Officer	e-mails	17/8/16
11	Agent to Case Officer		18/8/16
12	Agent to Case Officer		27/7/16
13	Agent to Case Officer		26/7/16
14	Agent to Case Officer		17/6/16
15	Agent to Case Officer		14/7/16
16	Agent to Case Officer		25/8/16
17	Agent to Case Officer		3/1/17
18	Case Officer to agent		27/7
19	Case Officer to agent		17/6/16
20	Case Officer to agent		13/7/16
21	Case officer to agent		7/7/16
22	Case officer to agent		26/1/17

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix A





DESIGNATED AREA FOR CAR PARKING.

PROPOSED SHOOTING LODGE EXTENSION.

STORAGE BUILDING - CLAYS, TRAPS, GUNS & AMMUNITION.

DESIGNATED AREA FOR CAR PARKING.

- ACCESS TRACK.

- DENOTES SHOOTING STANDS.

Appendix B

Photos of the site



Existing storage containers with Blackgreaves farm in the background



Existing containers and hardstanding used for car park



Existing lodge used for induction and briefing and hardstanding for parking.



Access to the site from Blackgreaves Lane



Aerial view showing existing location of shooting stands and existing shooting lodge and hardstanding for parking area.

(7) Application No: PAP/2016/0519

Croft Mead Business Centre, Croft Mead, Ansley, CV10 9PQ

Redevelopment to accommodate 10 dwellings, for

LPC (Trull) Ltd

Introduction

This item is referred to the Board at the request of Members following a recent appeal decision in the village.

The Site

This is an established commercial yard within the centre of a residential area to the south of Croft Mead which is a cul-de-sac off Birmingham Road. The yard has single and two storey ranges of buildings around three of its sides. The surrounding houses are two storey as well as bungalows (those immediately to the east).

The Proposals

The application proposes the complete residential redevelopment of the site with ten dwellings all accessed off Croft Mead using the same existing access to the yard. The proposed layout shows a single cul-de-sac with two terraces of five and four houses and a single detached bungalow located in a small corner of the site. This is a different layout to that which was submitted originally. That had two terraces in line with each other, but the amended plans now have one terrace within the site and the second fronting Croft Mead. The houses would still back onto the rear gardens in Nuthurst Crescent.

The applicant has submitted two additional background documents.

The first is a marketing statement. This shows that the site has been marketed since 2014 but the only interest has come from prospective purchasers wishing to redevelop the site rather than to re-use the buildings. The reasons given are that the site and the buildings are unattractive with rural access and poor quality. Land values are very low and cannot sustain increased rents to cover the cost of refurbishment. Moreover the site is surrounded by quite high density residential redevelopment and the current planning permission contains operational restrictions such as working hours.

The second is a planning statement. This runs through the relevant national and local planning policies concluding that this is sustainable development within an existing built up area and that there are unlikely to be adverse impacts. In view of the growth agenda the applicant considers that this scheme should be supported.

Background

The site has an established and lawful commercial use. It was the site of a builder's yard for many years and has since then has been adapted to provide small workshop accommodation for a number of business uses and offices. The site has caused

complaints in the past because of noise and lorry movements. It is presently controlled through a series of planning conditions.

Representations

Ansley Parish Council – At the time of the original application, there was no objection providing local neighbours are notified. In respect of the amended scheme there is no objection.

Two representations in respect of the original scheme say that bungalows are needed in Ansley, not more houses and that these would better “fit” with the surroundings.

Five letters of objection were received in respect of the original submission referring to the following matters:

- The proposal is not identified in the Core Strategy and is thus not in accord with it.
- There will be loss of employment land which needs to be protected
- Too many houses will create car parking and highway problems that will overflow onto Croft Mead.
- There will be overlooking of the surrounding houses.

In respect of the amended plans then three objection letters have been submitted referring to the following points;

- The business and employment site should be safeguarded in line with the Core Strategy.
- The proposals are not in accord with the housing policies for Ansley.
- Increased traffic issues through the existing access.
- Highway uses do to with access to the site and the potential for additional on-street car parking
- Disruption to the sheltered housing scheme.
- Infrastructure and services are lacking
- Amenity space is far too small

In respect of the amended layout then Ansley Parish Council has said that a lot of housing has been approved in Ansley and thus the industrial units should be retained for small businesses and that there is a need for bungalows.

Consultations

Warwickshire County Council as Highway Authority – No objection

Warwickshire County Council as Flood Authority – Originally objected, but upon receipt of additional information the objection has been withdrawn, subject to a standard condition.

Warwickshire Museum – No evaluation work is necessary

Warwickshire Police (Architectural Liaison) – No objections

Environmental Health Officer – No objection subject to standard conditions

Severn Trent Water – No objection

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Spilt of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment Land), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design); ENV13 (Building Design) and ECON3 (Protection of Existing Employment Sites)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

The National Planning Practice Guidance 2014 - (the “NPPG”)

Observations

The site lies within the development boundary of Ansley and thus there is no objection in principle here to a residential redevelopment. The site does not have to be identified in the Core Strategy for this conclusion to apply – as a matter of fact the site is inside the development boundary where new development is appropriate by virtue of policy NW2 of the Core Strategy. This however is subject to consideration about the loss of the employment space.

The present tenant has indicated an intention to move and this therefore triggered a marketing exercise undertaken by the owner. The outcome of that programme has been submitted as background evidence with this application. There has been no interest expressed in the site as a continuing employment site. The reasons expressed by those that did look at the site reflect the unattractiveness of the location and the buildings on site for commercial uses. This evidence is significant. Additionally the site is surrounded by residential development and occupiers from time to time have had cause to complain about the uses and activities on site - noise and working hours being the main issues. There was at one stage also a series of issues to do with delivery vehicles using Croft Mead. As such there are planning conditions attached which now restrict both hours and uses. Overall in these circumstances it is considered that the balance lies with supporting the residential proposal rather than continuing with the existing lawful use. This conclusion is given extra weight because of the current growth agenda and that the site is in a preferred location being within the development boundary.

In response to the objections referring to policy matters then the proposal accords with Core Strategy policy NW2. The site is inside a development boundary and is thus sustainable development supporting existing facilities and services. It also accords with NW5 as that requires a minimum number of houses in the village not a maximum. It is also important to point out that if the Council wishes to sustain its five year housing land supply then sites such as this should be supported in principle. The recent appeal decision in Ansley does not alter this position. The proposal is acceptable in principle.

The development proposed is for ten units. Policy NW6 would require 20% of these to be “affordable” – that is two of them. As Members will know of course this policy now carries little weight following recent Court cases which have resulted in changes to the NPPG. In short this new guidance says that affordable housing should not be sought on developments of ten units and less. As a consequence no affordable provision is proposed here.

It is now necessary to see if there are any adverse harmful impacts.

The Highway Authority has no objection. This is very much based on the reduction in overall traffic movements generated by the proposal to that which could be generated by the full use of the site as a lawful business centre together with the loss of potential HGV and other similar movements. Whilst the site is presently not giving rise to complaint because of traffic generation, the lawful use could enable different tenants and occupiers which, as experienced in the past, can give rise to traffic and safety issues. In overall highway terms therefore the proposal is seen as a benefit and an improvement. On-site car parking meets the Council’s standard at 200% provision.

There is no archaeological interest in the site. The Environmental Health Officer takes a precautionary approach in respect of the ground conditions due to the existing use. Conditions will thus satisfy this approach.

The proposed layout has been amended. This change is considered to be an improvement as it leads to a new frontage to Croft Mead extending the existing frontage and thus benefitting the overall street scene. It also reduces the potential for overlooking of existing properties. The existing houses in Nuthurst Crescent would have separation distances of between 15 and 25 metres depending on orientation and there is no direct “back-to-back” relationship. This would satisfy the Council’s guidance. The existing houses presently overlook the yard and have the rear elevations of the existing buildings as boundary features. The outlook is considered to be improved through this proposal. The existing access arrangement is to be retained and whilst the existing neighbouring property would be adjacent to this, the situation is considered to be much improved as the access could be used by commercial traffic under the existing lawful use.

There was reference in the representations for a preference for bungalows on the site. Whilst this is understood, the Council as Local Planning Authority has very little influence over this provision. This application has to be determined on its planning merits and as indicated here there is little in the way of adverse impacts identified with the weight of evidence to support potential refusal reasons.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard plan numbers condition – plan numbers LPC/1652/H/SD/1B; 3A and 4A received on 4/1/17 and plan numbers LPC/1652/1; H/SD/6, and 7 received on 6/9/16.

Pre-Commencement Conditions

3. No work shall commence on site, except for demolition, until a site investigation of the nature and extent of contamination for the application site, based on a Phase 1 Assessment has been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution.

4. If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a verification plan to show how the remediation measures can be shown to have been completed.

REASON

In the interests of reducing the risk of pollution.

5. No work shall commence on site other than demolition, until the approved remediation measures have been fully undertaken on the site; the verification report has been submitted to the Local Planning Authority and the written approval has been received that commencement of the development may proceed.

REASON

In the interests of reducing the risk of pollution

6. No work shall commence on site other than demolition until such time as full details of the glazing and ventilation to doors and windows to the lounge and kitchen/diner in the bungalow at plot 10 on the approved plan together with details of an acoustic fence at the rear of plot 10 have at first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of reducing the likelihood of noise pollution

7. No work shall commence on site except for demolition until full details of all facing and roofing materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on the site.

REASON

In the interests of the visual amenities of the area

8. No work shall commence on site except for demolition until such time as full details of a landscaping scheme for the site shall first have been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of the visual and residential amenities of the area.

Pre-Occupation Conditions

9. The bungalow at plot 10 on the approved plan shall not be occupied until the whole of the measures approved under condition (6) above have been fully implemented to the written satisfaction of the Local Planning Authority.

REASON

In the interests of reducing the likelihood of noise pollution

10. None of the ten units hereby approved shall be occupied until the whole of the access and car parking arrangements as shown on the approved plan have first been fully completed to the written satisfaction of the Local Planning Authority. The car parking provision shall remain permanently for this use alone.

REASON

In the interests of highway and traffic safety

11. No work shall commence on the site other than demolition, until detailed surface and foul water drainage schemes based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. Only the approved schemes shall then be implemented on site.

REASON

In the interests of reducing the risks of flooding and pollution

Other Conditions

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or as may be subsequently amended, no development within Classes A, B and C of Part 1 of Schedule 2 to that Order shall commence on site.

REASON

In order to protect the residential amenity of surrounding occupiers.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a positive decision and resolving a number of planning impacts through amended plans.
2. Attention is drawn to Section 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice can be obtained from Warwickshire County Council as Highway Authority.
3. In respect of condition (11) above the schemes shall be submitted with evidence of infiltration testing in accordance with BRE 365 guidance; design in accordance with CIRIA C753, discharge rates by all rainfall events up to and including the 100year plus 40% critical storm limited to the QBAR runoff rates for all return periods, design of all details (plans, network details and calculations) and outfall arrangements. Evidence from STW concerning acceptance of foul water discharge, allowances for exceedance flow and overland flow routing as well as provision of a maintenance plan for the entire surface water and foul water systems for the life time of the development
4. Standard UK Coal Standing Advice.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0519

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/9/16
2	Ansley Parish Council	Consultation	14/9/16
3	R Hancocks	Representation	15/9/16
4	Warwickshire Police	Consultation	20/9/16
5	Warwickshire Museum	Consultation	29/9/16
6	Mrs Wroe	Objection	20/9/16
7	Mr Wroe	Objection	19/9/16
8	Mr Shepherd	Representation	30/9/16
9	Mr Lyon	Objection	3/10/16
10	Mr Harris	Objection	1/10/16
11	WCC Highways	Consultation	4/10/16
12	Agent	E-mail	5/10/16
13	Environmental Health Officer	Consultation	5/10/16
14	W Powell	Objection	6/10/16
15	Environmental Health Officer	Consultation	6/10/16
16	WCC Flooding	Consultation	27/10/16
17	Severn Trent Water	Consultation	3/11/16
18	WCC Flooding	Consultation	22/11/16
19	Agent	E-mail	23/11/16
20	Agent	E-mail	4/1/17
21	Mr Wroe	Objection	10/1/17
22	Mrs Wroe	Objection	11/1/17
23	Ansley Parish Council	Representation	18/1/17
24	R Harrison	Objection	19/1/17

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Agenda Item No 8

Planning and Development Board

6 February 2017

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2016

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2016.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 This report shows the third quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2016/17. This is the third report showing the progress achieved so far during this year.

4 Progress achieved during 2016/17

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to December 2016/17 for the Planning and Development Board.
- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not being achieved (shown as a red triangle)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be achieved (shown as a green star)

5 Performance Indicators

- 5.1 The current performance indicators have been reviewed by each division and Management Team for monitoring for the 2016/17 year.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 100% of the performance indicator targets are currently on schedule to be achieved. The report shows the individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	6	100%
Amber	0	0%
Red	0	0%
Total	6	100%

Performance Indicators

Status	Number	Percentage
Green	3	100%
Amber	0	0%
Red	0	0%
Total	3	100%

7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

- 8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They were replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. The actions to improve apprenticeships, training and employment opportunities and transport links for local residents is contributing towards the raising aspirations, educational attainment and skills priority of the North Warwickshire Sustainable Community Strategy 2009 – 2026.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equality Implications

8.5.1 The action to improve employment opportunities for local residents is contributing to equality objectives and is a positive impact in terms of the protected characteristics for age through the young people employment programme.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to supporting employment and business, protecting countryside and heritage, and promoting sustainable and vibrant communities.

The Contact Officer for this report is Robert Beggs (719238).

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

Planning and Development Board 2016/17

	Action	Priority	Reporting Officer	Update	Quarter 2 update	Quarter 3 update	Status	Direction
NWCP 012	Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy and report by March 2017	Protecting our Countryside & Heritage	Jeff Brown	To be reported in March 2017	To be reported in March 2017	To be reported in March 2017	Green	
NWCP 013	To report on Growth pressures on the Borough and how to protect the Green Belt as far as possible by February 2017 and at least annually thereafter	Protecting our Countryside & Heritage	Jeff Brown	To be reported in March 2017	To be reported in March 2017	To be reported in March 2017	Green	
NWCP 014	Use the Design Champions to ensure the best achievable designs are implemented and developed and report by March 2017	Protecting our Countryside & Heritage	Jeff Brown	To be reported in March 2017	To be reported in March 2017	To be reported in March 2017	Green	
NWCP 111	To seek to secure the protection of the best of the Borough's built and rural heritage	Protecting our Countryside & Heritage	Jeff Brown	To be reported in March 2017	To be reported in March 2017	To be reported in March 2017	Green	
NWCP 051	a) Work with the County Council, Job CentrePlus and other partners to provide apprenticeships/training, including reporting by December 2016 on the feasibility and cost of directly employing more apprentices; and b) administer funding provided by the developers and through other funding sources to maximise opportunities for employment of local people including employment engagement activity, development of work clubs and bespoke training	Supporting Employment & Business	Steve Maxey/Bob Trahern	The remaining balance of s.106 funding is being held pending a County wide bid for European funding for increasing employment prospects. Further s.106 funding is anticipated in the short term	The remaining balance of s.106 funding is being held pending a County wide bid for European funding for increasing employment prospects. Further s.106 funding is anticipated in the short term	The remaining balance of s.106 funding is being held pending a County wide bid for European funding for increasing employment prospects. Further s.106 funding is anticipated in the short term. The potential for apprentices was highlighted at the jobs fair held in October as well as an event for employers to promote them becoming disability confident. Access to work and opportunities was also a key focus of the December edition of North Talk. Locally the Council continues to take on additional work placements from the Jobcentre that has seen them and previous apprentices obtain employment with the Council	Green	
NWCP 070	Looking to improve transport links to the local employment and report on progress by March 2017	Supporting Employment & Business	Jeff Brown	We are always looking to do this with all large scale commercial developments	We are always looking to do this with all large scale commercial development	We are always looking to do this with all large scale commercial development	Green	

NWPI Planning Board 16/17

Ref	Description	Section	Priority	Year End Target 2016/17	Outturn 2015/16	April - Dec Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60%	96.00%	93.00%			Slight reduction due significant increase in planning applications & less members of staff
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	80%	95.00%	87.00%			Slight reduction due significant increase in planning applications & less members of staff
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	90%	98.00%	89.00%			Slight reduction due significant increase in planning applications & less members of staff

Tree Preservation Order 9

Planning and Development Board

6 February 2017

**Report of the
Head of Development Control**

**Tree Preservation Order
Rear of 62 Vicarage Road
Water Orton**

1 Summary

- 1.1 The tree preservation order was presented to the Board on 16 January 2017 for confirmation. Members heard from an objector at the meeting. The Board resolved to defer the determination of this tree preservation officer for a site visit on the 4 February 2017.
- 1.2 The report presented to the Board on 16 January 2017 is attached at Appendix 1.
- ...

Recommendation to the Board

That the Tree Preservation Order made in respect of a woodland at Vicarage Lane, Water Orton, be confirmed without modification.

- 1.3 A report was presented to the Board on 10 October 2016 that the Tree Preservation Order 713.081/5 be updated, in respect of the inclusion of the additional woodland to the rear of 62 Vicarage Lane, and that any representations received be referred to the Board for it to consider whether to make the Order permanent. The Order was made on 6 October 2016 and was served on 6 October 2016; it applies in provisional form until 6 April 2017. On the 16 January 2017, the tree preservation order was presented to the Board for confirmation with no formal objections received during the consultation period.

The Contact Officer for this report is Christina Fortune (719481)

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
1	Case Officer	Board Report of 16 January 2017	16/01/2017

APPENDIX 1 – Report to Board on 16/01/2017

Tree Preservation Order

Planning and Development Board

16 January 2017

**Report of the
Head of Development Control**

**Tree Preservation Order
Rear of 62 Vicarage Road
Water Orton**

1 **Summary**

- 1.2 An initial enquiry to Central Services from a major tree surgery company suggested that a woodland may be at imminent risk of felling, The value of the woodland was assessed by the Council's Green Space Officer and was found to be worthy of protection. There is an existing Tree Preservation Order 713.081/5, dated 12 February 1993, on the adjacent site that is owned by a building contractor. The additional trees form part of the same woodland and it was therefore considered appropriate to revoke the existing TPO; and make a new TPO to include the additional trees at the rear of 62 Vicarage Lane. Authority was sought for the emergency protection of the tree under delegated powers. An emergency TPO was made on 6 October 2016 and notices were served on the owner, the tree surgeon and immediate neighbour, a notice was also posted on the site.

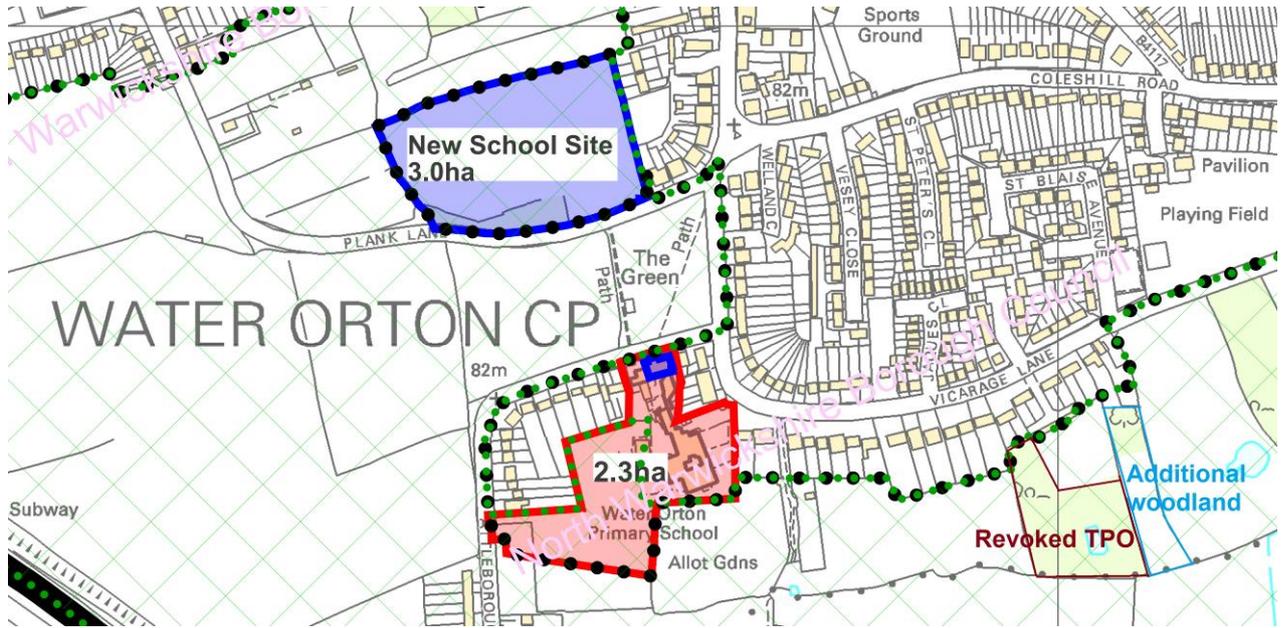
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- 1.2 A report was presented to the Board on 10 October 2016 that the Tree Preservation Order 713.081/5 be updated, in respect of the inclusion of the additional woodland to the rear of 62 Vicarage Lane, and that any representations received be referred to the Board for it to consider whether to make the Order permanent. The Order was made on 06 October 2016 and was served on 06 October 2016; it applies in provisional form until 06 April 2017.
- 1.3 The required minimum period for representations by interested parties in respect of this Tree Preservation Order expired on 12th November 2016. No representations were received.

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 Forestry Commission have confirmed on 7 October 2016, that their records show no woodland grant supported by the Forestry Commission and no felling licence approved, on the land. Also the land is not in a forestry dedication scheme.
- 2.3 There was a suggestion from the owner of the land that HS₂ has expressed an interest in the site for run off. The consultation response from HS₂ was received on 23 December 2016, and confirmed that having liaised with their Town Planning Team they do not object to the order, as any planned works to trees will be restricted to those required for the development of HS₂, therefore TPO's made under section 198(1) or 202(1) of the Town and Country Planning Act 1990 will not apply under the deregulation of powers listed in Section 30 of the Hybrid Bill.
- 2.4 The woodland at the adjacent site was protected by a tree preservation order in 1993 when the land was sold to a building contractor. The trees at 62 Vicarage Lane were not at that time considered to be at risk, and were not included in the original order. The trees to the rear of 62 Vicarage Lane are however considered to be part of the same woodland, and therefore the existing TPO 713.081/5 has been revoked and replaced by the emergency TPO that includes the additional trees.
- 2.5 The Green Space Officer visited the owner, and in conversation it was apparent that the owner has aspirations to develop the site, although the site currently falls in the Green Belt outside of the development boundary and the proposed settlement boundary for Water Orton. The plan below shows the proposed and approved development sites in Water Orton and the proposed settlement boundary. The trees covered by the revoked TPO and the additional woodland to be included.



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. There has been no formal response from the owners of the land they are aware that a tree preservation order is recommended by the tree officer to be permanent.

3.1.2 The trees to be protected exhibit significant amenity value for both the present and the future given the location on the edge of the village of Water Orton within the Green Belt.

The Contact Officer for this report is Christina Fortune (719481)

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
1	Case Officer	TEMPO	4/10/2016
2	Council's Solicitor	Extracts from TPO 713.081/5	12/02/1993

APPENDIX A:

TEMPO prepared by Andy Watkins, Green Space Officer, NWBC and proposed woodland plan

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 04/10/2016		Surveyor: ANDREW WATKINS	
Tree details		OAK, HAWTHORN, Sycamore, Spruce,	
TPO Ref (if applicable):	Tree/Group No:	Species: CYPRESS, FIELD MARLE, MAPLE,	
Owner (if known):	Location: REAR of 62 VICARAGE LN.	ELM, PINE, HOLLY, CEDAR, MAPLE.	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes 5. SEMI MATURE SPECIMENS. PROVIDE A GOOD BIODIVERSE MIX WITHIN A SMALL AREA.
3) Fair	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead	Unsuitable	
0) Dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable	Score & Notes 4. DIVERSE MIX GIVING GOOD PROTECTION AGAINST SPECIFIC SPECIES DISEASE CONCERNS.
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes 4
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

5) Principal components of arboricultural features, or veteran trees	Score & Notes 4
4) Tree groups, or members of groups important for their cohesion	
3) Trees with identifiable historic, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional redeeming features	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

5) Immediate threat to tree	Score & Notes 5. COMPANY THAT HAS REQUESTED INFO ON ANY CURRENT TPO ARE WELL KNOWN HIGH VOLUME ARB CONTRACTORS.
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: 22	Decision: WOODLAND TPO SUITABLE.
1-6	TPO indefensible		
7-10	Does not merit TPO		
11-14	TPO defensible		
15+	Definitely merits TPO		



**Tree Preservation Order: Land at Vicarage Lane
Water Orton
(Variation)**



Scale: 1:1250 Date: 05.10.16 File No: 713.081/11 Drawn By: J.S.

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Ordnance Survey 100017910



**North Warwickshire Borough Council
Office of The Chief Executive**

The Council House
South Street
Atherstone
Warwickshire CV9 1DE



Development Control

Telephone (01827) 715341

Appendix B:

Extracts from the revoked TPO 713.081/5, dated 12 February 1993.

Town and Country Planning Act 1990

*Insert title of
Order*

NORTH WARWICKSHIRE BOROUGH COUNCIL (VICARAGE LANE, WATER ORTON)

TREE PRESERVATION ORDER, 19 93 .

*Insert name
of local
planning
authority*

NORTH WARWICKSHIRE BOROUGH COUNCIL

in this Order called "the authority", in pursuance of the powers conferred in that behalf by sections 198 and 199 [[and] 201*] ~~and 300~~ of the Town and Country Planning Act 1990, and subject to the provisions of the Forestry Acts 1967 and 1979, hereby make the following Order:—

1. In this Order:—

"the Act" means the Town and Country Planning Act 1990;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and

"the Secretary of State" means the [Secretary of State for the Environment] ~~[Secretary of State for Wales]~~.

2.—Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto[‡] which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3.—An application for consent made to the authority[‡] under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4.—(1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

NOTE: Where appropriate this Order has been updated to reflect statutory amendments which have resulted in the need to show substitutions or repeals of the prescribed form.

* Include only where Order contains a direction under section 201 of the Act.

‡ Map to be to a scale of not less than 25 inches to one mile (1:2500), except in the case of large woodlands when the scale shall be 6 inches to one mile (1:10000 or 1:10560).

† NOTE: If it is proposed to fell any of the trees included in this Order and the felling requires a licence under the Forestry Act 1967, an application should be made in the first place to the Forestry Commission.

FIRST SCHEDULE
TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
None		

TREES SPECIFIED BY REFERENCES TO AN AREA*

(within a dotted black line on the map)

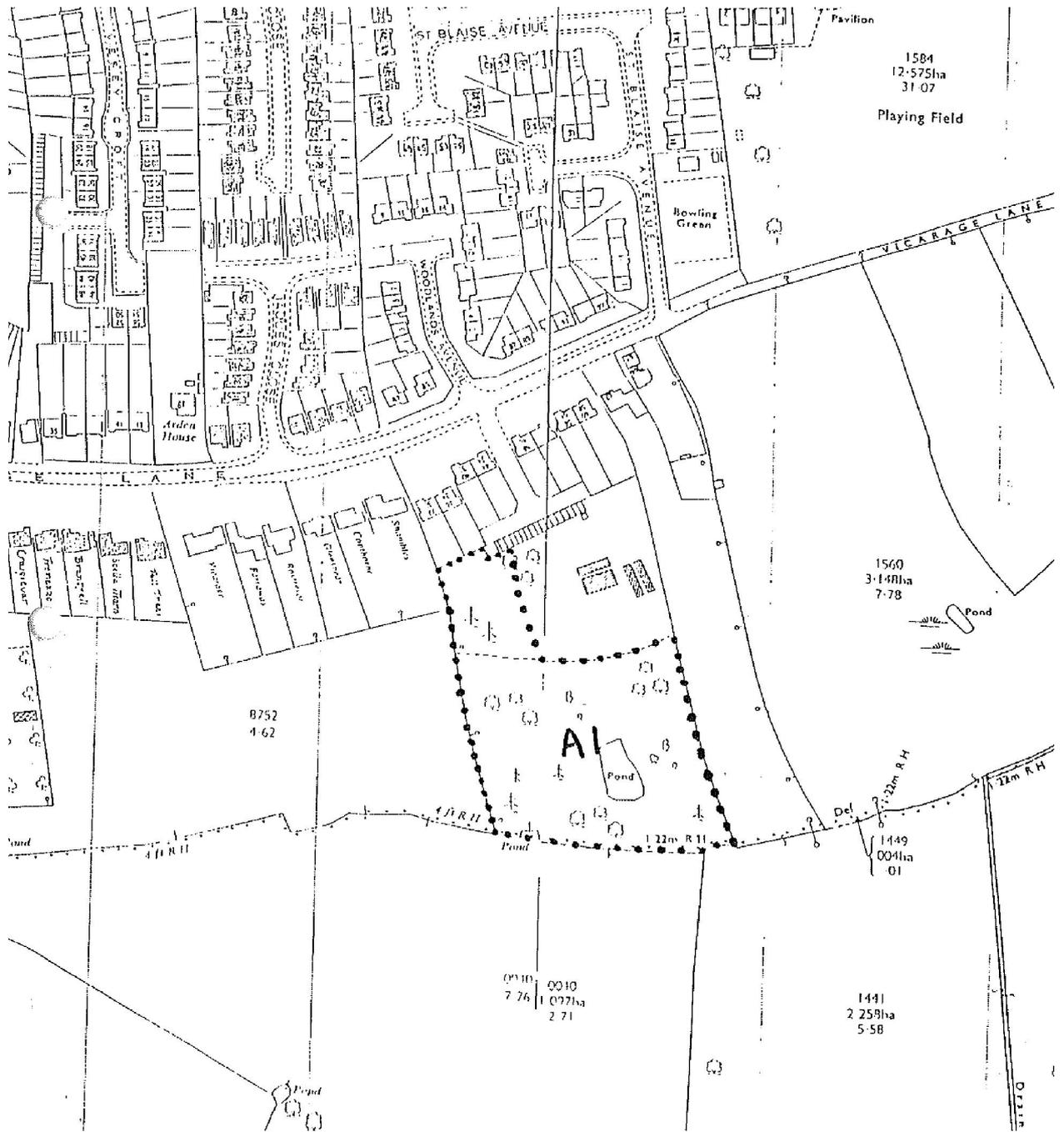
<i>No. on Map.</i>	<i>Description</i>	<i>Situation.</i>
A1	An area of approximately 1.06 hectares comprising mainly Alder, Beech, Birch, Elder, Hawthorn, Holly, Larch, Lime, Oak, Pine, Sycamore and Willow	Land behind properties fronting Vicarage Lane, Water Ōrton

GROUPS OF TREES*

(within a broken black line on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
None		

* The word "NONE" must be entered where necessary.



Dated 12th February

19 93

..... NORTH WARWICKSHIRE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER

relating to

VICARAGE LANE, WATER ORTON

Agenda Item No 10

Planning and Development Board

6 February 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 11

Chicken Broiler Appeal, Mancetter - Report of the Chief Executive

Paragraph 3 – by reason of the individual financial implications contained within the report

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