

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

**(Councillors Bell, L Dirveiks, Henney,
Humphreys, Jarvis, Jenns, Jones, Lea, Morson,
Moss, Phillips, Simpson, 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

10 AUGUST 2015

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 10 August 2015 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**

**PART A – ITEMS FOR DISCUSSION AND DECISION
(WHITE PAPERS)**

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 5 **Nuneaton and Bedworth and North Warwickshire Building Control Partnership** - Report of the Head of Development Control.

Summary

The Agreement for the renewal of this Partnership is due later this year. This report outlines a course of action.

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

- 6 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2015** - Report of the Chief Executive and 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 June 2015.

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

- 7 **Meaningful Gap Assessment** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This item was deferred by the Planning and Development Board meeting on 15 June 2015, for consideration by the Local Development Framework Sub-Committee. An open invitation was made for all Members to attend this meeting. A presentation was made to Members and detailed discussion took place. This report seeks to consider the formal comments of the LDF Sub-Committee and seeks the designation of the area to be called the Meaningful Gap.

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

**PART C – EXEMPT INFORMATION
(GOLD PAPERS)**

8 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.

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

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 5

Planning and Development Board

10 August 2015

Report of the
Head of Development Control

Nuneaton and Bedworth and North
Warwickshire Building Control
Partnership

1 Summary

- 1.1 The Agreement for the renewal of this Partnership is due later this year. This report outlines a course of action.

Recommendation to the Board

That the Borough Council renews its membership of the Partnership and that the Agreement be extended on a permanent basis with either Authority having the opportunity to withdraw with twelve months' notice.

2 Consultation

- 2.1 Councillors Simpson and Sweet have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Background

- 3.1 This Partnership was set up in 2008 between the two Councils as a direct consequence of the capacity issues which our respective Authorities were experiencing in retaining staff because of the impact of Approved Inspectors being in direct competition. It was renewed in 2012 and is due for review again this Autumn.
- 3.2 The Nuneaton and Bedworth Borough Council is the senior partner as its staff took over the running of the building control service in North Warwickshire, with our remaining staff transferred across to Nuneaton. The Agreement included how the costs of the new service would be divided between the two Authorities and also how performance was to be measured. A Member Steering Group was also established in order to oversee the management of all aspects of the Partnership – two Members from each Authority together with relevant senior officers. At present our representatives are Councillors Simpson and Sweet who have both sat on the Group since 2008. Councillor Sweet currently chairs the Group.
- 3.3 There were initial teething problems with the Partnership due to builders and residents in North Warwickshire having to get used to contacting Nuneaton

and due to our different financial systems. However these have been resolved over time.

- 3.4 The Partnership has faced severe competition from the private sector and has as a consequence of this and natural staff movement, adjusting fees and charges and having undertaken a systems review, reduced its costs throughout the whole period without reducing performance or indeed customer satisfaction.
- 3.5 This kind of Partnership is now quite common place with this service and there are other examples elsewhere in the country. Indeed the present Partnership has been looking at opportunities with our neighbours as part of the shared services agenda.
- 3.6 The current Agreement expires in October this year. The Member Steering Group is recommending to both Authorities that the Partnership continues. The matter is therefore referred to the Board for consideration.

4 Observations

- 4.1 At the professional level the service is operating very well. There have been no customer complaints – indeed customer satisfaction levels are regularly reaching the high 90%'s - and the service is meeting all of its performance targets in terms of approval of plans and in responding to dangerous structure inspections. It is now a highly responsive service with all Surveyors using electronic files and actively being on site throughout the day without having to return to Nuneaton between visits or at the end of the day. This is one of the reasons why satisfaction levels are so good. There have been inroads made into the private sector competition through the use of having appropriate levels for fees and charges as well as following up potential developers through early contact particularly through the planning system. Potential planning enforcement notifications are also a useful by-product of the close working relationship between the planning and building control services. However the situation remains highly competitive and the Partnership is constantly reviewing its financial position.
- 4.2 The cost of the service is divided between the two Authorities by reference to the population levels in the respective Boroughs. This means that North Warwickshire picks up a third of the cost. In 2015/16 this is budgeted for £61,500 and takes into account increased fees and savings brought about by past voluntary and compulsory redundancies. There are now 4 FTE officers providing the service with short term contracts added in periods of particular heavy activity and the use of annualised hours to manage seasonal demand. The Steering Group has reviewed the split between the two Authorities and found that the value of the work and the amount of work coming in is closely allied with the formula already adopted and thus has been comfortable with the arrangement.
- 4.3 Given this background it is not surprising that the Member Steering Group recommends continuation of this very productive Partnership. The bottom line

is that if North Warwickshire withdrew, it would have to completely build the operation of the service from scratch and it would lose all of the business and performance continuity built up throughout the last eight years. Moreover the Partnership is outward looking and as referred to above has the base on which to explore wider more resilient working practices with our other neighbours. We are better placed in today's development industry environment within the Partnership rather than being an independent service.

- 4.4 Members from both Authorities are keen to see the Partnership continue and have suggested that the respective Councils look at a more permanent standing for the Partnership. The first and the present Agreement were each for four years with the ability for either Authority to give six months' notice of withdrawal. Whilst the four year period does give some stability, the Steering Group recommends that the Partnership be placed on a permanent footing with each Authority having to give twelve months' notice of withdrawal. This recommendation is based on the success of the Partnership over the past eight years. Members should be aware that if the Partnership wished to extend then such an opportunity would be referred to the Board for a decision.

5 Report Implications

5.1 Financial and Value for Money Implications

- 5.1.1 The cost of the partnership has fluctuated over the years due to market pressures and the time needed to implement actions to reduce costs. The annual contribution has ranged between £16,459 and £86,630, however the average annual cost equates to £54,823. The budget this year for North Warwickshire's share of the Partnership is £61,500 which should be sufficient if current forecasts continue.

- 5.1.2 If the Borough wished to opt out and set up its own service, it is anticipated that two building control officers would be required, together with some clerical support. Costs on areas such as IT, telephones and travel would also be expected. In total, expenditure in the region of £110,000 per annum is estimated. Adjusting the income from the Partnership to reflect North Warwickshire's potential share would suggest an income of around £70,000, giving a projected net cost of around £40,000. This does not include accommodation costs, management support or other overheads. However this option leaves the Council with the risks attached to being able to successfully recruit and retain building control staff and also to income fluctuations.

5.2 Legal and Human Rights Implications

5.2.1 If the Council decides to provide an independent service it would have to meet statutory requirements under the Building Regulations as well as inspecting Dangerous Structures.

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

Agenda Item No 6

Planning and Development Board

10 August 2015

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2015

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 June 2015.

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 first quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2015/16. This is the first report showing the progress achieved so far during this year.

4 Progress achieved during 2015/16

- 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 June 2015/16 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 2015/16 year.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 67% 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	5	100%
Amber	0	0%
Red	0	0%
Total	5	100%

Performance Indicators

Status	Number	Percentage
Green	2	67%
Amber	1	33%
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 action to improve employment opportunities for local residents at Birch Coppice 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 at Birch Coppice 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 bringing more jobs to North Warwickshire, protecting and improving our environment and defending and improving our countryside and rural heritage.

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

NWCP Planning and Development Board 15/16

	Action	Priority	Reporting Officer	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 2016	Countryside & Heritage	Jeff Brown	To be reported March 2016	 Green	
NWCP 013	Ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings and report by March 2016	Countryside & Heritage	Jeff Brown	To be reported March 2016	 Green	
NWCP 014	Use the Design Champions to ensure the best achievable designs are implemented and developed and report by March 2016	Countryside & Heritage	Jeff Brown	To be reported March 2016	 Green	
NWCP 051	To work with the County Council, Job CentrePlus and other partners to provide training and to 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	Local Employment	Steve Maxey	Schemes funded by s.106 money continue as well as the work of the Cross Border Partnership. The remaining Birch Coppice money is being held back to be used as match funding for skills/employment training that may emerge from ESIF money, in order to at least double what is currently available.	 Green	
NWCP 070(1)	Looking to improve transport links to the local employment	Access to Services	Jeff Brown	We are always looking to do this with all large scale commercial developments	 Green	

NWPI Planning Board 15/16

Ref	Description	Section	Priority	Year End Target	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%	100.00%	 Green		Shows impact of giving priority to these applications
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	80%	72.00%	 Amber		Shows signs of improvement over last year
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	90%	89.89%	 Green		Shows signs of improvement over last year

Agenda Item No 7

Planning and Development Board

10 August 2015

**Report of the Assistant Chief Executive
and Solicitor to the Council**

Meaningful Gap Assessment

1 Summary

- 1.1 This item was deferred by the Planning and Development Board meeting on 15 June 2015, for consideration by the Local Development Framework Sub-Committee. An open invitation was made for all Members to attend this meeting. A presentation was made to Members and detailed discussion took place. This report seeks to consider the formal comments of the LDF Sub-Committee and seeks the designation of the area to be called the Meaningful Gap.

Recommendation to the Board

- a To consider the views of the LDF Sub-Committee; and,**
- b To adopt the technical work to support the designation of the Meaningful Gap.**

2 Meaningful Gap Assessment

- 2.1 The information on the Meaningful Gap Assessment was contained in the Planning and Development Board report of the 15 June. At that Board meeting it was decided to defer consideration of the report until all Members had the opportunity to discuss the proposal following a detailed presentation. A presentation was made to the LDF Sub-Committee on 14 July 2015 to which all Members were invited. Following detailed discussions, questions and answers it was resolved to recommend to Planning and Development Board the following:

“Resolved:

- a. That the Planning & Development Board be advised that Members generally support the Meaningful Gap. However, Members considered that Area 7b is a small but an important element of the gap and should be included within the Meaningful Gap; and**

b. That any housing developments within or adjoining our Borough should maximise the density achieved wherever possible.”

2.2 A copy of the Planning and Development Board report and its appendices has been placed in your Group Room.

3 Conclusion

3.1 The Meaningful Gap assessment study has been amended to reflect a number of changes noted in the Report with clarification and justification in the supporting text. It is attached as the Appendix B to the Planning and Development Board Report. The amended Report and Meaningful Gap area will then be used as a material consideration when applying adopted Core Strategy Policy NW19, for the purposes of determining planning applications within that area.

4 Report Implications

4.1 Environment and Sustainability Implications

4.1.1 The designation of a meaningful gap will contribute towards the Council's Spatial Vision, retaining and re-enforcing the Borough's rural character and retaining the distinctiveness of existing communities. Similarly it will help meet the Council's corporate aim 'seeking to protect, conserve and improve the quality of the local environment'.

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

Agenda Item No 8

Planning and Development Board

10 August 2015

**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 items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 9

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

Paragraph 6 – by reason of the need to consider appropriate legal action

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