

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

**(Councillors Butcher, Barber, L Dirveiks,
Humphreys, Lea, May, B Moss, Phillips,
Sherratt, Simpson, A Stanley, Sweet, Turley,
Watkins and Winter)**

For the information of other Members of the Council

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

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - davidharris@northwarks.gov.uk.

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

PLANNING AND DEVELOPMENT BOARD AGENDA

9 FEBRUARY 2015

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 9 February 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 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2014** - 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 December 2014.

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

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

- 6 **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.

- 7 **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 4

Planning and Development Board

9 February 2015

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, 9 March 2015 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	PAP/2014/0648	4	<p>Land South East Of M42 Junction 10, Trinity Road, Dordon, Development of land for employment uses within uses classes B1(c) (light industry), B2 (general industry) and B8 (storage and distribution), demolition and removal of existing buildings/ structures and engineering works to form associated works. Application for Outline planning permission details of access submitted for approval now with all other matters reserved.</p>	General

General Development Applications

(1) Application No: PAP/2014/0648

Land South East Of M42 Junction 10, Trinity Road, Dordon,

Development of land for employment uses within uses classes B1(c) (light industry), B2 (general industry) and B8 (storage and distribution), demolition and removal of existing buildings/ structures and engineering works to form associated works. Application for Outline planning permission details of access submitted for approval now with all other matters reserved, for

St Modwen Developments Ltd

Introduction

This application is reported to the Board at this time for information only following the presentation given to Members last year. A later determination report will be brought back to the Board when a decision is to be made. In the interim this report describes the site and the proposals together with the supporting documentation whilst also outlining the relevant Development Plan proposals.

The Site

This is an area of some 25 hectares of agricultural land immediately to the south-east of Junction 10 of the M42 Motorway being south of the A5 and running eastwards almost to the former Baddesley Ensor colliery tip. The western boundary is the M42 Motorway such that Trinity Road remains passing through the site. The hamlet of Freasley is to the south.

Tamworth Borough Council's administrative area is immediately to the west on the other side of the M42 Motorway. Here there is the Centurion Park commercial area and the M42 Dordon Services and other commercial development.

The site's location is shown at Appendix A.

The Proposals

This is an outline planning application seeking planning permission for employment purposes within the Use Classes as set out above. Details of access arrangements however are part of the application. It is considered by the applicant that up to 80,000 square metres of floor space could be provided and an illustrative outline of a potential layout is included. The applicant suggests a mix of 25% light and general industrial uses with the balance being B8. An illustrative sketch of how this might appear is attached at Appendix B. This shows the central portion of the site being given over to the taller of the industrial buildings – up to 18 metres tall, with less high buildings around – up to 12 metres and to 10 metres around the sides. The land between the M42 and Trinity Road would it appear probably have one unit up to 12 metres tall. The boundaries of the site would be landscaped and provide the location for sustainable drainage measures. It is suggested that this sketch could be conditioned if a planning permission is granted. All vehicular access would be onto Trinity Road through a traffic signalised arrangement – see Appendix C. There is a high pressure gas pipeline and an oil pipeline in the gap between the eastern boundary of the site and the former colliery tip to the east. This area is excluded from the application site. Two public footpaths cross the site from the south-west to the north-east would be retained but with appropriate diversions.

The applicant accepts that a Section 106 Agreement is likely and that he is prepared to consider contributions towards staff training and recruitment as well as potentially towards the encouragement of access to the site otherwise than by the car. He suggests that these should be followed through as work on the application progresses.

Supporting Documentation

a) Environmental Statement

The application is accompanied by an Environmental Statement. This is available to view in full on the Council's website together with its non-Technical Summary. For convenience in this report, the various sections are summarised below. Any Environmental Statement has to assess cumulative effects, and in this case the applicants have taken into account the commitments at Birch Coppice (including Phase 3); the Hall End Business Park and the extension of Centurion Park on the other side of the M42 Junction 10.

In terms of design, the outline described above identifies a “zoned” approach with the taller buildings centrally located leaving substantial landscaped buffers around the site particularly to the south separating it from Freasley.

The construction period would be likely to run between two and five years. The applicant will prepare a Management Plan for the construction period but has already indicated that standard working hours would be used – 0800 to 2000 hours in the week and 0800 to 1300 hours on Saturdays.

The proposals are said to be likely to generate some 520 construction jobs. Using data based on Birch Coppice occupancies, the applicant suggests that between 1000 and 1750 additional jobs could be provided here saying that these would be within sustainable distances of potential job seekers resident in both Tamworth and North Warwickshire.

An archaeological assessment suggests that there is an interest in the site in respect of Romano-British activity as well as medieval. The applicant says that this interest is

however located in the areas to be set aside for landscaping and boundary treatment. There are heritage features at Hall End Farm but the proposal is not thought by the applicant to impact materially on their setting. The more likely impact would be on the Grade 2 Freasley Hall to the south where there is assessed to be minor adverse impacts.

In landscape terms the Statement has used the North Warwickshire Landscape Guidelines and has included a number of viewpoints around the area. The site itself is relatively flat, in agricultural use and with tree cover confined to field and hedgerow boundaries. The Statement points out the close and notable urban influences around the site but also draws attention to the opposite characteristics in Freasley to the south, which however it says is mainly “wrapped” in tree cover. In order to minimise visual impacts the Statement draws attention to the significant open space and tree planting areas (almost 25% of the whole site); the landscaped “set-back” of some 10 to 50 metres along the southern boundary to the A5 and the “zoned” approach for the buildings. The Statement says that the development would have a visual impact but that it would predominantly be viewed within the context of the A5, the M42, Birch Coppice, the Tamworth skyline and the former colliery tip.

The Statement concludes that the ecological value of the site is limited. Badger setts have been found as well as evidence of some use of the site by bats and great crested newts in one of the ponds. Mitigation measures would be designed once more detail is provided through further survey work but overall the Statement suggests that there will be no adverse ecological impact on these populations. As new habitats would be created through the sustainable drainage measures and new landscaping, there is more likely to be a bio-diversity enhancement over the site.

A Flood Risk Assessment suggests that the site generally is not at risk of flooding but that there is a high risk of localised surface water flooding in the north-west corner. Surface and land water drainage is towards the west and the Kettle Brook on the other side of the M42. Surface water from the development would be stored on site through sustainable drainage measures and the discharge would be controlled to that Brook.

The Statement says that pre-application discussions have taken place with the Highways Agency and the County Council. It is understood that there is unlikely to be an objection to the proposed vehicular access arrangements via the new signalised junction onto Trinity Road. Additional measures – footpath and cycle ways- are to be suggested for Trinity Road.

No significant ground contamination is anticipated.

Noise and lighting impacts are said to be likely to be limited but that details will be required as part of subsequent detailed applications once prospective occupiers are known.

The agricultural value of the land is Grade 3a (19 hectares) with a small area of Grade 2 (5 hectares). It is agreed by the Statement that this falls within “the best and most versatile agricultural land” of DEFRA’s guidelines. It is suggested that the loss however would not be of major adverse significance.

b) Employment Land Report

The application is accompanied by an employment land report. This has been provided to address the issue concerning employment land provision as is currently set out in both the North Warwickshire and Tamworth Borough Council's planning policies, and how this might change.

This report states that the NPPF places significant weight on the need to support economic growth with the economy considered to be an important dimension towards achieving sustainable development. In this context Local Planning Authorities are urged to proactively meet the development needs of business.

The report points out that the North Warwickshire Core Strategy 2014 sets a minimum of 60 hectares to meet local need. Once completions are taken into account, the report says that a balance of 29 hectares is still needed. The Site Allocations Plan it says defines 26 of these still leaving a shortfall. Additionally the report says that the Core Strategy does not take account of Tamworth's needs nor any regional or sub-regional requirement for B8 land, pointing out that the Inspector dealing with the Strategy requires a commitment to review it should evidence emerge to justify such a need from Tamworth or for B8 use.

The report says that that evidence is now emerging. In the first instance the report draws attention to the draft Tamworth Local Plan which identifies an employment land shortfall of 14 hectares which could only be accommodated outside of its boundaries. The report suggests that this shortfall is only a minimum figure. Additionally, the report draws attention to the regional and sub-regional picture. The Regional Logistics Study of 2009 has been updated and when coupled with the Black Country and Southern Staffordshire Site Study 2013, the report advises of a mismatch between supply and demand for B8 land in the West Midlands. The report continues by saying that the recent Coventry and Warwickshire Sub-Regional Employment Land Study 2014, suggests that North Warwickshire's employment land requirement is actually far greater than that set out in the Core Strategy, including B8 land, and confirms that Tamworth cannot meet its own growth within its own administrative boundaries.

The report also sets out the market overview with demand being high for available land close to motorway networks and with options for rail facility access. Birch Coppice it concludes is meeting some of this demand, but Tamworth's sites do not now offer larger or more modern units. Development enquiries remain high and the report concludes that the gap between supply and demand is growing.

The report's conclusion are used by the applicant to evidence the case for a planning permission here given the employment land back-drop, the characteristics of the site, the low environmental impact and the sustainable location.

c) Planning Statement

The applicant's planning statement draws all of the above matters together. It particularly draws attention to the NPPF and to the Core Strategy's policies to broaden the Borough's employment base and to improve employment choice and opportunities. However it points out whilst the Strategy does not identify actual employment land, the draft Site Allocations Plan then does not identify sufficient land. The criticism here is given added weight by the applicant because of the evidence emerging from the Tamworth situation and the regional picture. He concludes that as a consequence, the NPPF's "presumption in favour of sustainable development" is engaged, rather like the housing land supply situation. In other words for the Council to refuse planning permission here, it would have to show adverse impacts that would "significantly and demonstrably" outweigh the benefits. He thus challenges the Council to do so.

In this respect he anticipates that the Council is likely to focus on the Core Strategy's reference to the gap between Tamworth and North Warwickshire's settlements – the "meaningful gap" between Tamworth and Polesworth/Dordon. He has three responses to this. Firstly, the landscape character here is not recognised in any local, regional or national designation. Secondly, the Council has to address its own employment needs as well as taking into account those of Tamworth and the region. Because of the extent of the Green Belt across the Borough and the connectivity to the strategic road network, the application site will always be a "likely" candidate for such development. Thirdly, the development does not encroach into the gap required by the Strategy as the A5 is considered to form the southern boundary of that gap.

e) Other Documents

A Statement of Community Involvement describes the applicant's engagement with the local community, largely through a public exhibition held in Dordon during November when 30 people attended.

An energy Statement says that the development would lend itself to a number of energy renewable sources.

Development Plan

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW9 (Employment); NW2 (Settlement Hierarchy), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Historic Environment), NW16 (Green Infrastructure), (NW17 (Economic Regeneration) and NW19 (Polesworth and Dordon)

Saved Policies of the North Warwickshire Borough Council 2006 – ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON1 (Industrial Sites), TPT1 (Transport Considerations) and TPT3 (Access and Sustainable Travel).

Other Material Planning Considerations

The National Planning Policy Framework 2012

The Council's Draft Pre-Submission Site Allocations Plan 2014

The Council's "Meaningful Gap" Assessment – January 2015

The Pre-Submission Tamworth Local Plan – 2014

The Regional Logistics Study 2009 Update

The Black Country and Southern Staffordshire Regional Logistics Site Study 2013

The Coventry and Warwickshire Sub-Regional Employment Land Study 2014

Observations

Whilst Members will take a keen interest in the technical issues here particularly those of visual impact and highway capacity, the Board will have to first resolve a major planning policy issue. This is the tension between the Borough Council providing sufficient employment land for its own needs as well as cooperating with Tamworth on its provision and that of the Region in supplying new employment land, with the Core Strategy requirement to retain a "meaningful gap" between Tamworth and Polesworth and Dordon. The applicant's position is made explicit in the application and its supporting case, the Board will have the opportunity to debate this when it receives its officer's response at the time of the application determination report.

Recommendation

That the receipt of the application be noted at the present time.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0648

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	17/12/14

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.



DEFINE

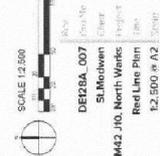
LEGEND
 Site Boundary 25.37ha

2014/0648

APPENDIX D

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
17 Dec 14
PLANNING & DEVELOPMENT DIVISION

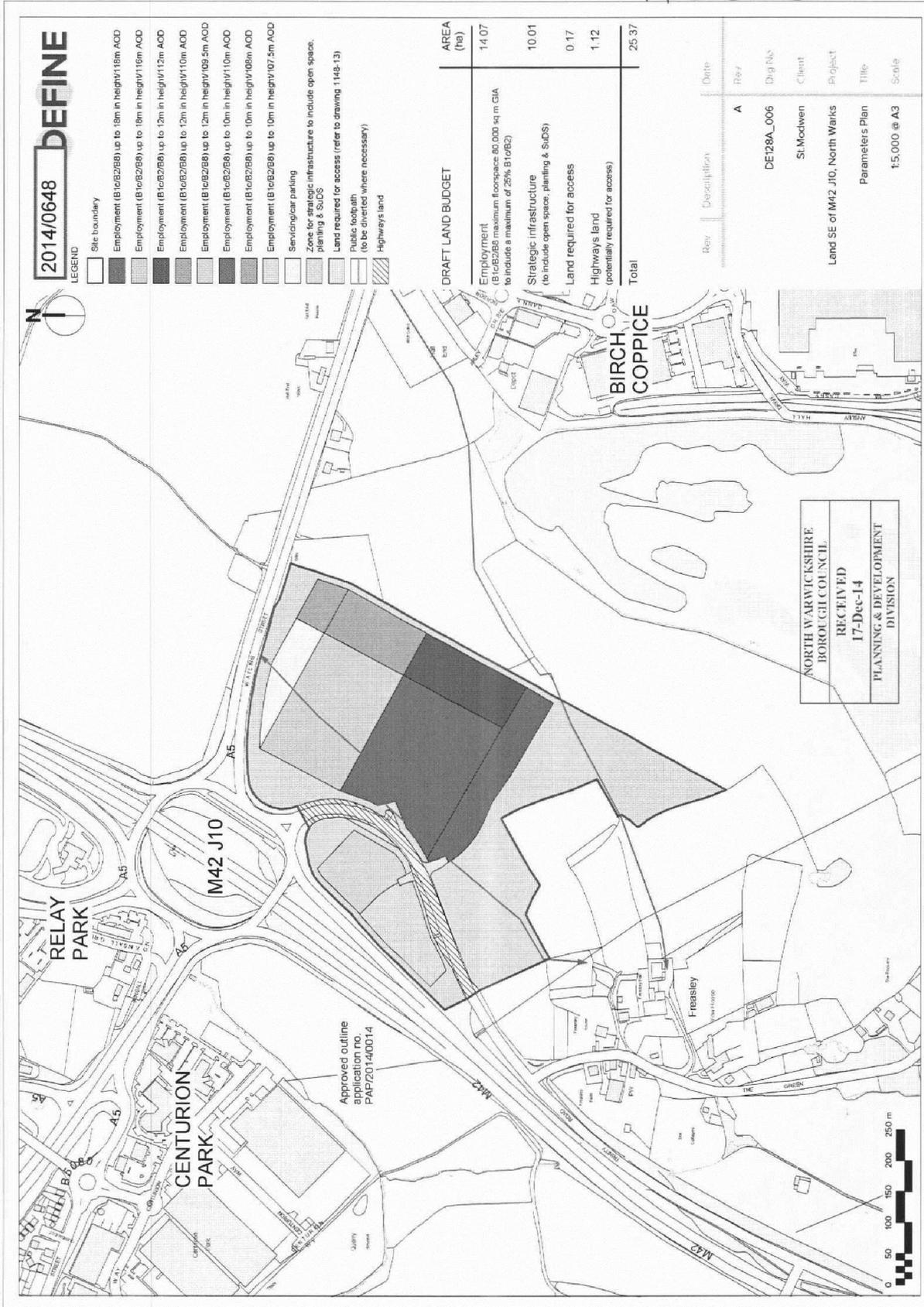
SCALE 1:2,500



DE/25A_007
 St. Michaelen
 Land SE of M42 Jct. North Wards
 Red Line Plan
 12,500 or A2



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Agenda Item No 5

Planning and Development Board

9 February 2015

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2014

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 2014.

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 2014/15. This is the third report showing the progress achieved so far during this year.

4 Progress achieved during 2014/15

- 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 2014/15 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 2014/15 year.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 33% 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	1	33%
Amber	1	33%
Red	1	33%
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
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

NWCP Planning Board 14/15

	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 2015	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2015	 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 2015	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2015	 Green	
NWCP 014	Use the Design Champions to ensure the best achievable designs are implemented and developed and report by March 2015	Countryside and Heritage	Brown, Jeff	To be reported on time in March 2015	 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	Maxey, Steve	In July a Birch Coppice Breakfast meeting was held to consider recruitment, retention and transport needs of occupiers. This joint event was held to help inform how the remaining s106 funds would be spent. The event identified travel solutions as a key priority with other activities to follow. A new bus service commenced 13/10/14. This is the 766/767 Nuneaton to Tamworth 7 day a week service. GVA (IM Properties site management) are developing a Green Travel website with support from S106 funds. Next steps to consider the ESA numbers as the current JSA register is 170 for NW. ESA 1900. Events are being planned around ESA claimants.	 Green	
NWCP 070(1)	Looking to improve transport links to the local employment	Access to Services	Brown, Jeff	To be reported on time in March 2015	 Green	

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	90	87	 Amber	
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	80	63	 Red	
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60	97	 Green	

Comments
This difference is due to case officers following up detailed consultation responses and seeking amendments in order to create a better outcome
The difference is due to a large number of application involving S106 agreements together with extended negotiations on viability issues. Together with waiting for consultation responses from various agencies.
Performance reflects priority given to major applications

Agenda Item No 6

Planning and Development Board

9 February 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 7

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).