

**To: The Deputy Leader and Members of the Planning and Development Board
(Councillors Sweet, Butcher, L Dirveiks, Humphreys, Lea, May, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Watkins, Winter and Wykes)**

For the information of other Members of the Council

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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

15 JULY 2013

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 15 July 2013 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**

- 4 **Minutes of the meetings of the Board held on 11 March, 15 April, 20 May and 17 June 2013** copies herewith to be agreed as a correct record and signed by the Chairman.

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

- 5 **Budgetary Control Report 2013/2014 – Period Ended 30 June 2013**
– Report of the Assistant Director (Finance and Human Resources)

Summary

The report covers revenue expenditure and income for the period from 1 April 2013 to 30 June 2013. The 2013/2014 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

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

- 6 **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)

- 7 **Planning Performance** - Report of the Head of Development Control

Summary

The report describes new Government measures to increase the speed of decision making by Local Planning Authorities.

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

- 8 **Annual Performance Report 2012/13** – Report of the Head of Development Control.

Summary

This report outlines the performance of the Development Control service during the past year comparing it with previous years.

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

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

11 March 2013

Present: Councillor Sweet in the Chair.

Councillors Barber, Butcher, L Dirveiks, Humphreys, Johnston, Lea, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Winter and Wykes

Apologies for absence were received from Councillors May (substitute Councillor Wykes) and Watkins (substitute Councillor Johnston).

Councillors Moore and Fowler were also in attendance and with the consent of the Chairman Councillor Fowler spoke on the business recorded at Minute No 68 Planning Applications (Application No 2013/0050 - Car Park, Park Road, Coleshill, B46 3LA).

67 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Lea, B Moss and Sweet declared an interest in Minute No 69 - Planning Applications (Application No 2013/0002 - De Mulder and Sons Ltd) the County Council) by reason of being Members of the County Council's Regulatory Committee and took no part in the discussion or voting thereon. In addition Councillor Sweet vacated the Chair for the consideration of this item.

Councillor B Moss declared a pecuniary interest in Minute No 69 Planning Applications (Application No 2013/0050 - Car Park, Park Road, Coleshill, B46 3LA) left the meeting and took no part in the discussion or voting thereon.

68 **Minutes**

The minutes of the meetings of the Board held on 17 December 2012, 14 January and 11 February 2013, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

69 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

[Councillor Winter in the Chair]

- a That in respect of Application No 2013/0002 (De Mulder and Sons Ltd) the County Council be informed that this Council does not object to the proposal;

[Councillor Sweet in the Chair]

- b That Application No 2012/0301 (Priory Farm Karting Circuit, Priory Farm, Robeys Lane, Alvecote, B78 1AR) be approved subject to the amendment of condition 6 to read as follows;

“6. No karts or mini-motorbikes shall be operated (in accordance with the definition under condition 3) other than between 0930 and 2030 hours Mondays to Thursdays, 1030 and 2030 Fridays and Saturdays, and 1030 and 1630 Sundays and Bank Holidays”;

- c That Application No 2012/0394 (Fillongley Social Club, Ousterne Lane, Fillongley, Coventry, Warwickshire, CV7 8EU) be refused for the reasons set out in the report of the Head of Development Control;

[Speakers: Emma Jones and Darren Newitt]

- d That Application No 2012/0550 (Arley Working Mens Club, Spring Hill, Arley, CV7 8FE) be approved subject to the conditions specified in the report of the Head of Development Control;

[Speaker: James Cassidy]

- e That Application No 2012/0598 (Land at Lister Road, Atherstone, Warwickshire) be approved subject to the conditions specified in the report of the Head of Development Control and to additional conditions recommended by the Fire Service and the Environmental Health Officer;

(The Chief Executive has subsequently received a notice signed by Councillors Barber, Lea, Sherratt, Wykes, Simpson, Humphreys and Johnston under Standing Order No 30(1)(b)(Minority Report) with regard to the decision of the Board on Application No 2012/0598 and it is therefore referred to the Council for determination)

[Members are asked to note that the Minority Report has subsequently been withdrawn – Minute No 75 Planning Applications of the meeting of the Board held on 15 April 2013 refers.]

f That in respect of Application No 2012/0610 (The Coleshill School, Coventry Road, Coleshill, Warwickshire, B46 3EX) the Board visit the site prior to the application being presented for determination at a future meeting;

g That Application No 2013/0050 (Car Park, Park Road, Coleshill, B46 3LA) be approved subject to the amendment of conditions 13A, 13B and 13C to read as follows

“13A. No service vehicles shall enter the site, or deliveries be made to the site other than between 0700 and 2200 hours on Mondays to Fridays inclusive; between 0700 and 2100 hours on Saturdays and between 0700 to 1900 hours on Sundays.

13B. Within one month of the date of this permission, the applicant shall submit a noise management plan to the Local Planning Authority to include measures for the minimisation of noise arising from the hours hereby permitted. This plan shall include the installation of a hydraulic restrictor for the scissor-lift levelling plates. This plan shall particularly include measures in respect of the period between 0700 and 0800 on any day.

13C. Following the written approval of the plan referred to above in Condition 13B, any noise arising from deliveries shall not be greater than 40dB LAeq and 55dB LMax when measured at one metre from the façade of any residential property surrounding the site. If at anytime these thresholds are exceeded there shall be no deliveries to the site other than between 0700 to 1900 on weekdays; 0700 to 1300 hours on Saturdays and between 0900 to 1600 hours on Sundays.”

h That Application No 2013/0059 (Dafferns Wood, St Michaels Close, New Arley, Warwickshire) be approved as set out in the report of the Head of Development Control.

70 Corporate Plan Targets 2012/13

The Head of Development Control reported on the progress of a number of targets as set out in the 2012/13 Corporate Plan.

Resolved:

That the report be noted.

71 Practice Note for Handling Amendments to Planning Applications

The Head of Development Control reported on proposed revisions to the Council's Practice Note for Handling Amendments to Planning

Proposals. The reasons for these revisions and a summary of the amendments are set out in full below.

Resolved:

That the revisions to the Council's Practice Note for Handling Amendments to Planning Proposals be formally adopted.

72 Exclusion of the Public and Press

Resolved:

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 in Schedule 12A to the Act.

73 Breaches of Planning Control

The Head of Development Control reported on an alleged breach of planning control and the Board was asked to agree suggested course of action. The Head of Development Control circulated an addendum report in respect of the issue.

Resolved:

That in respect of 19 Shawbury Lane, Shustoke, the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of the use of an existing building as a separate residential dwellinghouse, together with the cessation of the use of the associated garden curtilage for the reasons outlined in the report and the addendum. The requirements of the notice to include: cease the use as a dwellinghouse; demolish the decking area and remove materials; remove the outdoor hot tub; remove all fixtures and fittings that facilitate the unauthorised use, to include kitchen fixtures and fittings, bathroom fixtures and fittings and that the compliance period be six months.

R Sweet
Chairman

Planning and Development Board

11 March 2013

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
5/2	2012/0301	Mrs Madge	Objection	07/03/13
5/2	2012/0301	WCC Footways	No objection	05/03/13
5/2	2012/0301	Mr and Mrs Goddard	Objection	02/03/13
5/2	2012/0301	Mr Box	Objection	01/03/13
5/2	2012/0301	Mrs Cook	Objection	26/02/13
5/2	2012/0301	Mrs Madge	Objection	10/03/13
5/3	2012/0394	Mr and Mrs Campbell	Objection	01/03/13
5/4	2012/0550	Agent	e-mail	27/02/13
5/4	2012/0550	Agent	e-mail	27/02/13
5/5	2012/0598	Fire Services Authority	Consultation	07/03/13
5/5	2012/0598	Atherstone Civic Society	No Objection	06/03/13
5/5	2012/0598	Environmental Health Officer	Consultation	04/03/13
5/5	2012/0598	NHS Coventry	Representation	04/03/13
5/5	2012/0598	Atherstone Town Council	No objection	07/03/13
5/7	2013/0350	Coleshill Civic Society	Objection	05/03/13
5/8	2013/0059	WCC Forester	Consultation	01/03/13
9/1		Head of Development Control	Addendum	11/03/13

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 April 2013

Present: Councillor Sweet in the Chair.

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

Councillors Fox and Payne were also in attendance and with the consent of the Chairman Councillor Payne spoke on Minute No 75 Planning Applications (Application No 2012/0614 - 4 Station Buildings, Birmingham Road, Water Orton).

74 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Watkins declared a pecuniary interest in Minute No 75 Planning Applications (Application No 2012/0610 -The Coleshill School, Coventry Road, Coleshill, Warwickshire) left the meeting and took no part in the discussion or voting thereon.

75 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a **That in respect of Application No 2012/0546 (Marston Farm Hotel, Dog Lane, Bodymoor Heath, Warwickshire) the Council is minded to support this development proposal and as a consequence, it is referred to the Secretary of State under paragraph 9 of the 2009 Consultation Direction with a recommendation that planning permission be granted subject to the conditions specified in the report of the Head of Development Control;**

[Prior to the consideration of Application No 2012/0598 (Land at Lister Road, Atherstone, Warwickshire), Councillor Simpson reported that the Minority Report signed by Councillors Barber, Lea, Sherratt, Wykes, Simpson, Humphreys and Johnston under Standing Order No 30(1)(b) and received following the meeting of the Board held on 11 March 2013 had been withdrawn.]

- b **That Application No 2012/0598 (Land at Lister Road, Atherstone, Warwickshire) be approved subject to all of the conditions as set out in Appendix A to the report of the Head**

of Development Control and subject to the plan numbers in condition 2 being substituted for the amended plans as illustrated in the report;

- c That Application No 2012/0610 (The Coleshill School, Coventry Road, Coleshill, Warwickshire) be approved subject to the conditions set out in the report of the Head of Development Control;
- d That Application No 2012/0614 (4 Station Buildings, Birmingham Road, Water Orton) be approved subject to the conditions set out in the report of the Head of Development Control; and
- e That consideration of Application No 2012/0624 (River Tame Flood Defence, Bodymoor Heath Lane, Middleton) be deferred.

76 **Scheme of Delegation**

The Head of Development Control reported on a review of the current Scheme of Delegation and Members were asked to consider what alterations might be required. Representations from a local resident were reported to the Board.

Resolved:

That the alterations to the Scheme of Delegation as set out in the report of the Head of Development Control be agreed subject to an additional amendment of 4.1f) to read as follows

“f) Any application that is submitted by or on behalf of any Member of the Council, a member of a Member’s family or a person with whom you have a close association, and any member of staff employed by the Council.”

77 **Neighbourhood Designation Area for Coleshill Neighbourhood**

The Assistant Chief Executive and Solicitor to the Council reported on the progress of the formal consultation on the Coleshill Neighbourhood Plan Designation area.

Resolved:

- a **That the responses to the proposed Coleshill Neighbourhood Plan Designation be noted; and**
- b **The Neighbourhood Designation Area for Coleshill Neighbourhood Plan be agreed and approved.**

78 **Sub-Regional Green Infrastructure Strategy and Biodiversity Offsetting Pilot Consultation**

The Assistant Chief Executive and Solicitor to the Council reported on the Sub-Regional Green Infrastructure Strategy consultation prepared by officers from all local authorities in the Coventry, Solihull and Warwickshire area. Officers responded to a number of initial observations received from Councillor Simpson.

Resolved:

- a That support is given to the Sub-Regional Green Infrastructure Strategy and Biodiversity Offsetting Pilot;**
- b That the observations in the report of the Assistant Chief Executive and Solicitor to the Council are sent as a response to the consultation;**
- c That the Sub-Regional Green Infrastructure Strategy will be part of the evidence base for the Local Plan for North Warwickshire;**
- d That DEFRA be requested to await the outcome of the pilots before implementing a Biodiversity Offsetting approach;**
- e That a presentation be made to Members on the Sub-Regional Green Infrastructure Strategy and Biodiversity Offsetting Pilot from the Principal Ecologist at the County Council;**
- f That assurances be sought that the Sub-Regional Green Infrastructure Strategy and Biodiversity Offsetting system/approach will not reduce the ability or potential for Local Planning Authorities to refuse what they may consider inappropriate or unsustainable development;**
- g That assurances be sought that the Sub-Regional Green Infrastructure Strategy and Biodiversity Offsetting system/approach will prioritise improvements and the use of compensation, for biodiversity impacts, within the local authorities' areas where the impact/damage has been caused/generated by the development; and**
- h That assurances be sought that the Sub-Regional Green Infrastructure Strategy and Biodiversity Offsetting system/approach will secure the long term delivery of replacement ecosystems or environments in perpetuity.**

79 **Exclusion of the Public and Press**

Resolved:

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 in Schedule 12A to the Act.

80 **Re-Structure of the Service**

The Head of Development Control reported on a preferred option to deal with the vacancy arising from the departure of a member of staff to a neighbouring Authority and the Board was asked to agree a suggested course of action.

Resolved:

That the preferred option as outlined in the report of the Head of Development Control be agreed and that it be referred to the Special Sub-Group for final agreement.

R Sweet
Chairman

**Planning and Development Board
15 April 2013
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/23	2012/0598	Applicant	Plans	9/4/13
4/49	2012/0610	Warwickshire County Council Highways	Consultation	5/4/13
		Coleshill Civic Society	Representation	5/4/13
		Applicant	Plans	5/4/13
		Head of Development Control	Site Visit	6/4/13
		Applicant	E-mail	8/4/13
4/81	2012/0624	Warwickshire County Council Highways	Consultation	10/4/13
		Applicant	Plans	10/4/13

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

20 May 2013

Present: Councillor Butcher in the Chair.

Councillors L Dirveiks, Lea, May, Moore, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Watkins, Winter and Wykes

Apologies for absence were received from Councillors Humphreys and Sweet (substitute Moore).

Councillors Barber, Forwood, Lewis and Pickard were also in attendance.

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors L Dirveiks, May and Moore declared an interest in Minute No 2 Planning Applications (Applications No 2013/0119 and 2012/0462 -Atherstone Surgery, Ratcliffe Road, Atherstone) left the meeting and took no part in the discussion or voting thereon.

Councillor L Dirveiks declared a pecuniary interest in Minute No 2 Planning Applications (Applications No 2013/0129 and 2013/0136 - Land Adjacent 56 Grove Road, Atherstone, Warwickshire) left the meeting and took no part in the discussion or voting thereon.

Councillor Forwood declared a pecuniary interest in Minute No 2 Planning Applications (Application No 2013/0148 - Chez Nous, 58a Friary Road, Atherstone, CV9 3AQ) left the meeting and took no part in the discussion or voting thereon.

2 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a **That in respect of Application No 2012/0297 (Land at Rowland Way, Rowland Way, Atherstone, CV9 2SQ**
 - i **the Community and Environment Board be recommended to accept the contribution and offer to transfer the land to the Council as set out in the report of the Head of Development Control; and**

ii that subject to the Community and Environment Board agreeing to the terms as set out in the report and to recommendation (i), planning permission be granted subject to the signing of a Section 106 Agreement covering the heads of terms detailed in the report, and to the conditions also detailed in the report.

b That in respect of Application No 2013/0119 (Atherstone Surgery, Ratcliffe Road, Atherstone) the Certificate be granted subject to the limitations set out in the report of the Head of Development Control;

[Speakers John Mohamed and Dr John Winward]

c That Application No 2012/0462 (Atherstone Surgery, 1 Ratcliffe Road, Atherstone, Warwickshire, CV9 1EU) be approved subject to the conditions set out in the report of the Head of Development Control and to the following additional condition

“xi) For the purposes of condition iii), the proportion of over the counter medicines and other sales shall be limited to 20% of the floor area of the pharmacy as shown on approved plan 1219/06F.”

[Speakers John Mohamed and Dr John Winward]

d That Application No 2012/0624 (River Tame Flood Defence, Bodymoor Heath Lane, Middleton) be approved subject to the conditions listed in April’s Board report and the additional conditions set out in the report of the Head of Development Control;

[Speaker John Hindle]

:
e That provided the applicant first enters into a Section 106 Agreement in respect of the issues set out in the report of the Head of Development Control, Application No 2012/0626 (Cherry Tree Farm, Atherstone Road, Hartshill, CV10 0TB) be approved subject to the conditions set out in the said report;

f That Application No 2013/0063 (Hunts Green Dairy Farm, Wishaw Lane, Middleton, Warwickshire, B78 2AU) be refused for the following reason

“It is considered that the proposal does not accord with saved policy ECON9 of the North Warwickshire Local Plan 2006 in that the sites location does not meet the terms of the first pre-condition of this policy in that the location does not have direct access to the rural distribution road network and

it is not accessible by a range of means of travel and transport. It is thus in an unsustainable location which means that the principles of the NPPF 2012 are neither met, in that this is unsustainable development.”

[Speakers Terry Moore and Ray Evans]

- g** That Applications No 2013/0129 and 2013/0136 (Land Adjacent 56 Grove Road, Atherstone, Warwickshire) be approved subject to the following additions and amendments to the conditions set out in the report of the Head of Development Control

2013/0136

- 2.** No work relating to the demolition hereby approved, including works of preparation prior to operations shall take place before 0800 hours or after 1700 Monday to Friday. There shall be no work carried out on Saturdays, Sundays or recognised public holidays.

2013/0129

- 2** The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 543-2012-03A received by the Local Planning Authority on 23 April 2013, the plan numbered 543-2012-02A received by the Local Planning Authority on 9 April 2013 and the plan numbered 543-2012-04 received by the Local Planning Authority on 11 March 2013. For the avoidance of doubt the distance between the rear elevation of number 53 Stafford Street and the rear elevation of the houses hereby approved shall not be less than 23 metres.
- 9** No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all screen walls, fences and gates to be erected and retained. The approved screen walls, fences and gates shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained at all times.
- 10.** No work relating to the demolition hereby approved, including works of preparation prior to operations shall take place before 0800 hours or after 1700 Monday to Friday. There shall be no work carried out on Saturdays, Sundays or recognised public holidays.

14 No development shall commence on site until full details of all the roof lights shown on the approved plans have first been submitted to and approved in writing by the Local Planning Authority . Only the approved details shall then be installed on site.

15 No development shall commence on site until such time as details of the type and design of the glazing to be installed in the two side elevations of the property hereby approved has first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

[Spekers Debbie Jones and Peter Lea]

h That Application No 2013/0148 (Chez Nous, 58a Friary Road, Atherstone, CV9 3AQ) be approved subject to the conditions set out in the report of the Head of Development Control;

i That in respect of Applications No 2013/0168 and 2013/0169 (Father Hudson's, Coventry Road, Coleshill, B46 3EA) a site visit be made prior to final consideration of the application and the applicant be requested to address the matters raised in the report of the Head of Development Control;

j That provided the applicant first enters into a Section 106 Agreement, Application No 2013/0178 (Hill Cottage, Fillongley Road, Coleshill, B46 2QU) be approved subject to the conditions set out in the report of the Head of Development Control; and

k That consideration of Application No 2013/0211 (Mallard Lodge Site, Marsh Lane, Water Orton) be deferred for a site visit).

3 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – March 2013

The Chief Executive and the Deputy Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2012 to March 2013.

Resolved:

That the report be noted.

4 Exclusion of the Public and Press

Resolved:

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 in Schedule 12A to the Act.

5 Breaches of Planning Control

The Head of Development Control reported on recent enforcement action and various other matters at the Heart of England site, Wall Hill Road, Fillongley. The Board was asked to agree suggested courses of action.

Resolved:

- a That the proposed legal action through the Magistrates' Court already delegated to the Solicitor to the Council be initiated in relation to the following issues, all of which are in breach of extant enforcement notices:**
 - i The base of the statue structure remaining in the lake;**
 - ii The base of the former 'lighthouse' tower structure on the island in the lake; and**
 - iii Unlawful gated access and engineered roadway.**
- b That the Solicitor to the Council be authorised to issue an enforcement notice in relation to the siting of a residential mobile home on the site, the notice requiring the cessation of the use of the land for the siting of a residential mobile home and its removal from the land together with the demolition and removal of the decking and that the compliance period be six months;**
- c That it is not considered expedient to take enforcement action in relation to an unauthorised summerhouse sited in the vicinity of Old Hall Farm House; and**
- d That it is not currently considered expedient to take enforcement action in relation to a marquee sited on the land.**

Chairman

**Planning and Development Board
20 May 2013
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/36	2012/0462	Grendon Parish Council	Objection	14/5/13
		Agent	Letter	10/5/13
4/55	2012/0624	C Hopkins	Support	28/4/13

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

17 June 2013

Present: Councillor Sweet in the Chair.

Councillors Butcher, L Dirveiks, Humphreys, Lea, Morson, Phillips, Sherratt, Simpson, Smith, A Stanley, Turley, Watkins, Winter and Wykes

Apologies for absence were received from Councillors May (substitute Smith) and B Moss (substitute Morson).

Councillor Lewis was also in attendance.

6 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Lea and Morson declared a non-pecuniary interest in Minute No 7 Planning Applications (Application No 2013/0004 - Marston Fields Farm, Kingsbury Road, Lea Marston, Sutton Coldfield, Warwickshire, B76 0DP) by reason of being members of the County Council's Regulatory Committee and took no part in the discussion or voting thereon.

7 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a **That in respect of Application No 2013/0004 (Marston Fields Farm, Kingsbury Road, Lea Marston, Sutton Coldfield, Warwickshire, B76 0DP) the County Council be informed that this Council has no objection to the principle of this proposal, but that the following matters should be first resolved.**
 - i) **The size of the proposed amenity building is considered to be too large and not appropriate to the Green Belt. A smaller building located closer to existing buildings is preferred;**
 - ii) **A smaller car park is required for the same reasons with an area set aside for "overflow";**

iii) **The County Council should satisfy itself that the clay extracted is used for the stated purpose, that the amounts are limited to that set out in the application, that time limits are imposed, and the final restoration takes place within firm time periods;**

iv) **Conditions are needed to control the scale of the fishing operations; the hours of use; a wheel wash system, the location of the “pegs” and use to which any building is put. There should be no site lighting and no public address systems. All access should be via Kingsbury Road;**

b **That Application No 2013/0045 (35 Church Walk, Atherstone, Warwickshire, CV9 1AJ) be approved subject to the conditions specified in the report of the Head of Development Control;**

[Speaker: Mrs Millership]

c **That Application No 2013/0181 (3, Willow Walk, Arley, CV7 8NY) be approved subject to the conditions specified in the report of the Head of Development Control; and**

d **That consideration of Application No 2013/0224 (Land South Of Dairy House Farm, Spon Lane, Grendon) be deferred for a site visit.**

8 Permitted Development Changes

The Head of Development Control reported on changes that the Government had now made to permitted development rights such that fewer development proposals would require the submission of a full planning application.

Resolved:

a **That the report be noted; and**

b **That additional meetings of the Board are called if required, in order to meet the timetables set out in the new legislation.**

9 Validation

The Head of Development Control reported on a review of the Council's Planning Application Validation Requirements in order to bring them up to date.

Resolved:

That the Council's Planning Application Validation Requirements document be republished with the alterations set out in the report of the Head of Development Control.

R Sweet
Chairman

**Planning and Development Board
17 June 2013
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/1	CON/2013/0004	WCC Highways	Objection	07/06/2013

Agenda Item No 5

Planning and Development Board

15 July 2013

**Report of the Assistant Director
(Finance and Human Resources)**

**Budgetary Control Report 2013 / 2014
Period Ended 30 June 2013**

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2013 to 30 June 2013. The 2013/2014 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Consultation

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

3 Report

3.1 Introduction

- 3.1.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

4 Overall Position

- 4.1 Net controllable expenditure for those services that report to the Planning and Development Board as at 30 June 2013 is £68,322 compared with a profiled budgetary position of £121,419; an under spend of £53,097 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations, in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

...

4.2 Planning Control

- 4.2.1 Income is currently ahead of forecast by £47,290, due to the receipt of several large planning applications, the largest single application being for £26,777; planning income will continue to be monitored closely.

5 Performance Indicators

- 5.1 In addition to the financial information provided to this Board, when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

...

- 5.2 There has been an increase in applications being handled. This increase in applications, alongside several large applications, has resulted in much higher income. This has meant that both the gross and net cost per application is below the profiled amount.

- 5.3 Whilst the gross cost per Land Charge is slightly lower than expected, the net cost is higher per search. Although the number of searches are roughly in line with profile, there has been a change in the type of Land Charge applications received, resulting in lower income than anticipated.

6 Risks to the Budget

- 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 £20,000 each.
- Reductions in income relating to planning applications.
- Proposed plans by government to relax planning permission on certain extensions may affect the level of planning income received
- Risk to the mix of Local Land Charge applications not bringing in the expected level of fee income.

7 Estimated Out-turn

- 7.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. If planning income continues at the current level, the original estimate of £568,230 will not be needed. However it is still early in the financial year and, given the potential for variation, no changes have been made to the estimated out-turn.

7.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any further changes to the forecast out turn.

8 Building Control

8.1 Figures provided by the Building Control Partnership indicate that this Council's share of the costs up to 31 May 2013 indicates a favourable variance.

8.2 The approved budget provision for Building Control is £60,330, which will be sufficient to cover the full year costs currently estimated by the Partnership. We will continue to monitor this over the course of the year.

9 Report Implications

9.1 Finance and Value for Money Implications

9.1.1 The Council's budgeted contribution from General Fund balances for the 2013/14 financial year is £458,400. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

9.2 Environment and Sustainability Implications

9.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

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

APPENDIX A

North Warwickshire Borough Council

Planning and Development Board

Budgetary Control Report 2013/2014 as at 30 June 2013

Description	Approved Budget 2013/2014	Profiled Budget June 2013	Actual June 2013	Variance	Comments
Planning Control	424,820	102,073	50,281	(51,792)	Comment 4.2
Building Control Non fee-earning	77,500	4,298	3,660	(638)	
Conservation and Built Heritage	50,380	15,587	15,575	(12)	
Local Land Charges	1,980	(3,926)	(2,003)	1,923	
Street Naming & Numbering	13,550	3,387	809	(2,578)	
	568,230	121,419	68,322	(53,097)	

Appendix B

Key Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
Planning Control			
No of Planning Applications	740	185	250
Gross cost per Application	£997.84	£990.94	£725.86
Net cost per Application	£574.08	£551.75	£201.12
Local Land Charges			
No of Searches	450	113	115
Gross cost per Search	£103.09	£76.64	£74.93
Net cost per Search	£4.40	-£34.90	-£17.42
Caseload per Officer			
All applications	137	34.3	46.3

Agenda Item No 6

Planning and Development Board

15 July 2013

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, 12 August 2013 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/2013/0208	4	Land Adjacent to Birmingham Road, Coton Road, Whitacre Heath, Construction of the River Tame flood defences, broadly comprising a series of earth embankments on a 11.30ha site at Whitacre Heath field	General
2	CON/2013/0011	25	High View, Common Lane, Corley, Warwickshire, Retrospective change of use planning application for the recycling of farm waste plastics within an existing agricultural building and storage on external hardstanding for baled plastics	General
3	PAP/2013/0164	30	Homer House, Kingswood Avenue, Corley, Erection of a 3 bed eco bungalow and integrated garage	General
4	PAP/2013/0234	52	101, Knowle Hill, Hurley, Atherstone, Conversion of existing dwelling into two properties	General
5	PAP/2013/0261	70	Unit 8, Innage Park, Abeles Way - Holly Lane Ind Est, Atherstone, Change of use to cafe	General
6	PAP/2013/0278	79	Moto Service Station, M42 Motorway Services Area, Green Lane, Dordon, Erection of a single wind turbine up to 67m tip height and associated works	General
7	PAP/2013/0285	91	Poultry Farm, Gorse Green Lane, Fillongley, Proposed development of a 50kW wind turbine	General

General Development Applications

(1) Application No: PAP/2013/0208

River Tame Flood Defence, Land adjacent to Birmingham Road, Coton Road, Whitacre Heath

Construction of the River Tame flood defences, broadly comprising a series of earth embankments and walls on a 11.30 hectare site at Whitacre Heath field, for

The Environment Agency

Introduction

This application is reported to the Board at the discretion of the Head of Development Control in view of an objection being lodged by a statutory consultee, and because of local public interest.

The Site

The proposed site measures some 11.30 hectares and involves land located to the east of Lea Marston; south of Hams Hall and also to the west of Whitacre Heath. This land is on the eastern bank of the River Tame. The proposed development borders a small section of the Birmingham Road on both sides. The Sections to the south of the Birmingham Road follow the route of the existing Whitacre flood embankment. To the north, the site borders the railway line and ties in to Coton Road. The site also runs through Whitacre Heath Nature Reserve.

Briefly the application area includes:

- Lea Marston Purification Lakes;
- Birmingham and Derby Railway Line;
- Coton Road;
- Birmingham Road;
- Whitacre Heath SSSI;
- Lea Marston Lake Local Wildlife Site; and,
- Lea Marston Quarry Local Wildlife Site.

There are no residential properties within the site application boundary.

Construction traffic with clay embankment material will access the site via Junction 9 of the M42, then travel the A4097 Kingsbury Road, onto Coton Road and into Birmingham Road. Birmingham Road will have traffic lights in operation during the works.

The Proposal

The proposal relates to:

- The raising of the existing flood banks to the south of Birmingham Road by 0.2 metres at the southern end and up to 1.2 metres at the northern end over a length of 1km on the eastern side of the river bank;
- The construction of a ramp adjacent to the car park area to allow maintenance vehicles to access flood banks to the south of Birmingham Road,

- The construction of a new flood wall along both sides of the Birmingham Road to tie into the existing bridge parapets,
- The construction of a new flood bank to be constructed to the north of Birmingham Road so as to tie into the railway embankment at a height of 1.7 metres for a length of 400 metres,
- A new flood bank at Coton Road tying into the railway with a flap added to the existing watercourse to prevent river water backing up the drain during a flood event; and,
- Road raising at Coton Road.

The flood bank will have 1 in 3 side slopes with a 3 metre crest which is considered to be the narrowest design (smallest footprint) at which the banks can be safely maintained. The flood bank will be sown with a wildflower seed mix. The flood wall will be clad with material to match the existing materials of the bridge parapets. Mitigation planting is proposed where landscaping is to be removed.

During construction works, the main site compound will be located within the Environment Agency's Lea Marston depot to the west of the scheme. There will be small satellite compounds at either end of the scheme including in the field at the southern end of the works and within the Warwickshire Wildlife Trust car park off the Birmingham Road.

There are three Public Rights of Way within the study area. Footpaths T30 and T32 will be closed during the construction works for up to six months and re-opened when the works are complete. Once reinstated the ramps over the flood defences will be 1 in 9 gradient.

The flood defence scheme has been designed to protect 304 properties of which 237 properties are residential, to a 1 in 200 year (0.5%) level of protection.

Background

The Environment Agency published the River Tame Flood Risk Management Strategy in 2011 which identified a number of schemes to manage flood risk. Kingsbury is part of the Lower Tame Scheme which includes proposed defences at Coton in Tamworth and at Kingsbury for which planning consent has already been obtained.

Pre-application discussions have taken place with key stakeholders prior to the submission of this application as well as consultation with the public and interested parties. A Statement of Community Involvement is included in the documentation submitted.

Existing flood defences at Whitacre Heath date from the 1960s as a result of flooding in 1955. These only comprise of a low flood bank to the south of the Birmingham Road. They protect properties from fluvial flood waters to a 1 in 20 and a 1 in 50 year flood event. Flood events have occurred in 1992 and 2007.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) : Core Policy 3 (Natural and Historic Environment) and policies ENV1 (Protection and Enhancement of the Natural Landscape), ENV2 (Green Belt), ENV3 (Nature Conservation), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV13 (Building Design) and ENV 14 (Access Design)

Other relevant material considerations

The National Planning Policy Framework 2012

The Council's Submitted Core Strategy - February 2013: Policies NW2 (Green Belt); NW8 (Sustainable Development), NW11 (Natural and Historic Environment) and NW19 (Infrastructure).

Consultations

Warwickshire County Council as Highway Authority – The Council supports the alterations to the existing carriageway and the extension of the exiting 30mph limit into/away from Whitacre Heath. However, all of this detail will need to be submitted as part of a Section 278 application. The Highways Authority offers no objection to the scheme subject to the imposition of conditions.

Warwickshire County Council Rights of Way Team – There is an objection to the scheme as one of the proposed embankments will be laid across public footpath T30. The works shown on drawing WN/TPAR/DD/WHIT/318 D show a different route (the route shown is approximately 10 metres further to the east) to the legal alignment. The Rights of Way Team state that they would be willing to withdraw their objection if the application is revised so that the legal line of public footpath T30 is satisfactorily accommodated. The proposal will also affect public footpath T32 which will be ramped up onto an embankment. Amended plans are to be submitted by the Agency in response to these matters and the revised comments from the Footpaths Team are awaited. These will be reported verbally to the Board.

Environmental Health Officer – He has no comments. However a note should be added on any consent granted informing the contractor that high concentrations of carbon monoxide have been detected in the mercia mudstones at Hams Hall, therefore it may be prudent to monitor for carbon monoxide during intrusive works (within at least 5 miles of Hams Hall).

Environment Agency – The Agency has no objections to the proposed development but wishes to make comments relating solely to the proposed flood mitigation measures. These are as follows: confirms that the designs for the engineering works were produced after lengthy discussions with the Environment Agency and it is understood that the proposals have all been modelled. Consent under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws will be required.

Network Rail – It confirms that Network Rail Asset Protection Engineers for the area have been in contact with the Environment Agency about the proposal and subject to their review, they have no objection in principal.

Representations

Nether Whitacre Parish Council – The Council forward a petition handed to the Parish Council at one of its meetings. The Parish Council endorses the concerns of residents of Whitacre Heath and urges that, at this stage, no decision be made on the application from the Environment Agency. They add that the Flood Defence Scheme is a matter of major importance to the future of this village and its residents and call for a meeting to be arranged between residents and the Environment Agency to discuss the large amount of technical information.

As a consequence a public meeting did in fact take place on 20 June 2013 and was very well attended. Present were officers from the Environment Agency, an officer from the County Council, a Borough Councillor, an officer from the Borough Council, a representative from Dan Byles MP's office and residents from Whitacre Heath. A copy of the Minutes of that meeting are attached as Appendix A.

Lea Marston Parish Council – This Council is concerned that the proposal will generate construction traffic through the village. They oppose any construction traffic being allowed through the village and request that plant movements across Birmingham Road are via Traffic Lighting control and that the road surfaces are cleaned and lit as appropriate. They also question the hours of working and winter lighting levels as well as the planning application at Marston Fields Farm for the extraction of Clay which could be used on this site.

Seven letters of objection have been received from residents in Whitacre Heath concerned about surface water flooding in the area which is flooding both property and gardens in the village. The proposal will leave the two railway culverts open and these are a main source of flooding onto adjoining land. They state that a pump should be included in this flood defence scheme.

The petition referred to above and signed by residents at 73 properties in Whitacre Heath asks the following questions:

- 1) How does this flood defence protect our properties from flooding?
- 2) How will the water from the existing drains to the rear of our properties get away?
- 3) If a pump is not installed can you inform us of plan B?

Most of the signatories on this petition provide a summary of how flood waters presently affect them.

A further letter has been received on behalf of the residents of Coton Road that signed the petition. They state that they do not object to the river flood defences. However, they do object to the defence going ahead without a plan in place to deal with the high volume of surface water. They state that if the surface water is not taken into account as part of the flood defence, then there is a risk that the volume of surface water will increase, making a greater incidence of flooding and a higher flood risk.

Two letters of support received from residents in Whitacre Heath thanking all the representatives for attending the public meeting at Whitacre Heath and offering support for this flood defence scheme. However, the issue of flooding from surface water must be addressed and close liaison must take place between the applicants, Severn Trent Water and the Highways Authority to provide preventative measures.

Two letters of concern from residents in Whitacre Heath asking the Borough Council to consider the affect this planning application will have on holding back drainage water. They state that a pump should be considered to pump drainage water over the flood bank and into the river. They consider that this application could affect many more properties that are not affected at the present time by holding back drainage water and they urge the applicant to work with WCC to find a resolution. The following requests are made: that a detailed plan of how the drain water levels will be controlled with actions/timings be provided; and, a revised design model be obtained from which these additional measures are presented and demonstrated to everyone's complete satisfaction.

Observations

a) Introduction

The proposal relates to the construction of flood defences between the Lea Marston Purification Lakes and Whitacre Heath along the eastern bank of the River Tame.

The erection of a flood bank and flood walls will seek to reduce flood risk to 304 properties in Whitacre Heath for a 1 in 200 year event. This flood alleviation scheme is identified in the published "River Tame Flood Risk Management Strategy" (2011) produced by the Environment Agency following a period of public consultation. This document and the commitment of the Environment Agency to reduce flooding along the River Tame are material planning considerations of some weight which need to be balanced against the environmental impact of building such flood defence works in this part of the Borough.

b) Inappropriate Development in the Green Belt and the Need for the Scheme

The Development Site is located within the Green Belt and so Saved Policy ENV2 (Green Belt) of the Local Plan applies. The development by its very nature of depositing material is defined as inappropriate development in the Green Belt. The primary aim within the Green Belt is to maintain the open nature of the area. The siting of the proposed flood defences have, as far as possible, followed existing well defined boundaries or landscape features in an attempt to integrate these features into the existing landscape. Although the finished works will be higher than the existing ground levels, the existing vegetation and the new planting scheme will attempt to lessen their impact on the landscape. Indeed, the majority of the work is to increase the height of existing flood embankments by only 0.2 metres in height.

The land uses following these flood embankments will remain unchanged once the works are complete. The maintenance of the footpaths and the planting of the landscaped areas will aid the visual amenity of this area making parts of it more accessible to members of the public. In light of this, it is considered that there will only be minimal impact on the openness of the Green Belt in this location.

The flood walls will tie in with existing parapet walls and will be constructed from materials which would match these existing walls. Despite this, the flood walls will have a greater impact on the openness of the Green Belt and this will be a permanent feature in the landscape.

This impact on the openness of the Green Belt needs to be balanced against the need for the flood defence scheme. The River Tame Flood Risk Management Strategy has identified this area as being vulnerable from flooding from the River Tame. Parts of the village are already protected from a 1 in 20 year flood event however there have been recent flood events e.g. in 2007. Both Local Plan policy ENV8 (Water Resources) and the NPPF attach significant weight to protecting development from flood water. On balance, it is considered that the limited impact on the openness of the Green Belt from this inappropriate development is outweighed by the benefits such a scheme will have on reducing the risk of flooding more widely in the area. Mitigation measures including the use of materials and woodland blocks and shrub planting will reduce this impact further.

c) Potential to increase surface water flooding in the area

Local Plan ENV8 requires that development should be protected from floodwater. Objection letters and a petition have been received from residents in Whitacre Heath concerned that this proposal will not address the surface water flooding issues which affect the village. Many of the residents voice their fear that the flooding situation in the village will be made worse by these flood defence proposals as the proposed non-return flap system could prevent surface water from draining away.

The Environment Agency has written a letter to the residents of Whitacre Heath explaining its scheme and making comments on the surface water drainage issues in the area. A copy is attached to this Board report. The subject matter in this letter was then expanded upon during the public meeting held in the village on 20 June 2013.

In its letter the Agency make the following comments:

“...We are aware of the surface water and drainage problems in the vicinity of the railway crossing on Coton Road. As riparian landowner, we have undertaken ditch clearance works on the north side of the railway, and whilst this has improved the situation, it has not resolved the issue. The proposed flood defence scheme has been specifically designed to reduce flood risk from river water, and has been designed without adverse impact to other sources of flooding. Whilst it avoids making flood risk from surface water and drainage worse, further work would be required to fully address this issue. Surface water drainage though is not the direct responsibility of the Environment Agency. The proposed road raising on Coton Road will prevent flood water from the River Tame travelling overland and through the railway bridge along the road, potentially flooding properties. The proposed non-return flap system on the watercourse will prevent flood water backing up the ditch in this area, and back flowing through the culverts below the railway adjacent to Coton Road. This will create a small amount of additional storage for surface water when the flaps are shut.”

The Environment Agency concludes by stating that this flood defence scheme will reduce flood risk in the Coton Road area from backflow from the River Tame, however, it will not reduce the surface water flood risk or the drainage problems. Indeed, the responsibility for drainage and surface water issues (including road drainage) falls within the remit of Warwickshire County Council. However, the Environment Agency, Warwickshire County Council and Network Rail are proposing to work together to facilitate and implement jointly funded drainage improvements in the area. However, this work is still in its infancy and securing funding is not yet guaranteed.

Survey work is currently being carried out by the Environment Agency on the surface water flooding in the village. Once this work is complete, the number of properties affected by surface water flooding can be gauged and work can commence on gaining funding for drainage improvements in the area. The number of properties affected by surface water flooding will be considerably less than the 304 properties affected by fluvial water flooding in the study area.

Residents are calling for the Council to delay making a decision on this flood defence scheme until funding has been secured and permission has been granted for surface water drainage improvements in the area. However, as stated above the survey work is in its infancy and results are not expected until September 2013 when another public meeting will be arranged with the residents. There are also no guarantees that public funding will be available.

Clearly there is an issue with both surface water flooding affecting parts of the village of Whitacre Heath and fluvial flooding affecting the whole of the village of Whitacre Heath. However, Members need to be aware that the flood defence scheme presented to them under this planning application will protect some 304 properties from fluvial flooding up to a 1 in 200 year flood event. This is a stand alone scheme for which public funding has been secured. Any delays in the decision making process will mean that the scheme will not be implemented on site until summer 2014 and so these 304 properties will be vulnerable to fluvial flooding during the winter months.

The Environment Agency state that the flood defence scheme has been designed without adverse impact to other sources of flooding. This is a material consideration of significant weight. They have also shown that through their hydraulic modelling that the flood defence proposal will protect 304 properties to a 1 in 200 year level of protection from fluvial flooding. However, in the study area there is one property, The Lodge on Station road which is lower than the defences and will experience flooding to a 1 in 200 year event (they will still be defended to a 1 in 20 year event). The Environment Agency has offered the owner of this property Individual Property Protection which is deemed to be more cost effective than trying to extend the scheme to accommodate this one property. As with the scheme at Bodymoor Heath, it is considered that this issue can be dealt with by way of a planning condition.

In light of the above it is recommended that Members balance the benefits of this scheme as a stand alone scheme under Saved Policy ENV8 subject to conditions and subject to the Head of Development Control writing on behalf of Members to the Environment Agency, Warwickshire County Council, Severn Trent Water Ltd and Network Rail requesting that they work to facilitate and implement jointly funded drainage improvements in the area.

d) Visual Impact and Impact on Ecology

The proposed flood defences have, as far as possible, followed existing well defined boundaries or landscape features or involve increasing the height of the existing flood defences. The aim is that once colonised, the proposed defences will integrate with the pattern and character of the landscape. However, this landscape is relatively flat and has a collection of lakes. In light of this the mitigation measures put forward are important in ensuring that the bunds soon blend into the environment by being vegetated with wildflower mixes and being screened by further planting.

Saved Local Plan policy ENV3 (Nature Conservation) requires proposals for development in or likely to affect Sites of Special Scientific Interest to be properly assessed. The application documentation includes an Ecological Appraisal; a Great Crested Newt Survey, a Landscape and Visual Impact Assessment, an Arboricultural Report, and an Environmental Report. This policy is backed up by saved Policy ENV8, which goes on to state that development likely to have a harmful effect on nature conservation value will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal that clearly outweigh the need to safeguard the nature conservation value of the site. Statutory consultees have been consulted on this documentation including the Environment Agency, who, although they are the applicant, is deemed to be a responsible authority. No objections have been received from any consultees on the content of these reports. On this basis, it can be concluded that the benefits of the scheme and the way it has been environmentally designed, outweigh any minor impacts identified in these reports.

Saved Policy ENV3 concludes by stating that where development is permitted, the Authority will consider the use of conditions to secure all compensatory measures necessary to protect and enhance the site's nature conservation interest. The mitigation measures put forward are acceptable and conditions on landscaping details can be attached to any consent granted.

In light of the above it is considered that the scheme accords with Saved Policy ENV3 and advice given in the NPPF on the need to protect and enhance the nature conservation value of an area.

e) Impact on the Footpath Network of the Area

The proposal will affect public footpaths T30 and T32. Warwickshire County Council's Rights of Way Team has objected to the original proposal. The proposed flood embankment would be constructed across public footpath T30. However, an amended plan has been submitted by the Agency showing Footpath T30 following its original line throughout the scheme. The amended plans have been forwarded to the Rights of Way Team and their comments are awaited. These will be reported verbally to the Board.

Based on the amended plans received it is considered that the completed scheme will not impact on the public footpaths in this area. However, both public footpath T30 and T32 will need to be closed during construction works. Traffic Regulation Orders will therefore be required and the Rights of Way Team request that a note is added to any consent granted advising the developer of this.

f) Highway Safety

Saved Local Plan policies ENV14 and TPT1 require development proposals to have a safe vehicular access into the site where the local road network is able to accommodate the traffic to and from the development without problems of congestion, danger or intimidation caused by the size or number of vehicles, and without adversely affecting the character of the surrounding environment.

The County Council as the Highway Authority for the area, has not objected to the proposal to allow construction traffic to access a main site compound at the Environment Agency's Lea Marston Purification Lakes.

In light of the observations received from Lea Marston Parish Council with regards to the possibility of construction traffic using the village of Lea Marston, the applicant's agent has provided the following information on the proposed routing agreement:

- There will be no access through Lea Marston village for construction traffic.
- There will be no construction traffic crossing Birmingham Road within the village boundary as all the works proposed are on the opposite bank of the River Tame.
- The main access for the clay embankment materials is from the M42 at junction 9, onto the A4097 Kingsbury Road, turn right onto Coton Road, under the railway, and turn right onto Birmingham Road.
- They confirm that they do not have a contract to take materials from Marston Fields Farm into the permanent works. Their proposed supply of clay material is from the brickworks at Bickenhill. A road sweeper will be employed to keep the roads clear; and,
- Temporary accesses will be located outside Lea Marston's village boundary as they are on the other side of the railway.

With regards to the proposal to raise the existing carriageway, the Highway Authority supports the principle of these alterations, however the applicant should note that the granting of a planning permission does not grant approval of the drawings as part of any Section 278 application that may be submitted to the County Council in the future.

In light of the above it is considered that the proposed road raising and the construction operation will not have a detrimental impact on highway safety in the area. As such the scheme can be supported under Saved Policies ENV14 and TPT1.

f) Potential to Pollute Ground and Surface Water

Saved Local Policy ENV8 (Water Resources) requires development proposals to prevent the contamination of any watercourse or aquifer as advised by the Environment Agency. The proposal involves the importation of large quantities of earth in order to form these bunds. The Council's Environmental Health Officer has no comments to make on this scheme. It is considered that having both a planning condition requiring the contractor to produce a watching brief and the Environment Agency to oversee this construction phase, then the scheme would comply with the requirements of the policy.

Conclusion

On balance, it is considered that although there will be some visual impact on the landscape and on the Green Belt from the proposed flood defence scheme, the mitigation measures proposed and the benefits of protecting properties from flooding outweigh this minimal impact. The village of Whitacre Heath is affected by fluvial flooding and parts of the village are affected by surface water flooding. This proposal will defend some 304 properties from a 1 in 200 year fluvial flood event. However, the proposal will not address the surface water flooding issues in this area. Survey work is underway to identify the extent of this surface water flooding issue, but this is in its infancy. It is not considered that the determination of this stand alone fluvial flood defence scheme should be delayed because of its strategic importance in the whole River Tame Protection scheme. However, the surface water drainage must be examined and so it is recommended that the Head of Development Control writes on behalf of the Members of the Planning and Development Board to the Environment Agency, Warwickshire County Council, Severn Trent Water Ltd and Network Rail requesting that they work together to facilitate and implement jointly funded drainage improvements in the Whitacre Heath area.

Recommendations

A) The Head of Development Control write on behalf of the Council to the Environment Agency, Warwickshire County Council, Severn Trent Water Ltd and Network Rail requesting that they work together to facilitate and implement jointly funded drainage improvements in the Whitacre Heath area.

B) Subject to the Rights of Way Officer having no objections to the proposal, then planning permission should be granted for application ref: PAP/2013/0208 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 plans numbered - to be agreed once comments from Rights of Way Officer have been received.

REASON

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

3) Prior to the construction of the flood defence walls and parapet extensions, samples of the facing bricks and coping stones shall be submitted to the Local Planning Authority for approval. Only the approved materials shall be used on the scheme.

REASON

In the interests of the amenities of the area.

4) Prior to any construction activity taking place at the site the contractor shall produce an appropriate method statement for working within suspected ground contamination areas. This report shall include a watching brief detailing the procedures for the actual works and the reporting mechanisms should any contamination be found on site. Such a report shall be submitted to the Local Planning Authority for their approval in writing.

REASON

In the interests of water quality.

5) Prior to the construction of any fences, full details of the design, appearance and materials to be used in their construction shall be submitted to the Local Planning Authority for their approval in writing. Only the approved materials shall then be used on the site.

REASON

In the interests of the amenities of the area.

6) No development shall take place until a landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, and all areas to be grassed, and also details of the landscape management plan. Any such planting which within a period of five years of implementation of the landscaping scheme fails, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented during the first planting season following completion of the works unless otherwise agreed in writing by the Local Planning Authority and the landscape management plan shall be implemented as approved.

REASON

To ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and biodiversity importance of the river corridor and to minimise the visual impact of the proposed flood bank on the character and appearance of the river corridor and to comply with Saved Policies in the NWLP 2006.

7) Prior to the commencement of development in the Station Road area, full details of the individual flood mitigation measures to protect the residential property known as The Lodge, Station Road shall be submitted to the Local Planning Authority for their approval in writing. The approved scheme shall then be implemented on site.

REASON

To increase these two properties' resilience to flooding as a result of the proposed flood defence works.

8) Any conditions recommended by the Rights of Way Team at Warwickshire County Council.

Notes

- 1) The Local Planning Authority has worked positively with the applicant in this case to resolve planning issues arising from the application through pre-application discussions; resolving matters arising from consultation responses and seeking amended plans and additional information in mitigation of impacts, thus meeting the requirements of the National Planning Policy Framework.
- 2) Traffic Regulation Orders will be required for the temporary closure of public footpaths T30 and T32. The applicant should contact Warwickshire County Council's Rights of Way Team well in advance to arranged these Orders.
- 3) The granting of planning permission does not give the applicant consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel: 01926 412515, before any work is carried out. A charge will be made for the carrying out of inspections and the issue of permits.

- 4) Before commencing any Highway works, the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
- 5) Unauthorised signs are not permitted within the limits of any public highway. To secure the provision of signs giving directions to the development, the applicant must apply in writing to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP.
- 6) For discussions and approvals of designs for works on the public highway, the applicant should contact the County Council's Design Services Section: contact Mr Chris Simpson chrissimpson@warwickshire.gov.uk on 01926 412677. In accordance with the Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.
- 7) For alterations to the existing 30mph Traffic Regulation Order the applicant should contact the County Council's Traffic Projects Team; trafficprojects@warwickshire.gov.uk on Tel: 01926 414167.
- 8) The applicant should be aware that there are high levels of carbon monoxide detected in the mercia mudstones at Hams Hall. In light of this it is recommended that the applicant monitors for carbon monoxide during intrusive works (within at least 5 miles of Hams Hall).

BACKGROUND PAPERS

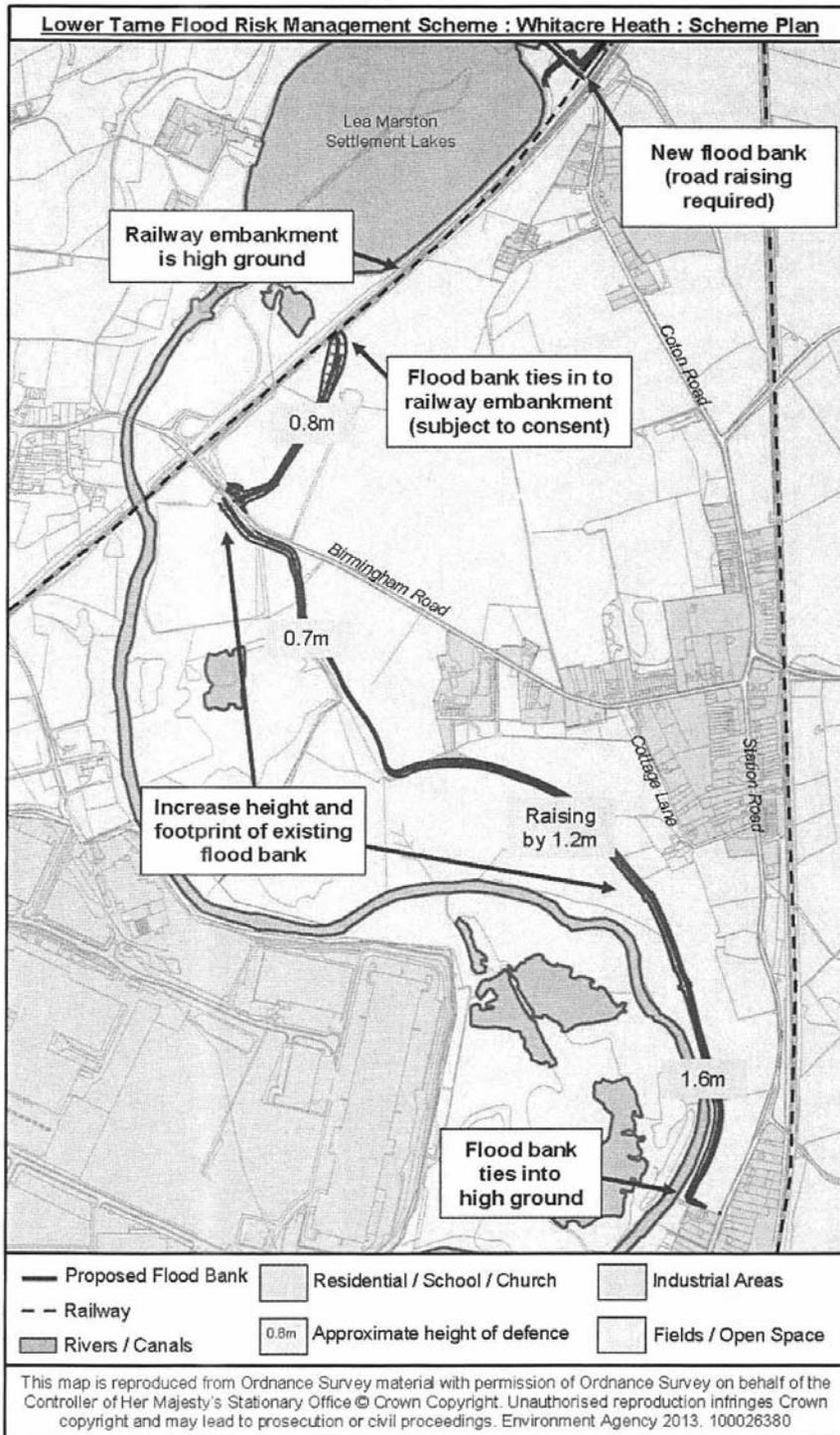
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0208

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	18/4/13
2	Press Notice	Atherstone Herald	2/5/13
3	Susan Russell	Objection	3/5/13
4	Environmental Health	Consultation	9/5/13
5	Highways Authority	Consultation	6/6/13
6	Susan Russell	Objection	17/5/13
7	Mary Sumner	Objection	24/3/13
8	Richard Hemphill	Objection	21/3/13
9	Keith Woodward	Objection	15/3/13
10	Maurice Woodward	Objection	15/3/13
11	Nether Whitacre Parish Council	Objection letter and Petition	21/5/13
12	Maxine Clare	Objection	23/5/13
13	Applicant	Letter to residents	6/6/13
14	Goodyear	Letter of Support	20/6/13
15	Rights of Way Officer	Objection	30/5/13
16	Environment Agency	Consultation	8/5/13
17	Mr Woodward	E-mail	24/6/13
18	Mr Stokes	Letter of support	21/6/13
19	Network Rail	Consultation	21/6/13
20	Environmental Health	Consultation	16/5/13
21	Lea Marston Parish Council	Letter of concern	30/5/13
22	Applicant's Agent	Letter	4/6/13
23	Stephen Powell	Letter of concern	7/5/13
24	Mrs Russell	Letter of objection and photographs	30/6/13
25	Applicant's Agent	Revised Plan	1/7/13

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.





Environment
Agency

Our ref: IMMI000978

Date: 6 June 2013

Dear Occupier,

Lower Tame Flood Risk Management Scheme – Whitacre Heath Coton Road Area

Background

We have recently submitted the planning application for the Whitacre Heath Flood Risk Management scheme, to install upgraded flood defences in the area. We would like to provide you with the following update to clarify the situation regarding flood issues at the railway in the Coton Road area.

At the present time, parts of Whitacre Heath are at risk from floods from the River Tame with a return period of as low as a 1 in 20 year return period. This means that in any one year there is a 5% chance of flooding from the river. There is a clear need for upgrading the flood defences at Whitacre Heath to reduce the risk of flooding from the River Tame. The current application has been submitted by the Environment Agency to reduce the risk from the River Tame for floods up to a 1 in 200 year return period, as part of their remit to protect residential properties from river flooding.

As noted in previous correspondence to residents in the area, we are aware of the surface water and drainage problems in the vicinity of the railway crossing on Coton Road. As riparian landowner, we have undertaken ditch clearance works on the north side of the railway, and whilst this has improved the situation, it has not resolved the issue. It is important to understand that the fluvial river flooding and surface water flooding are from different water sources, and different organisations are responsible for each source.

Proposed River Flood Risk Management Scheme

The proposed scheme has been specifically designed to reduce flood risk from river water, and has been designed without adverse impact to other sources of flooding. Whilst it avoids making flood risk from surface water and drainage worse, further work would be required to fully address this issue. Surface water drainage though is not the direct responsibility of the Environment Agency.

The proposed road raising on Coton Road will prevent flood water from the River Tame travelling overland and through the railway bridge along the road, potentially flooding properties. The proposed non-return flap system on the watercourse will prevent flood water backing up the ditch in this area, and back flowing through the culverts below the railway adjacent to Coton Road. This will create a small amount of additional storage for surface water when the flaps are shut.

The larger metal culvert below the railway (further west) has been checked, and is found to be set at a higher level and protected from back flow by ground levels around Lea Marston Lake 1. The proposed scheme will therefore reduce flood risk the Coton Road area from backflow from the River Tame. However it will not reduce the surface water flood risk or the drainage problems.

Surface Water and Drainage

The responsibility for drainage and surface water issues (including road drainage) rests with Warwickshire County Council. However, the Environment Agency is working to facilitate and implement jointly funded drainage improvements in the area in conjunction with Warwickshire County Council and Network Rail.

Sapphire East, 550 Streetsbrook Road, Solihull, West Midlands, B91 1QT.
Customer services line: 03708 506 506
www.environment-agency.gov.uk/lowertame

At present, we have provisionally agreed with Michael Green, Warwickshire County Council, Flood Risk Manager, to jointly identify potential solutions and associated costs of reducing flood risk from surface water.

Over the next few weeks we are obtaining additional level information including property threshold data to be able to help Warwickshire County Council quantify the number of properties at risk from surface water flooding and quantify the economic benefits. This will then allow the funding viability of any scheme to be assessed and prioritised. It will also allow other potential funding partners to be identified, such as Network Rail, who also have an interest in the area.

Both the Environment Agency and Warwickshire County Council have to justify the expenditure of public monies to make sure it offers value for money and that the benefits are greater than the likely costs. Both organisations quantify this in terms of the properties that would benefit from the reduced flood risk. This funding does not allow for the inclusion of costs to reduce flood risk to agricultural land or drainage improvements to land.

Whilst a pumping station (mentioned in a number of items of correspondence) would help to solve surface water problems, it is expensive to both install and maintain. There have also been a number of instances where pumping stations have failed to operate properly during a flood event. We are therefore looking at alternative, potentially more reliable and more sustainable solutions. The additional data we are gathering will help us to assess other potential solutions such as rerouting or reinstating drainage ditches, providing storage or additional culverts.

Next Steps

The planning application which has been currently been submitted for the proposed fluvial (river) scheme is a stand alone scheme and we will seek to obtain the planning permission to allow these works to be progressed and provide Whitacre Heath with improved fluvial (river) flood defences as quickly as possible. We intend to implement the scheme this summer if planning permission is given. However any delays at this stage are likely to delay the scheme until summer 2014 due to the need to avoid undertaking earthworks through the winter period.

We will continue to work with Warwickshire County Council to gather the necessary data and develop options for a separate surface water scheme in the Coton Road area. Once we have identified all potential options, we will review the economic viability of any technically feasible schemes, in conjunction with residents, to allow funding to be sought for a sustainable partnership scheme. This would then be subject of a separate planning application.

We welcome the opportunity to meet interested parties to discuss this matter further. We have arranged a meeting at Nether Whitacre Village Hall on Thursday 20 June 2013 at 7pm, which you are welcome to attend. This will include Planning Officers and the Parish Council to ensure everyone is aware of the issues and how this matter is being taken forward.

Yours sincerely



Davinder Gill
Project Manager

Lower Tame

Record of meeting

Project Whitacre Heath Flood Risk Management Scheme **Date** 20 June 2013

Subject Public Meeting

Venue Nether Whitacre Village Hall, 7pm.

Presenters John Hindle - Environment Agency
 Davinder Gill - Environment Agency
 Janet Faulkner - Warwickshire County Council
 Edson Chikovbu - Environment Agency
 Phil Marsh (PM) - Halcrow
 Sharron Wilkinson - Lichfield District Council

1.0 - Presentation

The meeting was chaired by Mr Keith Woodward, the Chair of the Parish Council.

The Environment Agency (EA) and Warwickshire County Council (WCC) representatives gave a presentation on the current status of flood risk management improvements for Whitacre Heath along with their plans for the next steps. A copy of the presentation is circulated with these minutes.

Key points from the presentation were;

1. There are two separate aspects to flooding in the village, fluvial (from the River Tame) and surface water and drainage issues.
2. The Environment Agency have secured funding to take forward the reduction of flood risk from the river. This scheme will not impact on surface water drainage and a planning application has been submitted which is due to be discussed at the North Warwickshire Borough Council Planning Board Meeting on 15th July 2013.
3. Warwickshire County Council (WCC) are responsible for surface water flood risk management, however they have restricted funds and are working with the Environment Agency to investigate the options for a surface water scheme in the area. If a scheme is cost effective then funding will need to be sought to take it forward. WCC Highways are responsible for road drainage.
4. Severn Trent Water are responsible for foul drainage and sewerage in the area.

2.0 - Question and Answer Session

Following the presentation questions were received from the floor, these and the answers provided are summarised below;

1. Q. Mr Powell raised the point that a number of options have been looked at already in relation surface water at the railway crossing on Coton Road and queried why a pumping station was not being taken forward or the drainage channels enlarged.

A. WCC need to demonstrate value for money when taking forward schemes and need to ensure that this scheme is a priority when considered along with other needs across the County. An investigation into the economic viability of any scheme is under review. All potential solutions need to be looked at not just the pumping station option. In general, passive solutions are preferred as they provide security of operation and are less likely to fail when required to operate. They are also less expensive to build and maintain.

2. Q. The issue of insurance premiums in the area was raised.

A. Once the fluvial scheme is in place, the EA flood maps will be updated, which should result in a reduction in insurance premiums in relation to flood risk, although this will be dependant on individual insurance companies.

3. Q. There was some confusion over the status of the planning permission for the scheme proposed to reduce flood risk from the river and whether the process had been deferred.

A. It was confirmed that the planning permission for a sister scheme in Kingsbury had been deferred by the planning board, but has now been granted. The application for the Whitacre Heath river flood risk scheme has been submitted and is due to be debated at the July 2013 planning board meeting. Any comments on the scheme can be submitted via the Lichfield District Council planning department website by the 3 July 13. There will also be an opportunity for a 3 minute presentation at the planning board meeting.

4. Q. Severn Trent Water are thought to be investigating water abstraction boreholes near to the water works from a large underground lake. Has this been taken into account?

A. Both the EA and WCC work closely with Severn Trent Water but this scheme has not been raised by Severn Trent in any meeting to date. The EA will speak to Severn Trent to determine the details of this potential scheme. It was noted that any scheme to remove water from the area could be beneficial in terms of flood risk management.

5. Q. There is concern that progress is not fast enough in relation to the surface water scheme, there have been a lot of meetings but no action, properties are still at flood risk.

A. To take forward any scheme the economics must be confirmed to ensure that public money is being spent in the best possible way and all potential options have been assessed. Any viable scheme then needs to be prioritised within the county and funding sought. Surveys are now underway to assess the numbers properties at risk from surface water flooding and to review the economics of a scheme.

6. Q. It is accepted that Whitacre Heath is in the flood plain which means a high water table, however there has been no maintenance of ditches and drains in the village over the last few years. This would help to reduce some of the surface water issues, some of the drains seem to have collapsed and a lot of the road gullies are blocked.

A. This is noted and WCC will take forward investigating whether more maintenance can be undertaken to drains and highway gullies in the future. Michael Green will work together with WCC Highways and the Parish Council.

7. Q. There have been recent problems with foul drainage and sewer backing up in the Birmingham and Station Road areas and the Bourne overflowing and flowing over the road, why is there no maintenance on this river, also the road drains in this area have not been cleared for many years?

A. Severn Trent Water are responsible for foul drainage and the pumping stations and any comments regarding the sewers needs to be addressed to them. The EA are

working with Severn Trent Water to ensure there are no adverse impacts on the sewers as a result of the scheme. It is understood that the Network Rail culvert on the Bourne has silted up with gravel and may have caused the overtopping in a recent event in this area. We will raise this with Network Rail. WCC will investigate the road drains in the Station Road area.

8. Q. Why are the rivers and watercourse not dredged as happened in the past?

A. Dredging of rivers is not cost effective. Sediment movement is a natural process and cannot be stopped, any dredging will need to be continually maintained as the river deposits more sediment back once it has been removed. Dredging is also hugely damaging to the environment and is expensive as the sediment has to be sent to landfill which is not sustainable.

9. Q. The ditches downstream of Coton Road have not been maintained.

A. These ditches have been recently cleared by Network Rail and the Environment Agency. It has improved drainage but not solved the problems in the area.

10. Q. There are springs in the fields at the top end of Coton Road, a scheme in the past in this area to change the ditches was not successful in this area. The village has not flooded from the river since 1982.

A. The springs are noted. No recent flooding is not a guarantee that future flooding will not occur from larger events than those which have occurred recently. Climate change predictions indicate flood risk could be increasing.

11. Q. Concerned that the proposed flood works will make the surface water problems worse.

A. The proposed river scheme will not make the surface water problem worse, however it will not solve it either. The proposed scheme will prevent the River Tame backing up as far as the properties in the railway crossing area of Coton Road and create a small amount of additional storage for surface water. The water levels for any flood event will be similar to those at present. In the existing situation surface water cannot escape and gets mixed with river water backing up in the ditches around the railway bridge. In the proposed scheme when water levels in the river are high, the one way gate will close and stop river water backing up in the ditches before the railway bridge, surface water will build up behind it. The proposed river scheme will have no overall impact on surface water drainage. The proposed scheme will prevent river water back flowing through the culverts under the railway in the Coton Road area and reduce flood risk from the river.

12. Q. Why is a combined scheme to address both surface water and river flooding not being taken forward now?

A. The EA has responsibility for managing river flooding and WCC have responsibility for surface water and drainage matters. The EA and WCC are trying to work together however each organisation has specific constraints, drivers and funding sources. Trying to coordinate things perfectly is very difficult. Funding for the fluvial scheme has been obtained and the EA wish to progress this to improve the standard of protection to the village from river flooding from the current 1 in 20 year standard to the 1 in 200 year standard whilst this funding is available. Although the EA are not required to try and solve surface water problems the EA and WCC are now working together to try and identify a suitable surface water scheme which will also attract funding. WCC have no capital budget and will need to obtain outside funding or grants to take forward any future scheme.

13. Q. Will we be speaking to individual landowners to obtain local knowledge and fully understand the problems in the area?

A. Yes we will come back to residents to obtain information.

14. Q. Are you sure the scheme proposed will work, can we see a computer animation or incremental flood levels from the computer model?

A. We have simulated the flooding in the area using the best currently available techniques. We will produce an animation for the next stage of the discussions.

15. Q. Can we obtain our own specialist advice to be sure the solution is correct?

A. Yes, if you consider this is necessary.

16. Q. Water can't get out at the southern end of the village, it used to run across the road and the industrial area. The landowner of the industrial estate has put up bunds to stop this happening now so the water ponds on the road.

A. We will review the impact of the levels in this area as part of the surface water options investigation.

17. Q. Why are the rivers and watercourses not dredged, as happened in the past?

A. Dredging of rivers has been proven to not be cost effective, the EA now only dredge rivers in exceptional circumstances. Sediment movement is a natural process and cannot be stopped, any dredging will need to be continually dug out as the river deposits more sediment back once it has been removed. Dredging is also hugely damaging to the environment and is expensive as the sediment has to be sent to landfill which is not sustainable.

18. Q. Will roads and access routes into the village be kept free of flooding to maintain access during a flood?

A. No, the roads will still flood in some areas during large flood events. The EA have a remit to protect property, trying to stop all roads flooding would not be financially possible.

19. Q. Is there a plan to dredge Lea Marston Lakes as was done in the past?

A. Lea Marston lakes were not designed to be balancing lakes as they have always been full with no capacity to store flood water. They were intended to act as purification lakes to remove sediment coming down the river which may have been contaminated. This contamination no longer exists at the same levels as before so dredging of the lakes has stopped. The lakes are also downstream of the village, to be effective as storage, they would need to be upstream of the village.

20. Q. Will the properties on Station road be adversely affected by the scheme as the proposed defences stop at the northern end of these houses and the gardens have flooded in the past. If they flood in the future can residents claim compensation?

A. These properties are higher than the predicted 1 in 200 year levels however the gardens and adjacent field will still flood. The EA do not protect fields and gardens from flooding and it is unlikely compensation would be paid in the future

21. Q. The river levels increase much quicker during floods since the Hams Hall Industrial development has taken place?

A. Noted, the upstream catchment for the Tame is heavily urbanised and hence water runs off the ground into the river very quickly. From next April all new developments must have sustainable drainage systems (SuDS) to prevent faster run off, however these regulations will not apply retrospectively.

22. Q. Some of the drainage pipes in Birmingham Road have been damaged by tree roots. There are Tree Preservation Orders on the trees so they cannot be cut down to prevent the damage.

A. WCC will investigate potential solutions with their flood risk team and their tree officer.

3.0 - Next Steps

The following next steps were discussed as part of the meeting;

1. The EA and WCC will complete the current surveys and assess the outline economics for a surface water scheme.

2. If the economics look favourable then a detailed surface water study will be undertaken as a partnership project between the EA and WCC.

3. The planning permission for the river scheme will go forward, if planning permission is granted it is hoped to start construction of this scheme later in the summer.

4. WCC have been successful in obtaining £250k Defra funding for the Pathfinder Project - to develop a community-led approach to flood resilience and to implement sustainable solutions through local Flood Resilience Action Plans.. WCC will propose that Whitacre Heath be part of this project. This money is not intended for flood risk management schemes but is to enable local authorities to work closely with communities to identify sustainable ways of managing flood risk. WCC will liaise with the Parish Council on this, residents are welcome to put forward ideas for this scheme.

5. The EA and WCC will report back in September 2013 on the findings in relation to a surface water scheme. If this takes the form of another public meeting then Sever Trent Water should also attend.

Minutes to be circulated via the Parish Council Clerk, email address:
council@hoggrillsend.plus.com

(2) Application No: CON/2013/0011

High View, Common Lane, Corley, Warwickshire, CV7 8AQ

Retrospective change of use planning application for the recycling of farm waste plastics within an existing agricultural building and storage on external hardstanding for baled plastics, for

- Warwickshire County Council

Introduction

This application has been submitted to the County Council as Waste Authority. This Council has been invited to send its planning representations to the County as part of the consultation process. The County will determine the application.

The Site

The site is on the northern side of Common Lane at the rear of a residential frontage comprising the small hamlet of Corley Moor. The site comprises a house and a collection of agricultural buildings at the rear. Access is to Common Lane. The site is otherwise in open countryside.

The Proposal

This is to seek planning permission for the uses described above.

The applicant company was established over a hundred years ago and has operated on the same site here in Corley as farmers and as agricultural contractors. The part of the holding – around 10% - the subject of this application was used for that contracting business until around nine years ago when the current farm plastic recycling business was initiated.

The applicant company employs six full time staff as well as seasonal workers. The majority of the work remains as contracting – e.g. land drainage, hedge cutting, earthworks etc. Under changes to the Waste Regulations a few years ago, farm plastics could not be burned and had to be disposed of as a controlled waste through an approved contractor. The company saw this as an opportunity and it now provides a third of its business turnover.

The operation involves one vehicle collecting plastic waste – plastic used for baling, spray and fertiliser bags and containers etc. It is triple washed on site and then bailed using a small machine. The bales are then collected twice a month by a further vehicle. The process and drainage arrangements are licensed by the Environment Agency.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV14 (Access Design), ECON8 (Farm Diversification) and ECON9 (Re-use of Rural Buildings)

Warwickshire Waste Plan 1995 – Saved Policies 1 (General Land Use) and 6 (Material Recycling Facilities)

Other Material Planning Considerations

The National Planning Policy Framework 2012

The Borough Council's Submission Core Strategy 2013 – Policies NW2 (Green Belt) and NW8 (Sustainable Development)

The County Council's Waste Development Framework 2013 – Policies CS1 (Waste Management Capacity), CS2 (Spatial Waste Planning Strategy), DM2 (Managing Health and Amenity Impacts) and DM3 (Sustainable Transport)

Observations

It is a material planning consideration that the agricultural contracting business operating from this site is established and lawful through the passage of time.

The site is not within any development boundary as defined by the Local Plan. However the use is not especially one which would be appropriate in such a location unless it was within an established industrial area. Moreover there is weight to the argument that such use should be within a rural area given its customer base. Moreover the County's Waste planning policies do include in general terms both previously developed land and redundant agricultural buildings as potential waste management locations. Whilst it is not essential to have this use in a rural area, it is agreed that the requirements of Core Policy 2 here are not overriding.

The site is in the Green Belt and thus would amount to inappropriate development unless the use preserves the openness of the Green Belt; does not conflict with the purposes of including land in the Green Belt and that the buildings are not of permanent and substantial construction. It is agreed that the last of these three conditions is satisfied. In respect of the former ones then in this case the main operation takes place within an existing building but the recycled waste is stored outside and thus there will inevitably be an impact on openness and safeguarding the countryside from encroachment. However there are considerations here that point to that impact being limited if not neutral. Firstly the site is an established holding and an agricultural contracting business. As such it can be reasonably expected that there will be outside storage associated with those uses. Secondly the site of the hard standing is up against the existing buildings and thus the visual impact is lessened. It is considered that when all three of the conditions are assessed here that on balance the use is inappropriate development but that the impact on the openness of the Green Belt is minor and thus the harm to the Green Belt through that inappropriate development is minor.

The issue thus becomes whether there are considerations of such weight to override that limited harm. It is considered that there area – the established use; the compliance in general terms with waste planning policy, the fact that this is part of farm diversification, the local farming community requires this use so that it can continue to operate, the local employment provision and the fact that it requires limited HGV movements.

It is agreed that the site itself is not in a sustainable location being outside of a defined development boundary and not accessed by public transport. However, the use as suggested above perhaps should be reasonably located within in a rural area and employment numbers are low. It also provides very local employment opportunities where there are otherwise very limited options. As a consequence there is some merit in retaining the use at this location.

In terms of Waste Planning policy then in general terms the site is considered to meet the materials recycling policies as these encourage farm sites and previously developed land to be used in some circumstances. Additionally the emerging waste policy also supports such locations provided that there are no health or amenity impacts.

The NPPF supports farm diversification and encourages developments which assist the rural economy.

As a consequence of all of these matters it is agreed that there are considerations here that outweigh the limited harm done to the Green Belt.

It is noteworthy that there have been little in the way of complaints to the Borough Council in respect of the use. The advice of both the Highway Authority and the Environmental Health Officers will need to be taken on board by the County Council but provided they have no objection and any conditions recommended are taken forward, then there should not be an overriding issue leading to an objection here.

Recommendation

That the County Council be notified that the Borough Council has no objection to this proposal for the reasons given in this report, subject to the scale of the operation remaining as at present and that any recommendations from the Highway Authority and the Environmental Health Officers are included as planning conditions should a planning permission be granted.

BACKGROUND PAPERS

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

Planning Application No: CON/2013/0011

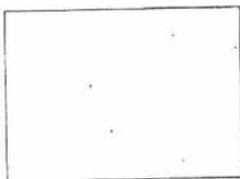
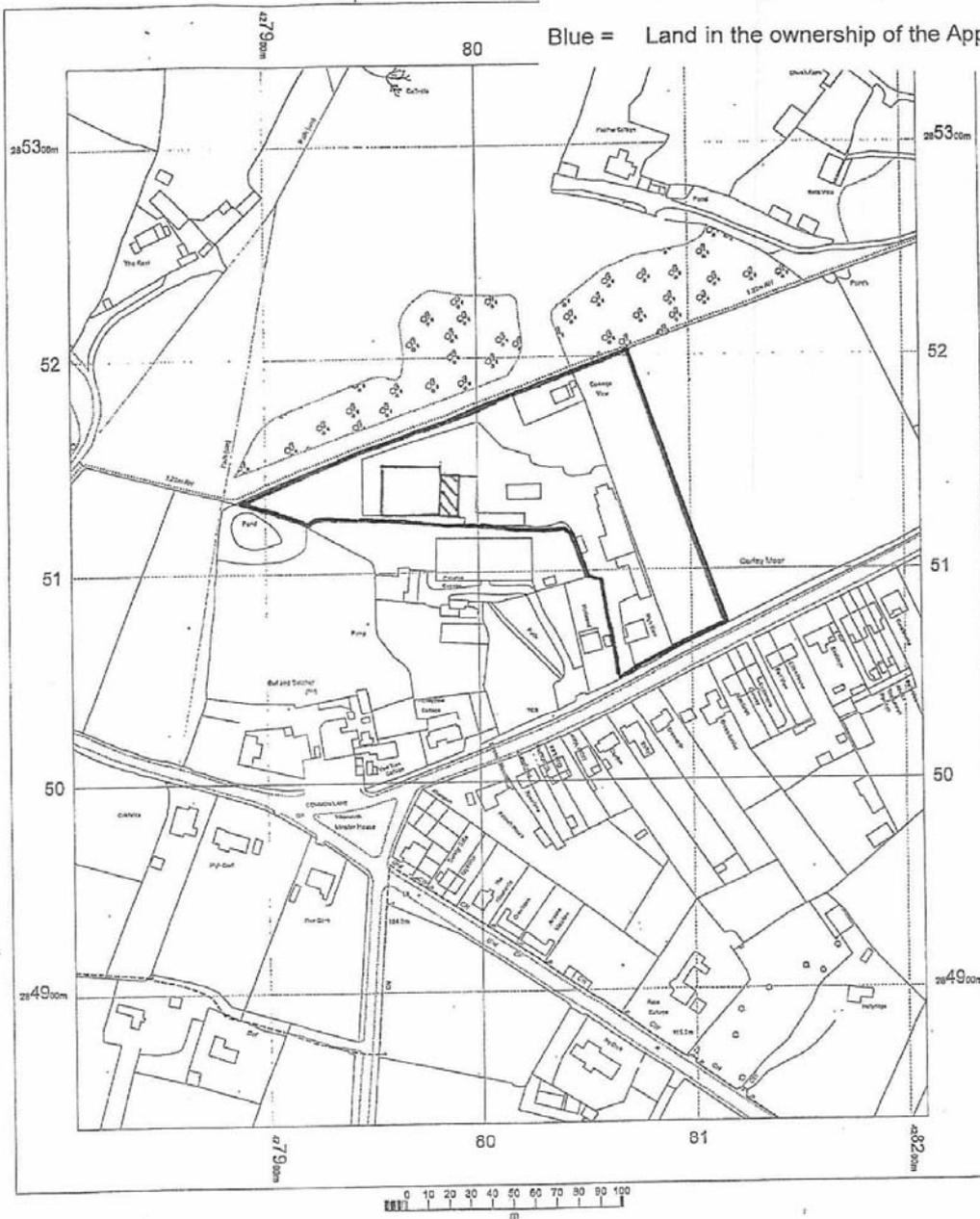
Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Letter	5/6/2013

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.

Red = Application area of which hatching is open storage / loading / unloading

Blue = Land in the ownership of the Applicant.



OS Mastermap
11 April 2013, ID: CM-00221397
www.centremapslive.co.uk
1:2500 scale print at A4, Centre: 425008 E, 285088 N
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(3) Application No: PAP/2013/0164

Homer House, Kingswood Avenue, Corley, CV7 8BU

Erection of a 3 bed eco- bungalow and integrated garage, for

Mrs Margaret Mayne

Introduction

The application is brought before the Planning and Development Board as a Legal Agreement has been provided as part of the application.

The Site

The site lies wholly within Green Belt and outside of any identified settlement boundary. The site is however within a group of dwellings at Corley, which is set off the main Tamworth Road. The side boundaries to the site are residential properties – a two storey dwelling on one side and a bungalow on the other. The application site is slightly lower than the neighbouring bungalow property. The site fronts the Tamworth Road, and is currently part of the garden to the side of Homer House.

The Proposal

The proposed is for a new 3 bedroom eco-bungalow with rooms within the roof space, and an integral garage. It would measure 11.4 by 8.3 and be 6.5 metres to its ridge line. The design includes bay windows at the front and there are two rear dormers shown on the plans. Two car parking spaces are proposed – one in the garage, and access would be from the Tamworth Road.

The south east and south west roof elevations would have photovoltaic and thermal solar panels. The panels are designed so as to lead to a reduction in energy consumption by up to 90%.

The proposals and photographs can be seen in Appendices 1 and 2.

A legal agreement is also submitted as part of the proposal in order to provide a contribution to off-site affordable housing in lieu of on site provision - £7000 – and a draft can be seen in Appendix 3.

Background

Homer House has been extended at the side and rear, following applications in the 1970's.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution); ENV2 (Green Belt), ENV10 (Energy Generation and Energy Conservation) ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), HSG3 (Housing outside Development Boundaries and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: - National Planning Policy Framework 2012

NWBC Core Strategy Submission Version 2013 – Policies NW2 (Green Belt); NW3 (Housing Development), NW5 (Affordable Housing), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency) and NW10 Quality of Development).

Consultations

Warwickshire Police – no objections

Severn Trent Water Ltd – no objection subject to a note

Warwickshire County Council as Highway Authority – No objection subject to standard conditions and notes.

The Council's Valuation Officer – The value of the contribution is appropriate and reasonably calculated.

The Council's Environmental Health Officer – No comments

Representations

One letter has been received saying that garden development should not be allowed but welcomes the attention to sustainability.

Corley Parish Council – The Council raises an objection as it questions the ownership of the land and because it has raised objection to new building being inappropriate in Corley in the past.

Observations

The determination of this application is not straight forward as the Local Plan now carries far less weight since the publication of the NPPF and because of the approach the Council itself is setting out towards new development in its submitted Core Strategy and the consultation document on the Preferred Locations for Site Allocations. That approach accords with the NPPF and thus will carry weight. As such the recommendation made to the Board will have to balance all of these matters. It is first proposed to look at the principle of the application based on the Development Plan as it now stands so as to reach an initial conclusion. It will then be necessary to look at emerging policy to see how that conclusion then compares. Finally, an overall assessment will need to be made on the principle of the proposal. Detailed considerations will then have to be considered too.

a) Development Plan - Green Belt

The starting point is that the site is in the Green Belt. The Local Plan says in saved policy ENV2 that the control of new development here should be in line with the Government's PPG2. As Members are aware, PPG2 has been replaced by the NPPF, and therefore this has now become the controlling policy. Members are aware from the NPPF that the construction of new building in the Green Belt is inappropriate development and thus carries the presumption of refusal. However, there are exceptions to this, and paragraph 89 of the NPPF spells these out. The proposal here could "fit" with one of these exceptions – namely, if it was agreed that it amounted to "limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan". It is considered that the proposal does clearly meet the first definition here and is thus appropriate development. This is because the proposal is just for one dwelling on a small site and that this is surrounded by other residential development and is an open space between houses in an otherwise built frontage. The presumption is therefore that planning permission should be granted here and this will carry substantial weight.

As an aside, the issue of the impact of the proposal on the "openness" of the Green Belt does not arise as by definition under the NPPF the development is appropriate development.

b) Development Plan - New Housing

Corley has no defined settlement boundary and as such this proposal does not meet the requirements of Core Policy 2 of the Local Plan. Moreover as the proposal is not for a dwelling required for agricultural reasons or for an essential rural worker, the proposal does not meet the requirements of saved policy HSG3 of the Local Plan. It neither meets the terms of saved policy HSG2 as the proposal is not being promoted as an affordable house meeting local housing needs as a "rural exceptions" case. It is clear therefore that the proposal, through not according with these three policies should be recommended for refusal.

c) Development Plan - Conclusion

As a consequence of consideration of these two Development Plan issues, it is clear that there are conflicting conclusions. It will therefore be necessary to explore the same two policy issues under emerging Development Plan policy to see if that remains the case.

d) The Emerging Development Plan – Green Belt

The submitted Core Strategy accords with the NPPF on the Green Belt and thus paragraph 89 as quoted above still applies. However the Council has taken the "limited infilling" issue further through Core Strategy policy NW2 which says that infill boundaries will be defined in cases where the Green Belt completely washes over some settlements as here. Draft boundaries are illustrated in the Consultation Document relating to Preferred Options for Site Allocations. No boundary was drawn for Corley and thus the proposal in these circumstances would not accord with the definition in paragraph 89. It would thus be inappropriate development. This contradicts the conclusion reached in (a) above. The resolution is to weigh the two conclusions. The former will carry more weight as the Submitted Core Strategy has still to be examined and the Preferred Options Document is only a consultation document. In other words

the definitions of the NPPF carry greater weight. As such the proposal remains as appropriate development in the Green Belt.

e) The Emerging Development Plan – New Housing

In terms of the emerging policies for new housing then the proposal would not accord with policy NW1 of the Submitted Core Strategy or indeed with policy NW4. Both these policies set out the settlement hierarchy and promote new housing within defined settlements. As such the proposal should not be supported as was the case under (b) above. The proposal is not for an affordable house meeting local housing needs and thus on the face of it would still not meet emerging housing policy. However emerging housing policy on affordable housing is different to that in the Development Plan and reflects the approach taken by the NPPF in promoting and encouraging new housing development of all types. Policy NW5 of the submitted Core Strategy introduces far more flexibility into the delivery of such housing, subject to viability testing, including an overall target rather than one required for each housing site and the use of off-site contributions in lieu of on-site provision. The proposal does just that. As such there are again conflicting conclusions. In terms of weighing these two positions it is considered that as the requirement for affordable housing in the Borough is set at a high proportion of all housing in the Borough; that there are known housing needs in the Corley area, that the offer of the contribution is an overall public benefit which would assist in meeting that need, then greater weight is given to supporting the proposal than not in housing terms. In other words emerging policy because it is based on the NPPF carries greater weight than the Local Plan.

f) Emerging Plan - Conclusion

There are once again, conflicting conclusions – the proposal being appropriate development; not according with general housing policy, but being in line with affordable housing policy. In overall terms it is considered that the cumulative weight of the Green Belt and affordable housing conclusions should prevail.

g) The Principle of the Development

It is now necessary to draw together all the above. The Development Plan would support the principle on Green Belt terms but not on housing policy, whereas the emerging Plan would support the principle under both issues. This is not surprising given the increased flexibility and overall supportive approach to new development taken by the NPPF. The conclusion here is thus that the cumulative weight of the supporting conclusions outweighs those against and thus the principle of the development is supported subject to the 106 contribution.

h) Other Matters

The proposed roof here will contain photovoltaic and thermal solar panels. The panels are proposed to lead to a dwelling being created which will reduce energy consumption by up to 90%. This will accord with both existing and emerging Development Plan policy as well as the approach taken in the NPPF. This therefore supports the proposal.

The proposal as described above is an “infill” plot surrounded by residential property. It is considered that the scale, design and appearance of the proposal are all acceptable and in-keeping with the general residential character of its setting. This therefore supports the proposal.

The neighbouring property of “Chez Nous” is to the south east of the site and has a car port immediately adjoining the common boundary. It is also sited higher than the proposed dwelling. The proposed roof pitch is also hipped away from the boundary. Whilst the proposed dwelling would stand forward of the frontage of Chez Nous, its overall impact is considered not to materially affect the residential amenity of the neighbouring property. The rear dormers will lead to an element of overlooking however the garden to Chez Nous is also overlooked and bordered by other neighbouring properties.

The impact upon the application dwelling house of Homer House should also be considered. The rear elevation will look into the garden area, and the dormers will lead to level of overlooking, however on balance is considered to be acceptable. One side window is proposed however this would serve an en-suite. The rear element of Homer House does have a conservatory with side facing windows, however the separation distance is considered to be acceptable.

When all of these matters are combined, it is considered that the proposal does not impact upon any other neighbouring properties in an unacceptable manner to warrant refusal. Indeed the neighbours have not submitted representations.

A new vehicle access is proposed and two off road parking spaces are to be provided. The Highway Authority has no objection to the proposal subject to standard conditions. The site is close to an existing main road, which is served by bus routes. The access and parking provision are considered to comply with the relevant policies.

The Parish Council raise an ownership issue, but Members will be aware that this is not a material planning consideration. Whilst it is agreed that there have been past refusals for new housing in Corley, this report highlights that the planning policy background is rapidly changing with the introduction of the NPPF, and that until the Core Strategy is finally adopted only limited weight can be attached to its emerging policies.

i) Conclusion

There is nothing in the detailed issues here that would warrant a recommendation of refusal and thus the main question remains one of the principle of the development. As referred to above, the introduction of the NPPF has changed the approach towards new development throughout the country and until such time as the Council’s Core Strategy has at least been examined, its draft policies will carry limited weight and the NPPF will take precedence. This is the case here as explained in the opening paragraphs of this section.

Recommendation

That subject to the completion of a Section 106 Agreement as set out in draft to this report, 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 1291/ LP O; 1291/01 O; 1291 / 02 O and 1291 / 03 O received by the Local Planning Authority on 21 March 2013 and the plans numbered 1291 / 01 A1291 / 05 O and 1291 / 04 O received by the Local Planning Authority on 1 May 2013.

REASON

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

3. No development shall be commenced before samples of the facing materials which includes the facing bricks and roofing tiles to be used 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.

4. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

5. The scheme referred to in Condition No 4 shall be implemented within six calendar months of the date of occupation of the first house approved under reference 2013/0164 for domestic purposes. 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.

6. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

7. No development whatsoever within Class A, B, C, D and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended.

REASON

In the interests of the amenities of the area.

8. The garage which is part of the approved dwelling house hereby permitted shall not be converted or used for any residential purpose other than as domestic garages.

REASON

To ensure adequate on-site parking provision for the approved dwelling and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

9. The development shall not be occupied until the visibility splay looking right (south-easterly) has been provided to the vehicular access to Homer House, passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distance of 25.0 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 the amenities of the area and safety on the public highway.

10. The development shall not be occupied until the visibility splay looking left (north-westerly) has 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' distance of 25.0 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 the amenities of the area and safety on the public highway.

11. The access to the site for vehicles shall not be used unless the public highway footway crossing has been extended by 1.8 metres in a north-westerly direction, laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

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

12. No development shall commence until full details of the provision of the access and car parking area, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. The building shall not be occupied until the area has been laid out in accordance with the approved details. Such area shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be. 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.

REASON

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

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.

3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

4. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies) : Core Policy 2 (Development Distribution), ENV2 (Green Belt), ENV10 (Energy generation and energy conservation) ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design),

ENV14 (Access Design), ENV10 (Energy generation and energy conservation), HSG2 (Affordable Housing), HSG3 (Housing outside Development Boundaries), HSG4 (Densities), TPT3 (Access and sustainable travel and transport), TPT6 (Vehicle Parking).

5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and negotiations. 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.

6. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing. Condition number 11 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant /developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

7. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0164

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/3/2013
2	Warwickshire Police	Consultation response	10/4/2013
3	Corley Parish Council	Email to case officer	10/4/2013
4	Email from case officer	Email to Parish Council	10/4/2013
5	Severn Trent	Consultation response	12/4/2013
6	Case officer	Letter to agent	16/4/2013
7	Neighbour, The Moorlands	Email consultation response	18/4/2013
8	NWBC Forward Planning	Consultation response	24/4/2013
9	Agent	Email to case officer	25/4/2013
10	Case officer	Letter to agent	29/4/2013
11	WCC Highways	Consultation response	26/4/2013
12	Case officer	Letter to agent	29/4/2013
13	Head of Development Control	Email to agent	30/4/2013
14	Agent	Email to Head of Development Control	30/4/2013
15	Head of Development Control	Email to agent	1/5/2013
16	Agent	Email to Head of Development Control	1/5/2013
17	Case officer	Email to agent	1/5/2013
18	Agent	Email to case officer	3/5/2013
19	Agent	Email to case officer	25/4/2013
20	Parish Council	Email to case officer	7/5/2013
21	Case officer	Email to Parish Council	8/5/2013
22	Agent	Email to case officer	10/5/2013
23	Case officer	Email to NWBC land valuer	15/5/2013
24	Agent	Email to case officer	10/5/2013
25	Case officer	Email to agent	15/5/2013
26	Agent	email to case officer	17/5/2013
27	NWBC Land valuer	Email to case officer	21/5/2013
28	Agent	Email to Head of Development Control	21/5/2013
29	Agent	Email to case officer	21/5/2013
30	WCC Highways	Consultation response	24/5/2013
31	Agent	Email to case officer	14/6/2013
31	Case officer	Email to agent	14/6/2013
32	Agent	Email to case officer	17/6/2013
33	Case officer	Email to Council Solicitor	17/6/2013
32	Agent	Email to case officer	17/6/2013

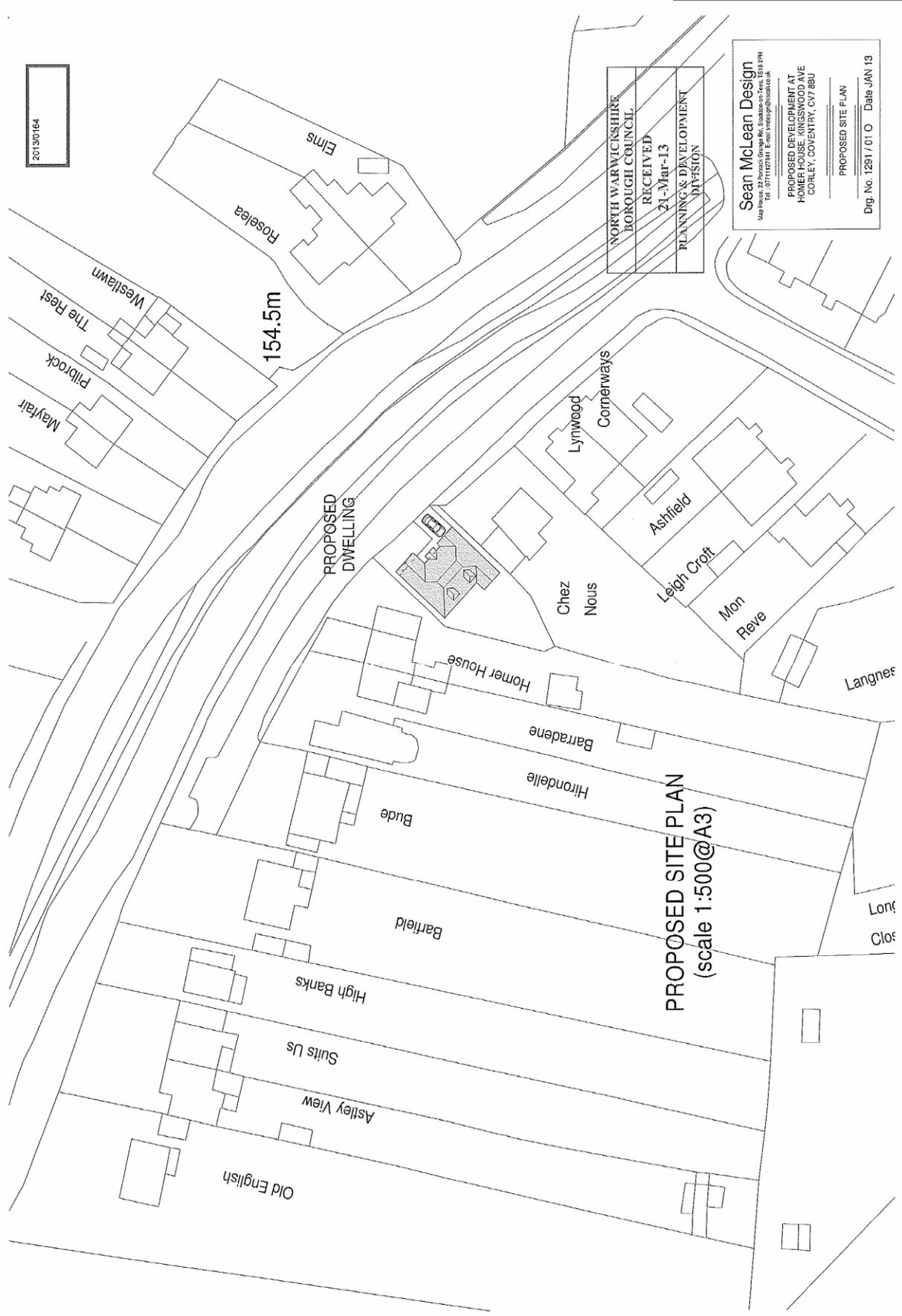
33	Case officer	Email to agent	17/6/2013
31	Council Solicitor	Email to case officer	17/5/2013
32	Case officer	Email to agent	17/5/2013
33	Agent	Email to case officer	17/5/2013
31	Agent	Email to case officer	19/6/2013
32	Case officer	Email to agent	20/6/2013
33	NWBC Environmental Health	Consultation response	26/6/2013

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 1 – PLANS



2013/0164

NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
21-Mar-13
PLANNING & DEVELOPMENT
DIVISION

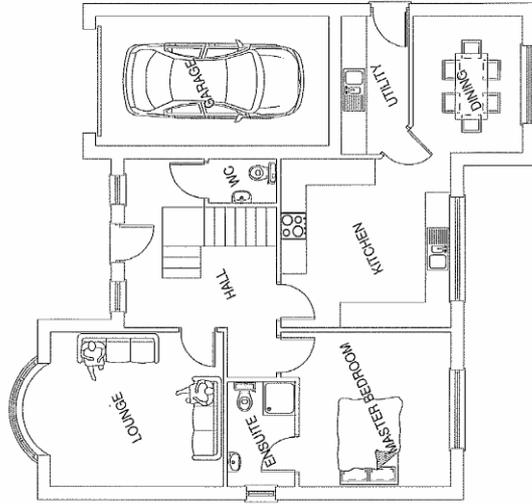
Sean McLean Design
Map House, 22 Pennock Grove Rd., Sackville Park, BS11 8PH
Tel: 01753 112781 E-mail: sean@seanmcleandesign.co.uk
PROPOSED DEVELOPMENT AT
HARRIS CLOSE, WESTLAWN
CORLEY, COVENTRY, CV7 8BU
PROPOSED SITE PLAN
Dwg. No. 1251 / 01 O Date: JAN 13

PROPOSED
DWELLING

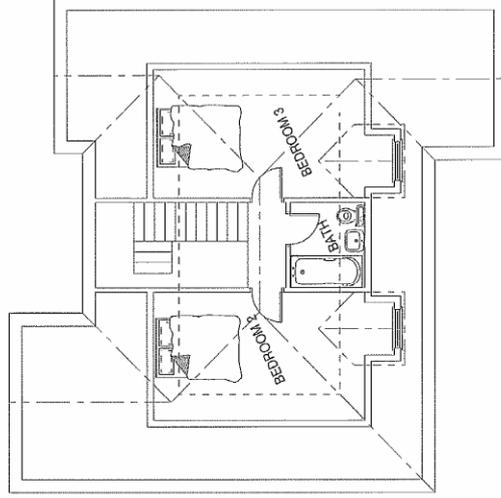
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PROPOSED SITE PLAN
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2013/0164



PROPOSED GROUND FLOOR PLAN
(scale 1:100@A3)



PROPOSED FIRST FLOOR PLAN
(scale 1:100@A3)

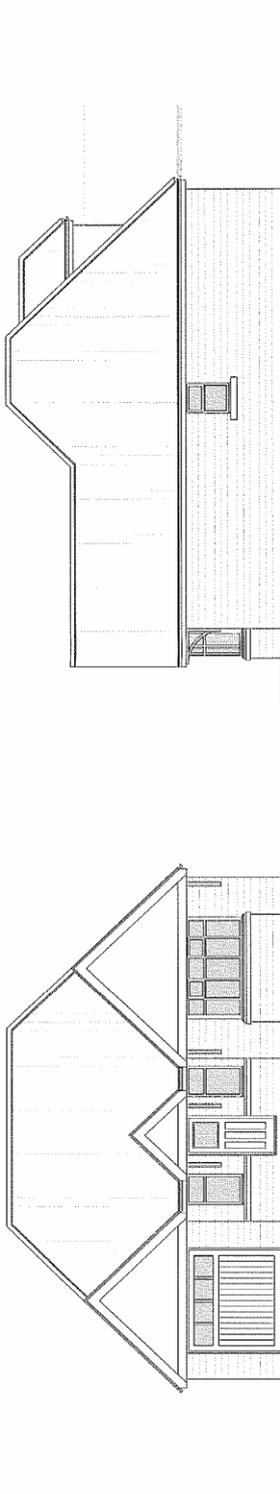
NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 21-Mar-13
PLANNING & DEVELOPMENT DIVISION

Sean McLean Design
 Map Room 22 Pembrooke Grange Rd., Sudborough, Leics, LE18 2PH
 Tel: 01530 811001 E: sean@seanmclean.co.uk

PROPOSED DEVELOPMENT AT
 HOMER HOUSE, KINGSWOOD AVE
 CORLEY, COVENTRY, CV7 8BU

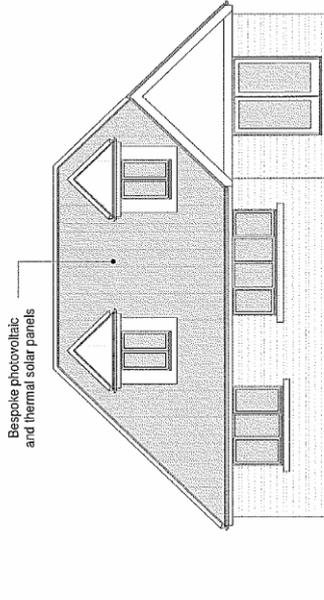
PROPOSED FLOORPLANS
 Drg. No. 1281 / 02 O Date JAN 13

2013/0164

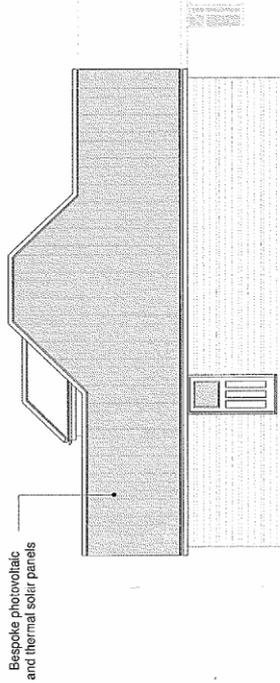


PROPOSED NORTH EAST ELEVATION
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PROPOSED NORTH WEST ELEVATION
(scale 1:100@A3)



PROPOSED SOUTH EAST ELEVATION
(scale 1:100@A3)



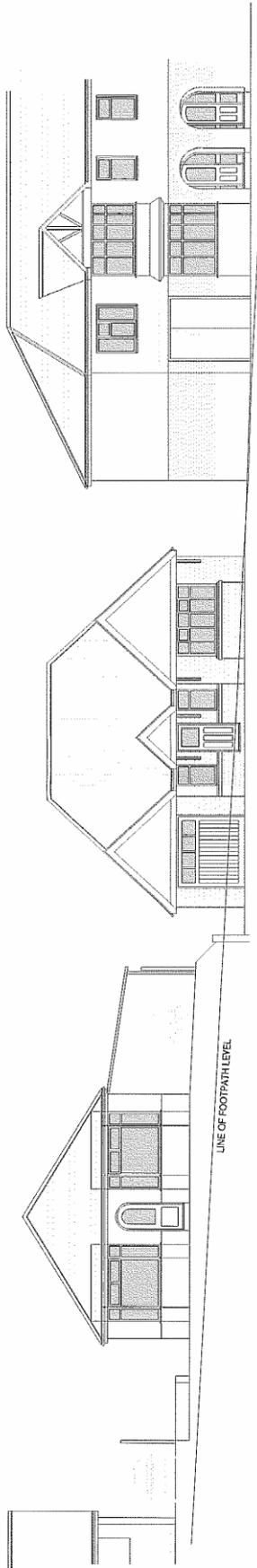
PROPOSED SOUTH WEST ELEVATION
(scale 1:100@A3)

Sean McLean Design
 Registered Architect No. 000000000
 Tel: 0771127261 E: sean.mclean@seandesign.co.uk

PROPOSED DEVELOPMENT AT
 HOMER HOUSE, KINGSWOOD AVE
 CORLEY, COVENTRY, CV7 8BU

PROPOSED ELEVATIONS
 Dwg. No. 1251 / 03 O Date JAN 13

NORTH WARWICKSHIRE
 BOROUGH COUNCIL
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 21-Mar-13
 PLANNING & DEVELOPMENT
 DIVISION



PROPOSED STREET SCENE ELEVATION
 (scale 1:125@A3)

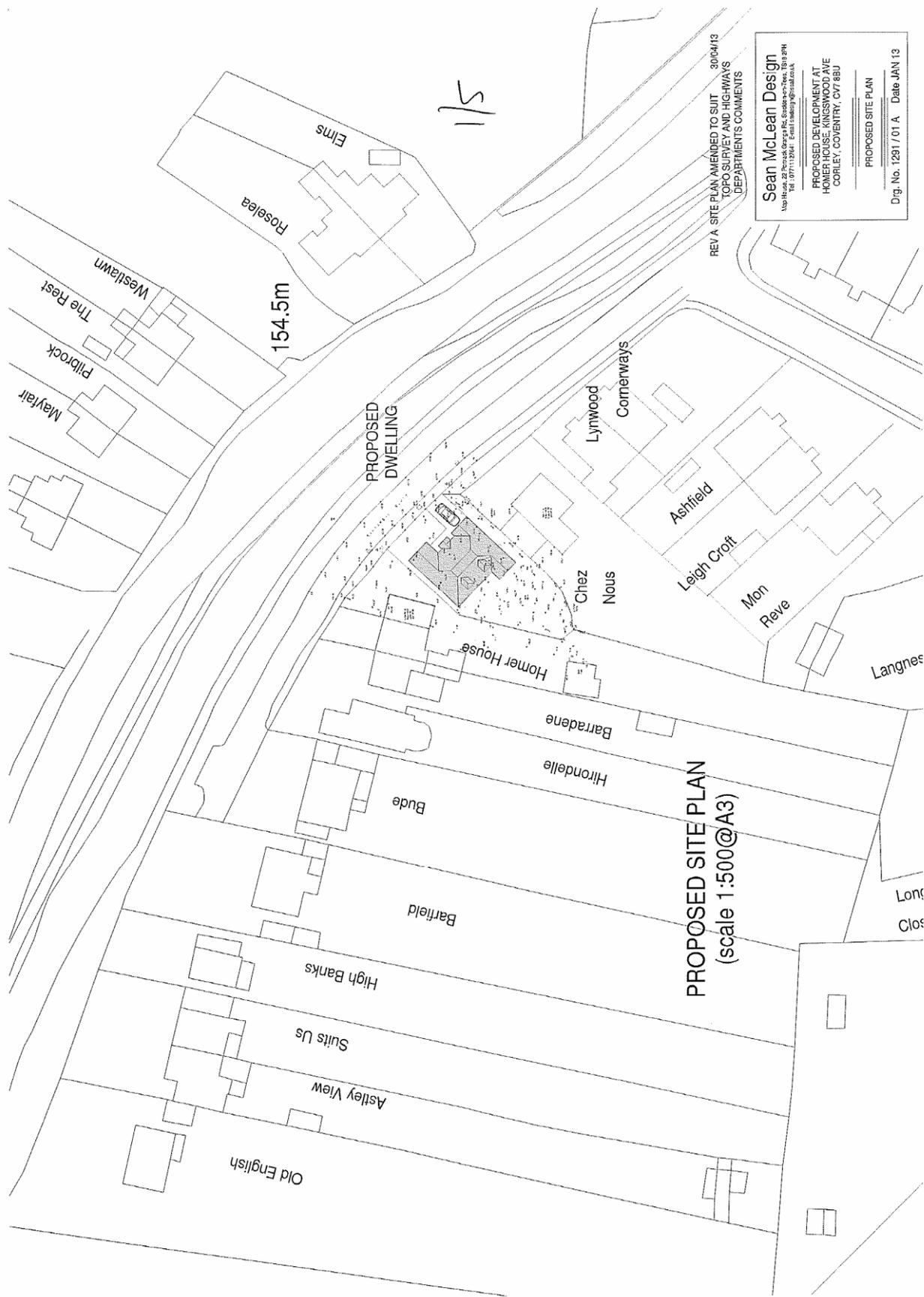
1/5

Sean McLean Design
 Map House, 22 Fennyngate Rd, Shelton-on-Avon, TS9 9PH
 Tel: 01753 824447 Email: sean@seanmclean.co.uk

PROPOSED DEVELOPMENT AT
HOMER HOUSE, KINGSWOOD AVE
CORLEY, COVENTRY, CV7 8BU

PROPOSED STREETSCENE

Dwg. No. 1291 / 04 O Date JAN 13



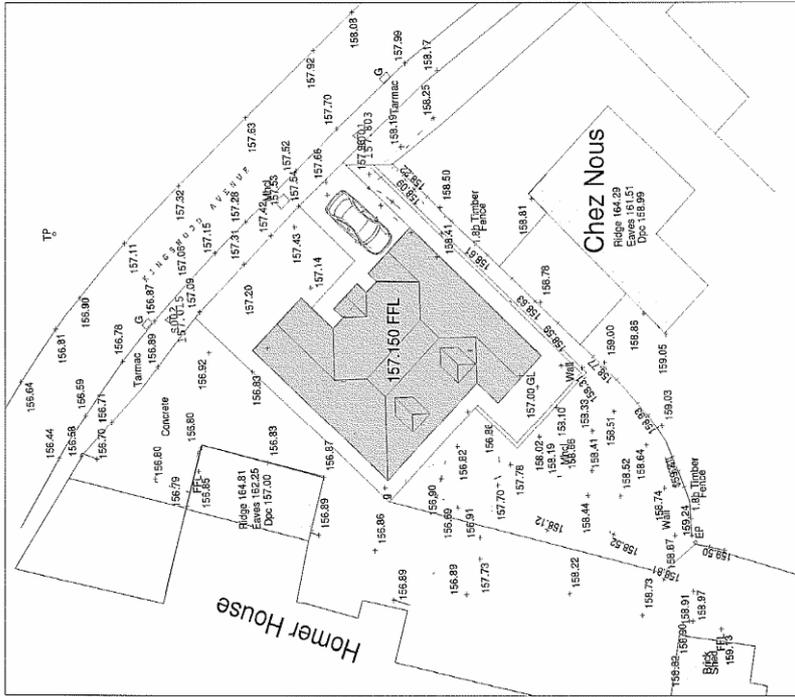
REV A SITE PLAN AMENDED TO SUIT
 TOPO SURVEY AND HIGHWAYS
 DEPARTMENTS COMMENTS
 30/04/13

Sean McLean Design
 150 High Road, 22 Pymouth Gardens, Pk, Soudley, Worcester, WR10 3PH
 Tel: 01905 821111 Fax: 01905 821112
 www.seanmcleandesign.com

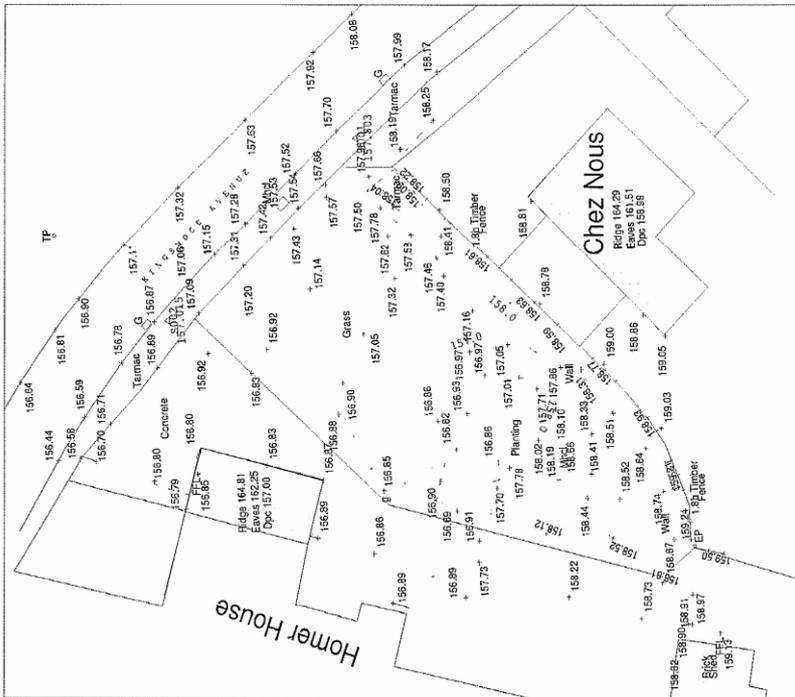
PROPOSED DEVELOPMENT AT
 HOMER HOUSE, KINGSWOOD AVE
 CORLEY, COVENTRY, CV7 8BU

PROPOSED SITE PLAN
 Dwg. No. 1291 / 01 A Date JAN 13

PROPOSED SITE PLAN
 (scale 1:500@A3)



ENLARGED PROPOSED SITE PLAN
(scale 1:250@A3)



ENLARGED EXISTING SITE PLAN
(scale 1:250@A3)

Sean McLean Design
 Map House, 22 Foyard George Rd., Souderton, Pa., 17199-2518
 Tel.: 717-251-1041 Email: sean@seanmcleandesign.com

PROPOSED DEVELOPMENT AT
HOMER HOUSE, KINGSWOOD AVE
 COVINGTON, COVINGTON, 01788U

PROPOSED LEVELS

Dwg. No. 1291/05 O Date JAN 13

APPENDIX 2 - PHOTOGRAPHS



APPENDIX 3 – Draft Legal Agreement

THIS UNILATERAL UNDERTAKING is given on the XX day of April 2013.

BY	Name of Person signing
	Mrs. Margaret Mayne.

of	Address of company signing
	Homer House, Kingswood Avenue, Corley, CV7 8BU.

(hereinafter called “the Owner”)

TO THE COUNCIL OF THE BOROUGH OF NORTH WARWICKSHIRE (hereinafter called “the Council”) **WHEREAS**

(1) The Owner holds an interest as described in the Schedule hereto in the Land (hereinafter called “the Land”)

(2) The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 as amended for the District in which the land is situated

(3) By a Planning Application Reference Number PAP/2013/016 (“the Planning Application”) the Owner has applied to the Council for permission to carry out the erection of a 3 bed eco bungalow and integrated garage (“the Development”)

(4) The Owner is willing to enter into this Unilateral Undertaking to the Council to make provisions for regulating the development and securing the matters hereinafter referred to

(5) “Planning obligation” shall have the meaning assigned to it in Section 106 of the 1990 Act

NOW THIS DEED WITNESSETH

1. **THIS** Deed is made in pursuance to Section 106 of the Town and Country Planning Act 1990 and every other power thereunto enabling

2. **THIS** Deed is a local land charge and shall be registered as such

3. **THIS** Deed is conditional and shall only take effect upon the grant of Planning Permission pursuant to the Planning Application

4. **THE** Owner for himself/itself and his/its successors in title to the Land as a Planning Obligation hereby covenants as follows

4.1 **ON** the signing of this Deed the Owner shall pay to the Council their reasonable costs incurred in any preparation, execution or consideration of this Agreement.

4.2 Prior to the commencement of any Development within the meaning of Section 56(4) of the Town and Country Planning Act 1990, the Owner shall pay to the Council the total sum of £7,000 (Seven Thousand Pounds Sterling). This sum is to be applied by the Council for the purposes of the provision of locally affordable housing. Development (“the Commuted Sum”).

4.3 The Owner will not commence Development until the payments referred to in clauses 4.1 & 4.2 above have been made and acknowledged in writing by the Council.

4.4 The Owner accepts that the Council is entitled to allocate the Commuted Sum to any site complying with the criteria of Policy NW5 of the North Warwickshire Core Strategy submission version February 2013.

4.5 In the event that the sum detailed in clause 4.2 above (or any part thereof) shall not have been expended within the period of 5 years from the date of payment the Council shall repay the money (or any part thereof remaining) to the payer.

IN WITNESS whereof the Owner has executed this Deed the day and year first before written

EXECUTED as a DEED by the Owner	Signature
In the presence of:	Print Name

Witness (Signature)	
Print Name	
Address	

THE FIRST SCHEDULE
The Owner's Interest

A freehold interest in the Land

THE SECOND SCHEDULE (above referred to)
The Land

ALL THAT Land situate to the south east of Homer House, Kingswood Avenue, Corley, CV7 8BU.

In the Borough of North Warwickshire and is shown for the purpose of identification only on the plan annexed hereto ("the plan") and thereon edged red.

(4) Application No: PAP/2013/0234

101 Knowle Hill, Hurley, Atherstone, CV9 2JB

Conversion of existing dwelling into two properties, for

Mr Rodney Ball

Introduction

The application is brought before the Planning and Development Board as a Legal Agreement has been provided as part of the application.

The Site

The site lies within the Hurley development boundary being on the corner of Knowle Hill and Bridge Street. The vehicle access and parking area is off Bridge Street. The land opposite the site is in the Green Belt.

The Proposal

The proposed is to divide the existing dwelling house into two dwellings. Each dwelling would contain three bedrooms. The garden area would also be divided and would contain a shared parking area for four vehicles together with a bin storage area. The existing vehicle access off Bridge Street would be used. To the front, a new boundary wall is proposed so as to divide the front garden. One of the new dwellings would also have a new porch.

The proposed layout, elevations and site plan can be viewed in Appendix 1 and relevant photographs can be viewed in Appendix 2.

A legal agreement is also submitted as part of the application in order to provide a contribution to off-site affordable housing in lieu of on site provision - £1730. The draft can be seen in Appendix 3.

Background

In 2003 planning permission was granted for a two storey side extension and conservatory.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution); ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: - National Planning Policy Framework 2012

NWBC Core Strategy Submission Version 2013 – NW3 (Housing Development), NW5 (Affordable Housing), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency) and NW10 Quality of Development).

NWBC Site Allocation Plan – Preferred Options February 2013

Consultations and Representations

Warwickshire County Council as Highway Authority – No objection subject to standard conditions and notes.

The Council's Valuation Officer – The values appear to be appropriate.

The Council's Environmental Health Officer– No comments

Observations

The determination of this application rests on balancing the relevant policies of the Local Plan with our emerging Core Strategy which is based on the NPPF. The Local Plan now carries less weight with the publication of the NPPF.

a) Development Plan - New Housing

The proposal for an additional dwelling in Hurley does accord with saved Core Policy 2 of the Local Plan. However saved policy HGS2 would only allow this to be an affordable house. The current proposal is not and therefore the starting position is the presumption that the application should be refused.

However there is now an emerging Development Plan and the proposal needs to be assessed against those emerging policies to see if this initial conclusion is repeated.

b) The Emerging Development Plan – New Housing

In terms of the emerging policies for new housing then the proposal would accord with policy NW1 of the Submitted Core Strategy, Hurley being a named settlement for new housing. Moreover Policy NW4 goes further by saying that Hurley should provide 30 new dwellings. Emerging policy NW5 says that 40% of all new housing should be affordable, and introduces far more flexibility into the delivery of that affordable housing, subject to viability testing, including an overall target rather than one required for each housing site and explicitly recognising the use of off-site contributions in lieu of on-site provision. It is considered that in terms of weighing up the proposal against emerging policy, that whilst the additional house being proposed here is not an affordable unit, there is the opportunity here to request an off-site contribution in lieu, if the financial appraisal indicates that this would be viable. It is considered that as the requirement for affordable housing is set at a high proportion of all housing in the Borough; that there are known housing needs in the Hurley area, that new housing is proposed for Hurley, and that the offer of the contribution is an overall public benefit which would assist in meeting that need, then this proposal can be supported under emerging policy.

c) The Principle of the Development

It is now necessary to draw together all the above. The Development Plan would support the principle of a new dwelling here, but only if it was an affordable unit, whereas the emerging Plan would support the principle of this new house provided it was accompanied by the off-site contribution.

Here it is agreed that it is very unlikely that the new unit would be an affordable dwelling under the Council's definitions. There has been no interest by any of the Council's Preferred Partners and the Housing Officer agrees that the better solution would be to agree the contribution however small. As a consequence, given the offer and verification that this is a reasonable figure based on this particular case, then the development can be supported.

d) Other Matters

The proposal will not lead to any additional footprint being created, given the division of an existing dwelling house. The only change to the external appearance will be a new porch and the extension of the existing front boundary wall.

The existing single dwelling has an existing rear balcony, which will form the new 101 Knowle Hill, and this is proposed to be retained. It will lead to overlooking into the shared garden area of the new adjoining property. However this is an existing situation too and on balance whilst not ideal, it is acceptable. The neighbouring property of 99 Knowle Hill is not considered to be affected by the proposal in that no new principal windows are proposed to the rear elevation - only new rear bathroom window is proposed. The rear parking will lead to additional noise in the garden area, however a vehicle access point already exists and more cars could be parked here even if the house was to remain as now. Overall, the impacts of the proposed sub-division are not considered to materially affect the residential amenity of neighbouring property.

The Highway Authority has no objection to the proposal subject to standard conditions. The site is close to an existing main road, which is served by bus routes. The access and parking provision are considered to comply with the relevant policies.

There is nothing in the detailed issues here that would warrant a recommendation of refusal for this new dwelling in Hurley.

Recommendation

That subject to completion of a Section 106 Agreement in line with the draft attached to this report, 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 proposed plan, block plan and site location plan received by the Local Planning Authority on 3 May 2013.

REASON

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

3. The facing bricks used shall be of the same type, texture and colour as those on the existing building.

REASON

In the interests of the amenities of the area and the building concerned.

4. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner, unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To protect the privacy of the occupiers of adjoining properties.

5. Notwithstanding the plans submitted no development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be. 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.

REASON

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

6. Access for vehicles to the site from the public highway (Bridge Street D337) shall not be made other than at the position identified on the approved drawing, providing an access no less than 4.0 metres in width. Gates located within the vehicular access to the site shall be hung so as to open into the site only.

REASON

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

7. The new first floor bathroom window to 101 Knowle Hill as set out on the proposed plan to the north facing elevation and the existing en suite north facing and bathroom window to the western facing elevation on 101a Knowle Hill shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.

8. As per the proposed plan and the block plan as submitted on 3 May 2013, there shall be four parking spaces, of which two shall be set out for each dwelling. These car parking spaces shall then be maintained for such use at all times.

REASON

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

9. No development whatsoever within Class A, B, C and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site.

REASON

In the interests of the amenities of the area.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.

3. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies) : Core Policy 2 (Development Distribution), ENV10 (Energy generation and energy conservation) ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT3 (Access and sustainable travel and transport), TPT6 (Vehicle Parking).

Other Relevant Material Considerations

Government Advice: - National Planning Policy Framework 2012
NWBC Core Strategy Submission Version 2013

Supplementary Planning Guidance: - The Council's SPG - A Guide for the Design of Householder Developments - Adopted September 2003

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. 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.

6. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing. During the site visit it was pointed out to the builders that the proposed parking and turning area was not big enough. Each parking space should be a minimum of 2.4 metres x 4.8 metres. And, the distance behind each space needs to be 6.0 metres. The vehicular to the site needs to be surfaced with a bound surface for a distance of 5.0 metres, as measured from the near edge of the public highway footway.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0234

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3/5/13
2	Agent	Additional information	29/5/13
3	Case officer	Letter to agent	6/6/13
4	Case officer	File note	14/6/13
5	Case officer	Letter to agent	17/6/13
6	Valuation officer	Email to case officer	13/6/13
7	Case officer	Email to Council Solicitor	18/6/13
8	WCC Highways	Consultation Response	20/6/13
9	Council Solicitor	Email to case officer	24/6/13
10	Case officer	Email to valuation officer	27/6/13
11	Case officer	Email to Council Solicitor	27/6/13

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.

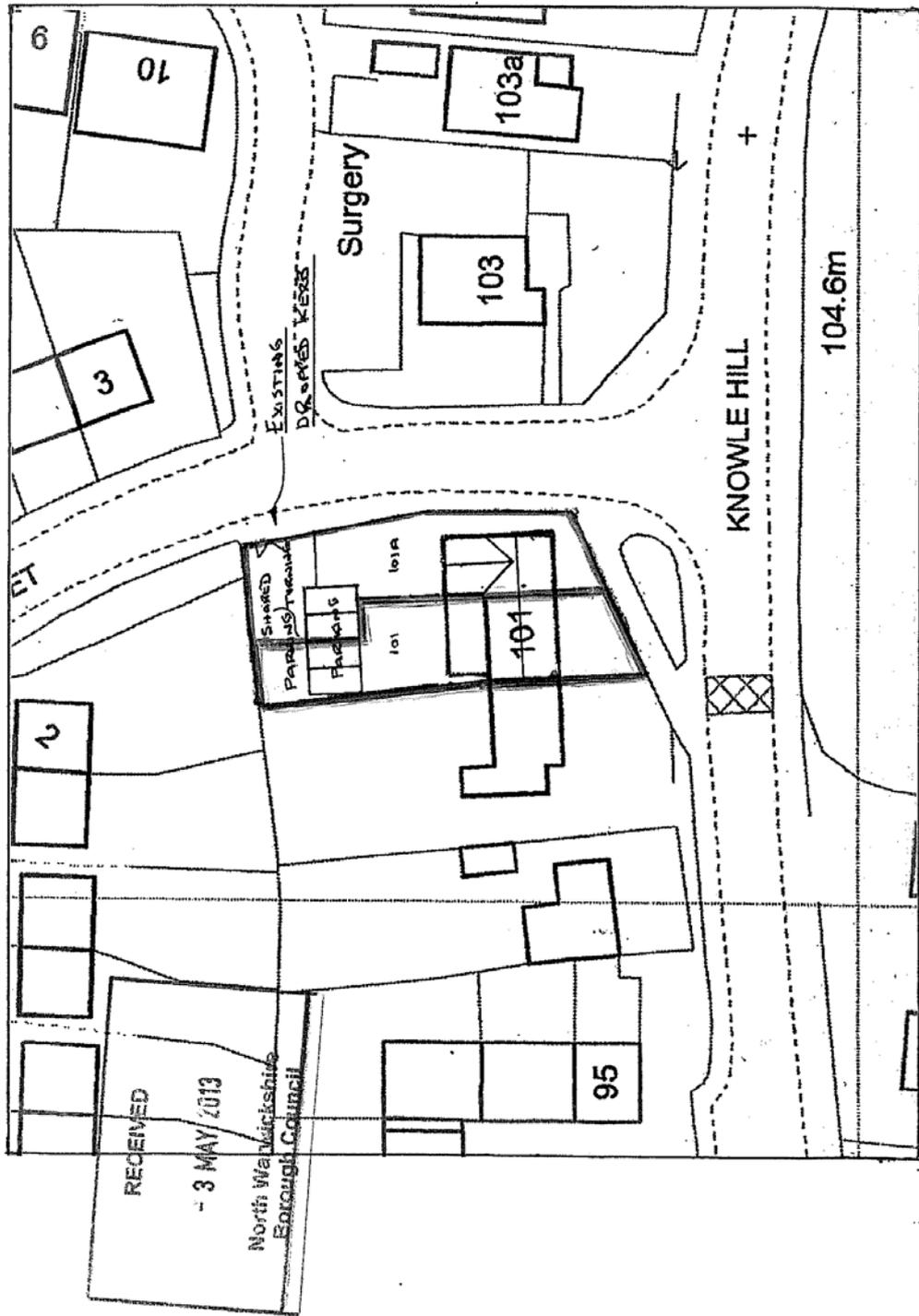
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

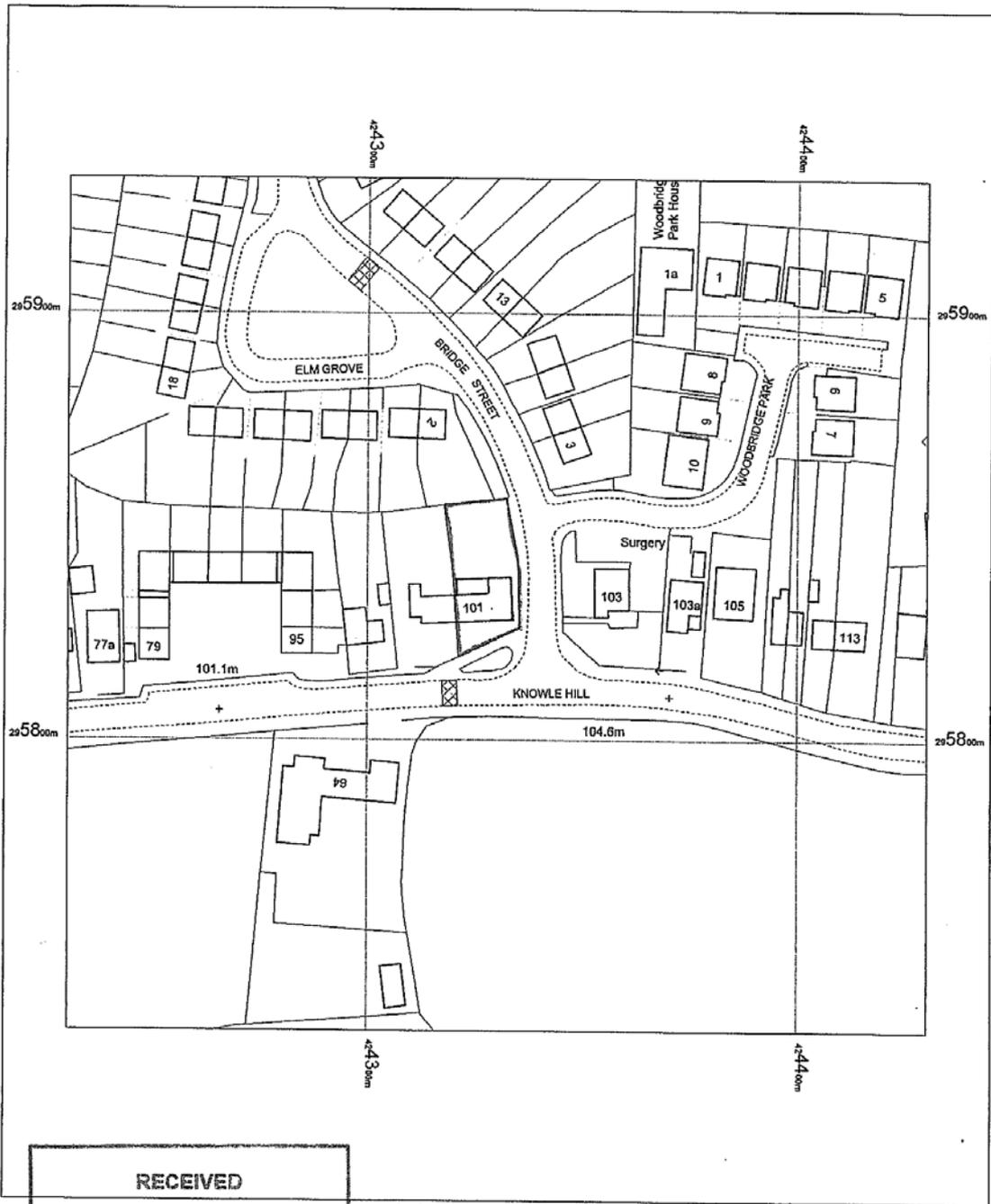


2013 / 0234

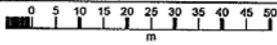
Block Plan

Scale 1:100





RECEIVED
 3 MAY 2013
 North Warwickshire
 Borough Council



OS Mastermap
 25 February 2013, ID: CM-00210417
 www.centremapslive.co.uk
 1:1250 scale print at A4, Centre: 424330 E, 295832 N
 ©Crown Copyright. Licence no. 100019980

Mapping sourced from
 Ordnance Survey
 CENTREMAPSlive®
 www.centremapslive.co.uk

APPENDIX 2 – PHOTOGRAPHS



APPENDIX 3 – DRAFT LEGAL AGREEMENT

DATED

2013

NORTH WARWICKSHIRE BOROUGH COUNCIL (1)

and

RODNEY BALL (2)

PLANNING OBLIGATION BY DEED

Made pursuant to Section 106 of the Town and
Country Planning Act 1990, Section 111 of the
Local Government Act 1972

Relating to

Land at 101 Knowle Hill, Hurley Warwickshire

THIS DEED is dated 2013 and made between:-

1. NORTH WARWICKSHIRE BOROUGH COUNCIL of The Council House South Street Atherstone Warwickshire CV9 1DE (the "Borough Council") and
2. RODNEY BALL of 101 Knowle Hill, Hurley, Warwickshire ("the Owner")

NOW THIS DEED WITNESSES AS FOLLOWS:

WHEREAS

RECITALS

- 1 The Borough Council is the Local Planning Authority for the purposes of section 106 of the 1990 Act and for the purposes of this Deed for the area within which the Site is situated and by whom the obligations contained in this Deed are enforceable
- 2 The Owner is the freehold owner of the Site
- 3 The Owner has by the Application applied to the Borough Council for permission to develop the Site in the manner and for the uses set out in the Application and in the plans specifications and particulars deposited with the Borough Council and forming part of the Application
- 4 The Borough Council has decided to grant Planning Permission for the Development in accordance with the Application subject to the making of this Deed without which planning permission for the Development would not have been granted
- 5 The Borough Council is of the opinion that in the event of the Site being developed in accordance with the Permission the off Site Affordable Housing Contribution should be provided for as hereinafter mentioned
- 6 The Borough Council and the Owner agree to enter into this Deed to bind that part of the Site which benefits from the Permission

1 **INTERPRETATION**

- 1.1 In this Deed unless the context otherwise requires

"Affordable Housing"	means housing of a kind which (having regard to its rent or other consideration) is suitable for occupation by people who are in need of such housing because of their limited means and who are unable to access private rented/owner occupier accommodation on the open market at a cost low enough for them to afford determined with regard to local incomes and local house prices
"Application"	means the application for planning permission PAP/2013/0234 for the Conversion of the existing

	dwelling into two dwellings
“Commencement of Development”	means the carrying out of the first material operation (as defined in Section 56 of the 1990 Act) on the Site in connection with the Development other than operations consisting of demolition, site clearance surveying pegging out, tree protection testing and sampling (including soil testing) demolition work archaeological investigations, investigations for the purpose of assessing the ground conditions remedial work in respect of any contamination or other adverse ground conditions erection of any temporary means of enclosure the temporary display of site notices or advertisements laying and diversion of services and service media and works to or in respect of statutory utilities equipment construction of temporary accesses erecting contractors’ compounds and cognate expressions shall be construed accordingly
“Development”	means the development of the Site for the purposes described in the Application to be carried out pursuant to the Permission
“Dwelling”	means the two dwellings permitted by the Permission
“Off Site Affordable Housing Contribution”	means £1730.00 (one thousand seven hundred and thirty pounds)
“Permission”	means the planning permission to be granted pursuant to the Application
“Site”	means the land at 101 Knowle Hill, Hurley, Warwickshire shown edged red on the Site Plan
“Site Plan”	the plan attached to this Deed Appendix A and marked ‘Site Plan’
“the 1990 Act”	means the Town and Country Planning Act 1990 (as amended)

1.2 Where the context so requires:

- (a) The singular includes the plural
- (b) References to any party shall include the successors in title of that party
- (c) Where a party includes more than one person any obligations of that party shall be joint and several only where expressly stated to be so
- (d) References to clauses and schedules are references to clauses and schedules in this Deed

- (e) Save as otherwise provided in this Deed any approval in writing or consent to be given by the Borough Council or the County Council under this Deed shall not be unreasonably withheld or delayed
- (f) Any reference to an Act of Parliament shall include any statutory modification extension or re-enactment of that Act for the time being in force
- (g) Words importing gender shall include the masculine, feminine and neuter genders
- (h) Words importing persons shall include firms, companies and corporations and vice versa
- (i) "including" means "including, without limitation"

2 LEGAL EFFECT

- 2.1 This Deed is made pursuant to Section 106 of the 1990 Act and Sections 111 120 and 139 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 to the intent that it shall bind the Owner and the Leasholder and their successor in title to each and every part of the Site and their assigns
- 2.2 The obligations in the Schedules are conditional upon
 - (a) the grant of the Permission; and
 - (b) the Commencement of Development
- 2.3 If the Permission expires within the meaning of the 1990 Act Section 91 or 92 or 93 or is revoked or otherwise withdrawn this Deed shall cease to have effect
- 2.4 Nothing in this Deed shall be construed as prohibiting or limiting any right to develop any part of the Site in accordance with a planning permission granted by the Borough Council or by the Secretary of State on appeal or reference to him after the date of this Deed other than in respect of the Application
- 2.5 The obligations in clause 3.1 hereof are planning obligations for the purposes of Section 106 of the 1990 Act and shall be enforceable by the Borough Council
- 2.6 This Deed is a local land charge and shall be registered as such by the Borough Council upon its completion
- 2.7 For the avoidance of doubt none of the provisions of the Contracts (Rights of Third Parties) Act 1999 shall apply to this Deed
- 2.8 No person shall be liable for any breach of this Deed after they shall have parted with their entire interest in the Site or that part of the Site in respect of which such breach occurs but without prejudice to liability for any subsisting breach arising prior to parting with such interest

3 COVENANTS

3.1 The Owner covenants with the Borough Council to comply with the following covenants:

- (a) to pay the Off Site Affordable Housing Contribution to the Borough Council prior to the substantial division of the Dwellings permitted by the Permission.
- (b) not to allow the Dwellings to be occupied until the Off Site Affordable Housing Contribution has been paid to the Borough Council
- (c) to pay a contribution towards the Borough Council's reasonable legal costs on completion of this Deed, that contribution being limited to £800

3.2 The Borough Council covenants with the Owner as follows

- (a) the Borough Council will issue the Permission within 5 Working Days of the completion of this Deed
- (b) the Borough Council agrees to apply the Off Site Affordable Housing Contribution toward the provision of Off Site Affordable Housing

4 ARBITRATION

Without prejudice to the rights of the Borough Council to enforce any relevant provision of this Deed under Section 106(5) of the 1990 Act any dispute or difference arising between the parties with regard to their respective rights and obligations as to any matter or thing in any way arising out of or connected with this Deed shall except as otherwise expressly provided be referred to the decision of a single arbitrator to be agreed by the parties or failing Deed between them to be nominated by the President for the time being of the Royal Institution of Chartered Surveyors on the application of either party and the costs of the arbitration shall be in the award of the arbitrator whose decision shall be final and binding on the parties hereto with the further provision that if the arbitrator shall die or decline to act the President for the time being of the Royal Institution of Chartered Surveyors or the person acting on his behalf may on the application of either party by writing discharge the arbitrator and appoint another in his place and any such reference to the President of the Royal Institution of Chartered Surveyors shall be deemed to be a submission to arbitration within the meaning of the Arbitration Acts 1950 to 1996 or any statutory modification or re-enactment for the time being in force

5 THE BOROUGH COUNCIL'S DISCRETION

Without prejudice to the obligations of the Borough Council as local planning authorities in this Deed nothing herein contained shall prejudice or affect its rights powers duties and obligations in the exercise of its functions as local authority and all such rights powers duties and obligations under all public or private statute bye-laws orders regulations and otherwise may be as fully and effectually exercised in relation to the Development

and any other subject matter of this Deed as if this Deed had not been executed by the Borough Council as local planning authority

6 DISCHARGE OF OBLIGATIONS

The Borough Council shall upon the written request of the Owner at any time after all of the covenants and obligations contained in this Deed have been fully discharged or performed issue written confirmation to that effect

IN WITNESS whereof the parties have sealed this planning obligation by Deed as a Deed on the date first above written

(5) Application No: PAP/2013/0261

Unit 8, Innage Park, Abeles Way, Holly Lane Ind Est, Atherstone, CV9 2QX

Change of use to cafe, for

Miss Michelle Warren - Snackbox Cafe

Introduction

The application is brought before the Planning and Development Board as the Council owns the building.

The Site

Unit 8 is a small unit located on the Innage Park development situated off Abeles Way. The area is designated as an industrial area in the North Warwickshire Local Plan 2006.

The site lies wholly within the Industrial Estate of Holly Lane and is within a courtyard development of small scale low level buildings. To the rear of the site is the TNT depot. Access is off Abeles Way, and to the frontage are two parking spaces with additional shared parking spaces within the estate.

The Proposal

The proposal is for a change of use to a café, with no external changes proposed; the existing doors being retained and the building adapted internally. The cooking equipment will be a small fryer and hot plate which will need an extractor fan inserted in the wall.

The café is aimed at serving workers on the industrial estate and also for lorry drivers and therefore the food that is sold will be consumed both on and off the premises. The café will provide soft drinks, hot drinks, a full English breakfast and hot/cold sandwiches. The proposed opening hours are between 7am–2pm Monday to Saturday. The applicant considers that 90% of the custom will be takeaway orders, and parking will be limited to 5 minutes at the front of the building.

A plan of the layout can be viewed in Appendix 1 and photographs of the building can be viewed in Appendix 2.

Background

Unit 8 was originally part of Phase 1 of the Innage Park development, but has been vacant from July 2009. In 2013 the neighbouring unit at 8a was granted planning permission to have its use changed to be an emergency ambulance station.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) - Core Policy 2 (Development Distribution), ECON1 (Industrial Sites); ENV11 (Neighbour Amenities), ENV14 (Access Design) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

The National Planning Policy Framework 2012

Consultations

The Council's Environmental Health Officer – No objection subject to details of the extraction arrangements being agreed.

Observations

The site lies within the Holly Lane Industrial Estate. Saved Policy ECON1 applies to this area and states that within the industrial areas listed, planning permission will be granted for B2 and B8 uses and for B1 uses excluding B1 (a) (Offices) Uses unless they are ancillary to a B2 or B8 Use.

Unit 8 is a very small unit comprising of approximately 60 square metres of floor space. It would be permitted development for this unit to change between the Use Classes of B1 or B8. However, the use being applied for is an A3 (Café and Restaurant) use class. Hence the use is not one supported by the Development Plan. However the National Planning Policy Framework does state at paragraph 22 that, "where there is no reasonable prospect of a site being used for its allocated employment uses, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

Unit 8 has been vacant for some time, and it is understood that units of this size are more difficult to let in view of their small size. Therefore bringing a new tenant into this vacant unit should be encouraged. For instance, the neighbouring unit of 8a was recently approved to be used as an emergency ambulance station.

There is as a matter of fact a lot of on street parking along Abeles Way but the café is aimed at existing workers, so additional traffic is expected to be limited. Additionally the opening hours can be restricted to control the use.

Whilst this change of use is contrary to Saved Policy ECON1 in that it involves a use not covered by the Industrial Uses permitted on Industrial Estates such as Abeles Way, it is considered that given the recent NPPF guidance and the limited extent of any impacts here that this change of use can be supported subject to conditions restricting its scale.

Recommendation

That the application 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 block plan, site location plan, proposed layout plan received by the local Planning Authority on 25 January 2013.

REASON

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

3. The restaurant hereby approved shall not be open for business other than between the hours of 0700 and 1400 on Mondays to Saturdays (inclusive) with no opening at all on Sundays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

4. For the avoidance of doubt the use of the building is for a use within Use Classes A3 and A5 as defined by the Use Classes Order 1987 as amended and for no other purpose whatsoever.

REASON

In the interests of the amenities of the area.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at:
www.communities.gov.uk/publications/planningandbuilding/partywall.

3. This development may be affected by the provisions of Food Safety, Health and Safety and/or Licensing Legislation. You are advised to consult the Regulatory Division, Old Bank House, 129 Long Street, Atherstone - Tel No 01827 715341 or email foodsafety@northwarks.gov.uk.

4. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies):ECON5 - Facilities relating to Settlement Hierarchy; ENV11 - Neighbour Amenities, ENV12 - Urban Design; ENV13 - Building Design, ENV14 - Access Design; TPT6 - Vehicle Parking; TPT3 Access and sustainable travel and transport; Core Policy 2 - Development Distribution

Other Relevant Material Considerations:

NWBC Core Strategy Proposed Submission November 2012
Water Orton SPG 2003

Government Advice : National Planning Policy Framework 2012

5. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.

6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through discussions seeking to resolve planning objections and issues. 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.

7. It is advised that from an Environmental Health consideration that the toilet door opens into the area between the existing doors and the new internal shop front inside the building. The extractor fan shall only go out on the side wall facing towards Unit 8a. If an additional extractor fan(s) are required you should consult the Councils Planning Team and Environmental Health Team, for further advice. The cooking equipment and food preparation should be done in accordance with Environmental Health legislation. You are advised that the toilet should contain a window that opens. If the window does not open then a mechanical extraction fan should be installed.

BACKGROUND PAPERS

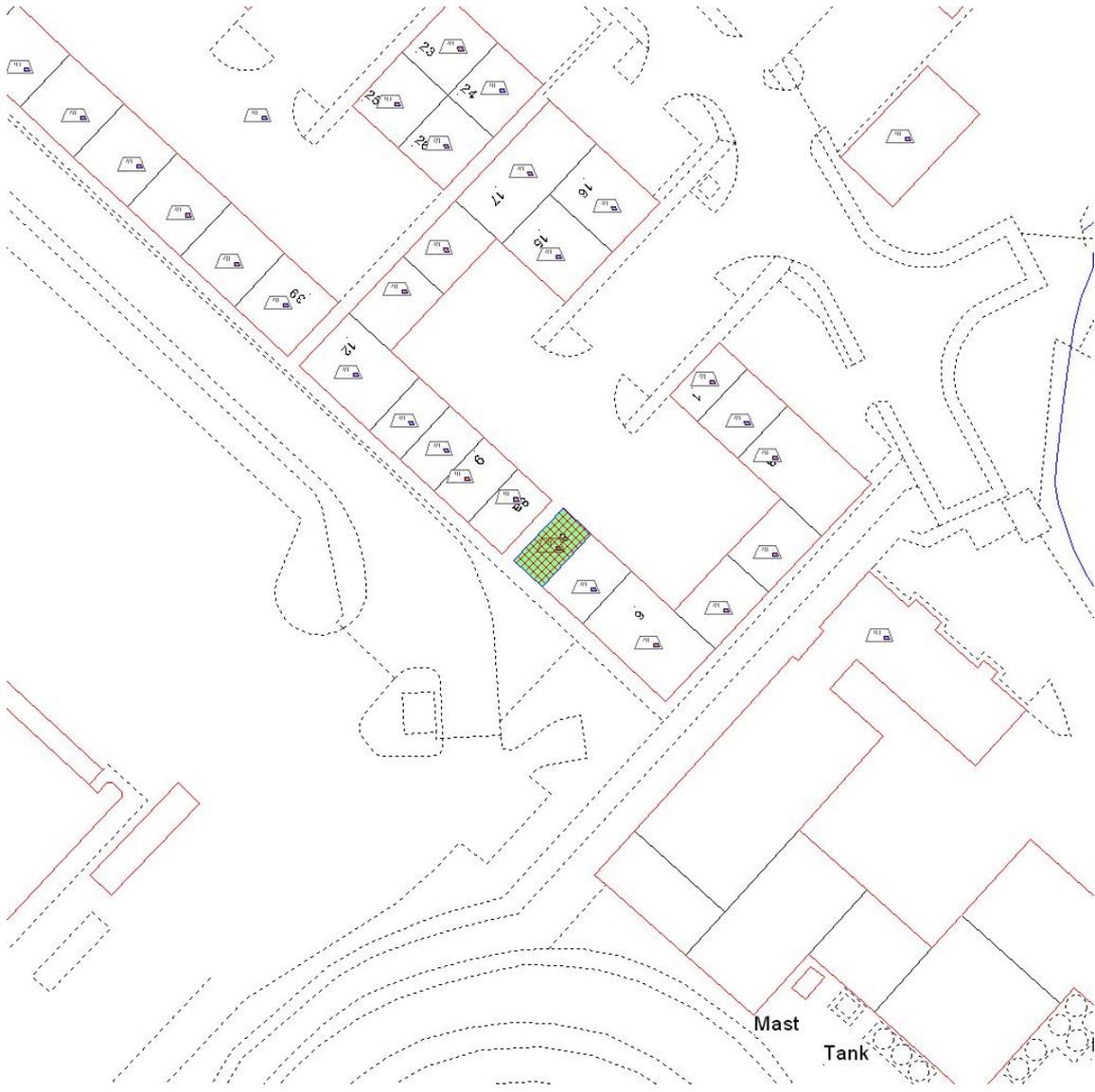
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0261

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/6/13
2	Case officer	Email to NWBC Legal Services	19/6/13
3	NWBC Legal Services	Email to case officer	19/6/13
4	Case officer	Letter / Email to applicant	19/6/13
5	Applicant	Email to case officer	19/6/13
6	NWBC Environmental Health	Consultation response	24/6/13
7	Case officer	Email to NWBC Environmental Health	24/6/13
8	Applicant	Email to Case officer	25/6/13
9	Case officer	Email to NWBC Environmental Health	25/6/13
10	NWBC Environmental Health	Email to case officer	1/7/13
11	Case officer	Email to NWBC Environmental Health	1/7/13
12	NWBC Environmental Health	Email to case officer	1/7/13
13	Case officer	Email to NWBC Environmental Health	1/7/13
14	NWBC Environmental Health	Email to case officer	1/7/13

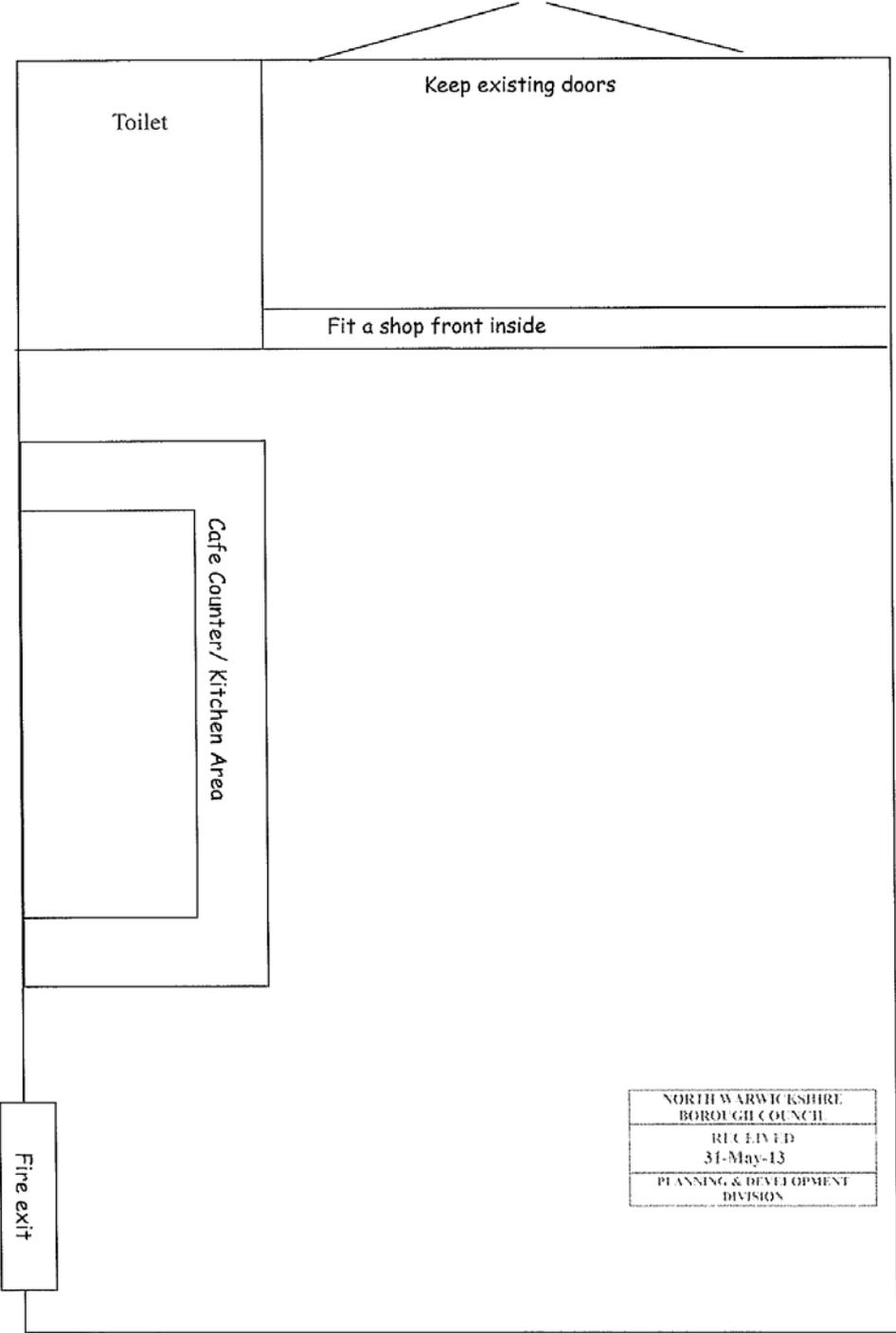
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

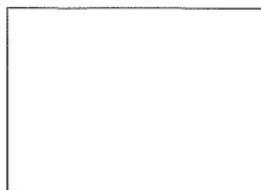
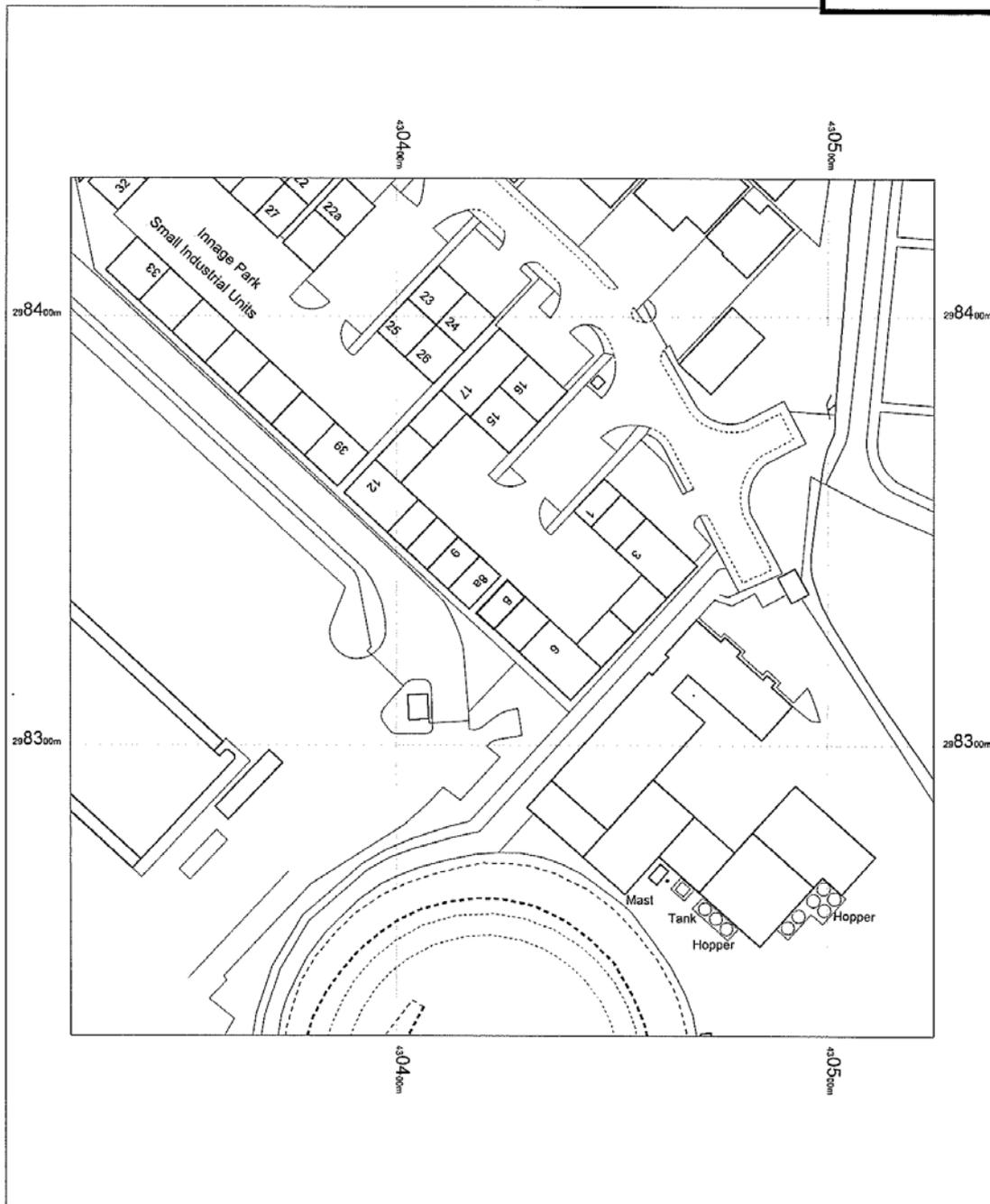
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



Unit 8 floor plan

2013/0261





OS Mastermap
 23 May 2013, ID: BLJT-00231676
 www.planningapplicationmaps.co.uk
 1:1250 scale print at A4, Centre: 430425 E, 298332 N
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NORTH WARWICKSHIRE
 BOROUGH COUNCIL
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 31-May-13
 PLANNING & DEVELOPMENT
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APPENDIX 2 – PHOTOGRAPHS



(6) Application No: PAP/2013/0278

Moto Service Station, M42 Motorway Services Area, Green Lane, Dordon, B77 5PS

Erection of a single wind turbine up to 67m tip height and associated works, for

Mr Tony Raven - Moto Hospitality Ltd

Introduction

This application is reported for information only at this time. The report will describe the proposal and its location as well as referring to supporting documentation submitted with it. An outline of the relevant Development Plan policies will also be set out.

Members will be aware that following this Council's refusal of planning permission for a wind turbine of the same height here, the applicant lodged an appeal and planning permission was granted in January 2013.

The report below will set out the main differences between that approval and the current application.

For the benefit of Members, all those residents who were notified of the last application have been re-notified of the present application.

The Site

The proposed location is within the M42 Junction 10 Service Station adjacent to the HGV parking area. There is substantial planting around the service station with both semi-mature and mature tree planting throughout. To the north and west are large industrial units within Tamworth, with residential areas beyond. There is further commercial development to the south and residential development to the north. The M42 provides a divide between the more urban character of Tamworth on its western side and the more open and rural appearance of North Warwickshire to its east. The village of Birchmoor is the closest North Warwickshire residential area and the outline of Dordon to the east is clearly visible to the east. The mound at Birch Coppice is the dominant landform to the south east in an otherwise flat landscape.

As a consequence of this landscape characteristic there are long distance views of the site from a number of vantage points both in North Warwickshire and Tamworth. There are significant and obvious man-made features in the surrounding built environment which influence the landscape character such there is a strong urbanising influence.

The site is illustrated in the plan attached to this report – see Appendix A.

The Proposal

It is proposed to erect a single wind turbine which would be 67 metres tall from the tip of the blade to ground level. The hub would be 40 metres off the ground and the blades would have radii of 27 metres. This would generate 500kW of electricity, primarily providing for the needs of the service station before feeding surplus electricity into the national grid.

The HGV parking area would be re-aligned so as to accommodate the turbine but without any loss of space.

Background

As referred to above, planning permission already exists for a wind turbine here. The five changes from that permission in the current proposal.

- i) Introducing a different specification for the turbine which increases the energy output from 330 to 500kW. This results in a different appearance such that,
- ii) the turbine has to be re-located 20 metres to the south of the permitted location, and
- iii) the hub height would be lowered from 50 to 40 metres, thus increasing the blade length from 17 to 27 metres , but retaining the same overall height of 67 metres.
- iv) The increased output would mean that the number of houses that would benefit from the surplus electricity generated over and above that required from the service station would rise from 192 to 388.
- v) The offer of a Community Benefit Fund of £20,000 is proposed for “the local community or parish councils to enable them to support initiatives as they choose”. However the applicant is particularly keen to see projects which encourage renewable energy; develop more sustainable communities or support local conservation and environmental initiatives. In addition the applicant would provide a further £1000 a year (index linked) over twenty years to the Moto Community Trust which supports local charities.

Plans showing the differences in location and appearance are attached at Appendix B.

Supporting Documentation

A number of documents are submitted with the application as supporting evidence.

A **Bat Survey** concludes that there is no evidence of bat roosts on the site and very limited evidence of other bat activity on the site.

A **Habitat Survey** concludes the habitats on site are low in quality and would not provide a constraint on the proposal. Additionally there is little likelihood or potential for this to change in the future.

A **Tree Protection Survey** notes that two individual trees and three groups of trees would be removed on the island in the HGV parking area where the turbine is proposed and that parts of other groups surrounding the park would also need to be removed. However the report concludes that the trees only have “site” value and their removal would have a negligible impact on the character of the area. New planting around the HGV Parking area outside of the site area is being proposed.

An **Ecology Covering Letter** confirms that the changes now proposed to the permitted scheme here would be inconsequential in ecology terms.

A **Landscape and Visual Impact Assessment** has assessed the impact of the changes now proposed to the permitted scheme in landscape and visual terms. This concludes that in terms of visibility some receptors will only now see the blades rather than the hub and the blades, but that there would be substantive reduction as the change is considered to be minimal. In terms of overall impact it concludes that whilst the proportions of the turbine will be different and thus the appearance of the turbine would alter, there would be no overall worsening of the impact on the landscape. Photo-montages are again submitted using the same vantage points as with the original application.

A **Planning Statement** brings together all of the main issues, including those not included in the reports referred to above – e.g. noise, interference and heritage impacts. It relies heavily on the fact that planning permission has been granted here and alludes to the supporting documentary evidence that the proposed alterations would not have such adverse impacts as to warrant refusal.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 3 (Natural and Historic Environment) and policies ENV1 (Natural and Historic Environment), ENV3 (Nature Conservation), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – Sustainable Development; Core Planning Principles, Responding to Climate Change

The Council's Submitted Core Strategy 2013 – Policies NW8 (Sustainable Development) and NW9 (Energy Generation and Conservation)

Observations

It is a matter of fact and thus a substantive material planning consideration that planning permission exists for a wind turbine at these Motorway services of the same overall height and in much the same location as that now proposed. That is a very recent permission. The Board will therefore be asked to focus its consideration of the current application on the five differences between it and that permission as set out in the background section above. Members will be invited to assess whether those differences would materially affect the associated impacts to such a degree that refusal is warranted. All impacts will need to be re-considered, but special attention will be given to the change in the appearance and its potential consequence on visual, noise and shadow flicker due to the larger blades.

Given the introduction in this proposal of the offer of a Community Benefit Fund, Members may wish to give some thought at this stage as to how that might be used, given that communities in both North Warwickshire and Tamworth are affected.

Members have already undertaken a site visit to the Services area together with a tour around the site looking at it from a number of vantage points. It is not considered that another visit is necessary but the Board may wish to consider this too.

Recommendation

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

BACKGROUND PAPERS

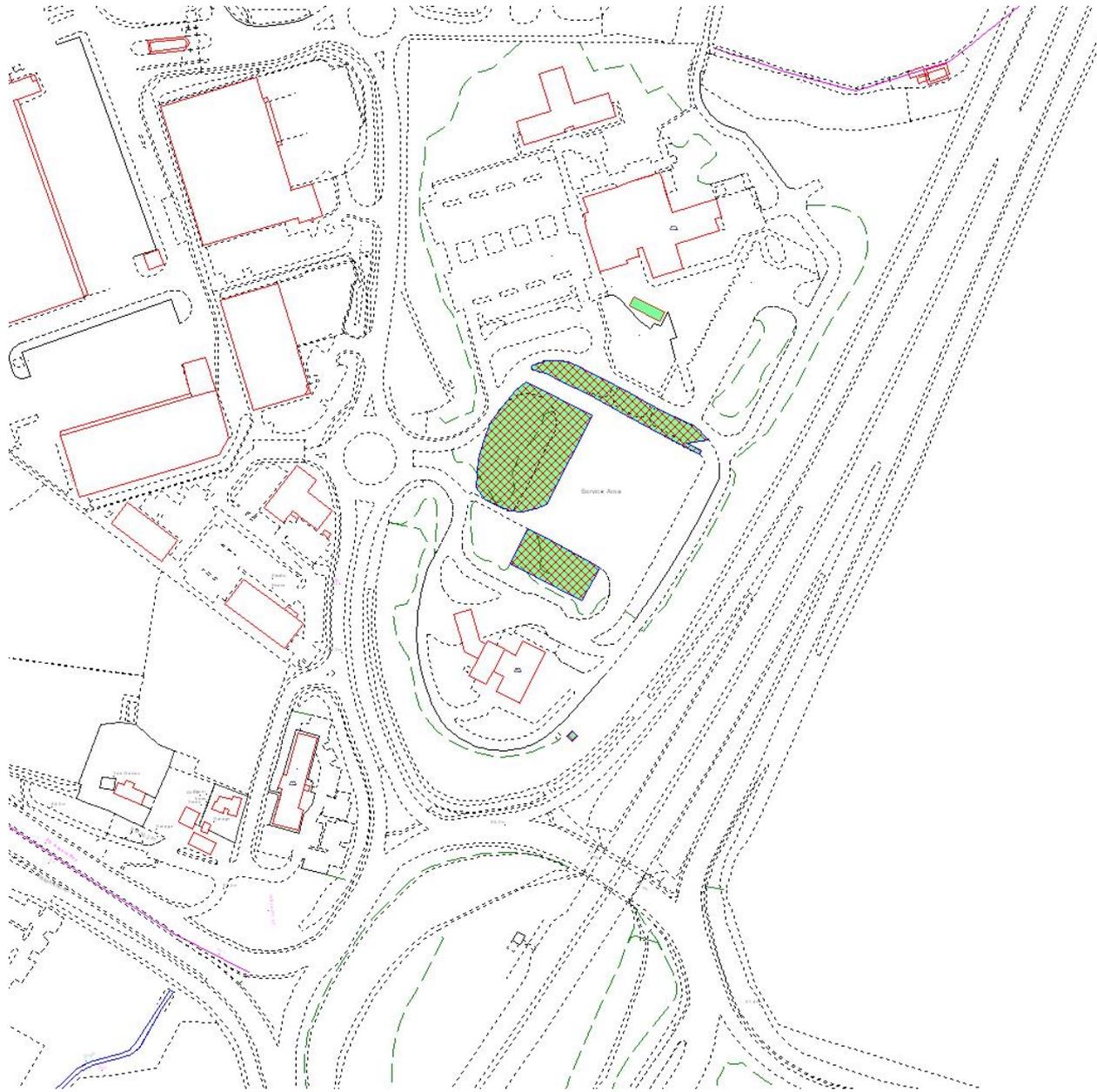
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0278

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/6/2013

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.





Site location

2013 / 0278



seren energy

Seren Energy Ltd
1 High Street
Chapton
Staffordshire
SAG 5LG

Tel: 01782 844007

Fax: 01782 846404

PROJECT:

Single Wind Turbine
Tamworth Motorway Service Area
Junction 10 of the M42
Green Lane
Tamworth
Staffordshire
B77 5PS

CLIENT:

Moto Hospitality Ltd

DRAWING DESCRIPTION:

Location plan of proposed single wind turbine up to maximum tip height of 67m at Tamworth Motorway Service Area.
Site ownership boundary shown in blue.
Development Area outlined in red.
Development area includes 2 new tarmac areas for ferry parking and new electrical substation.
Wind turbine location, wind turbine foundation and transformer station shown in black. Wind turbine swept area shown as black dashed line. Crane hard standing shown hatched black.

DRAWN:

O. Buxton

CHECKED:

G. Tucker

DATE:

11/06/2013

SCALE:

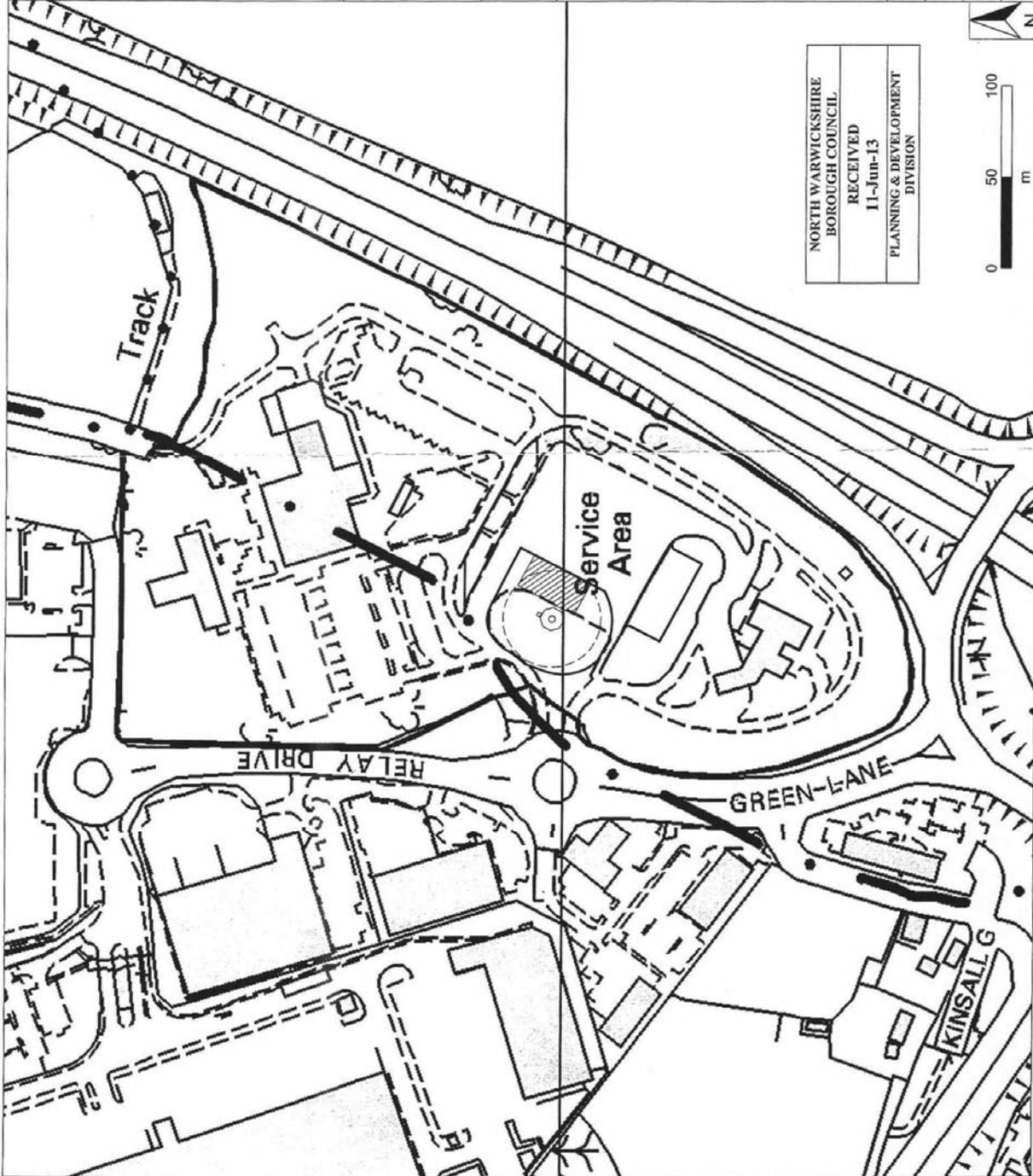
1:2,000 on A3

DRAWING NO:

TMSA2LP-1C

OS LICENCE NO:

0100031673



2013 / 0278



Seren Energy Ltd
1 High Street
Swansea
SA6 5LG

Tel: 01792 844007 Fax: 01792 846404

PROJECT:

Single Wind Turbine
Tamworth Motorway Service Area
Junction 10 of the M42
Green Lane
Tamworth
Staffordshire
B77 9PS

CLIENT:

Moto Hospitality Ltd

DRAWING DESCRIPTION:

Site plan of proposed single wind turbine up to maximum tip height of 67m at Tamworth Motorway Service Area.

Site ownership boundary shown in blue.

Development Area outlined in red.

Tower base, foundation, swept area, crane handstanding, transformer station, substation building and new HGV parking areas labelled in drawing.

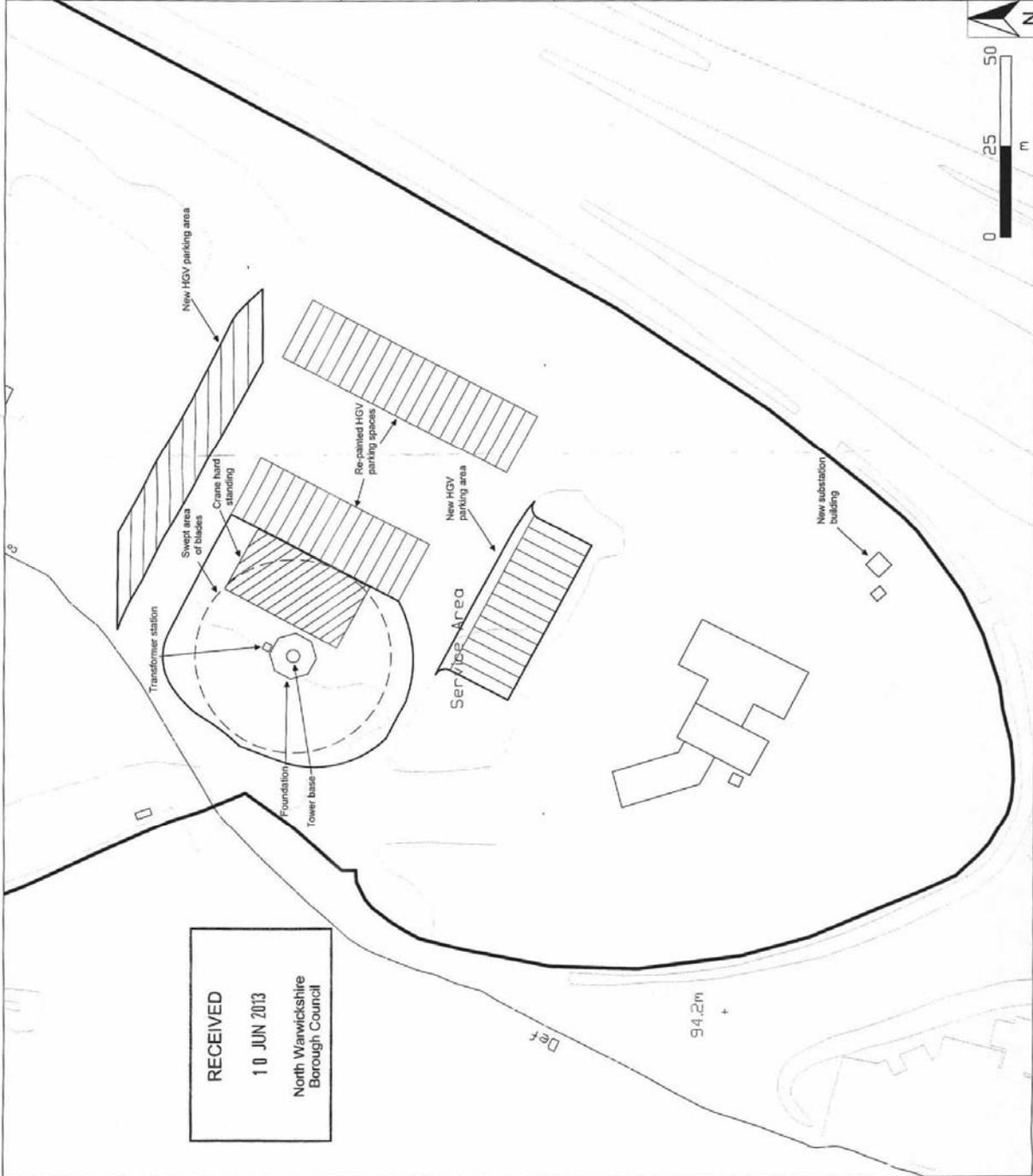
New HGV parking spaces indicated in red. New HGV areas inside the development area will be newly landscaped. Other HGV spaces will be repainted on the existing HGV park.

DRAWN: O. Buxton

CHECKED: G. Tucker

DATE: 07/06/2013 SCALE: 1:1000 on A3

DRAWING NO: TMSA2SP-1C OS LICENCE NO: 0100031673



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10 JUN 2013
North Warwickshire
Borough Council

2013 / 0278



Seren Energy Ltd
1 High Street
Clydach
Swansea
SA6 5LG

Tel: 01792 844007 Fax: 01792 844904

PROJECT:

Single Wind Turbine
Tamworth Motorway Service Area
Junction 10 of the M62
Green Lane
Tamworth
Staffordshire
B77 6PS

CLIENT:

Mato Hospitality Ltd

DRAWING DESCRIPTION:

Location plan of proposed single wind turbine up to maximum tip height of 67m at Tamworth Motorway Service Area.

Site ownership boundary shown in blue.
Development Area outlined in red.
Development area includes 2 newly earmarked areas for lorry parking and new electrical substation.

Wind turbine location, wind turbine foundation and transformer station shown in black. Wind turbine swept area shown as black dashed line. Crane hard standing shown hatched black.

DRAWN:

O. Buxton

CHECKED:

G. Tucker

DATE:

11/06/2013

SCALE:

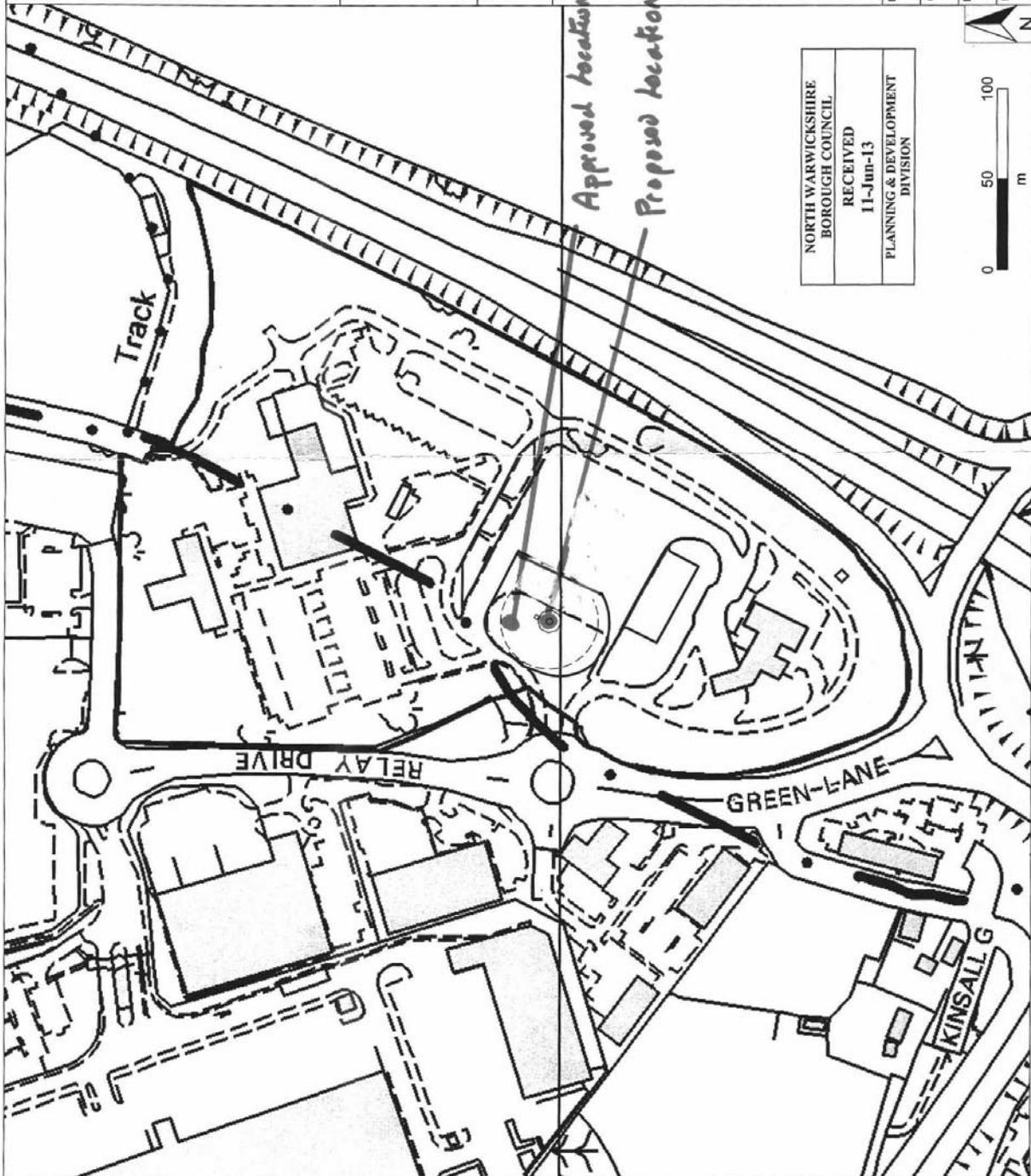
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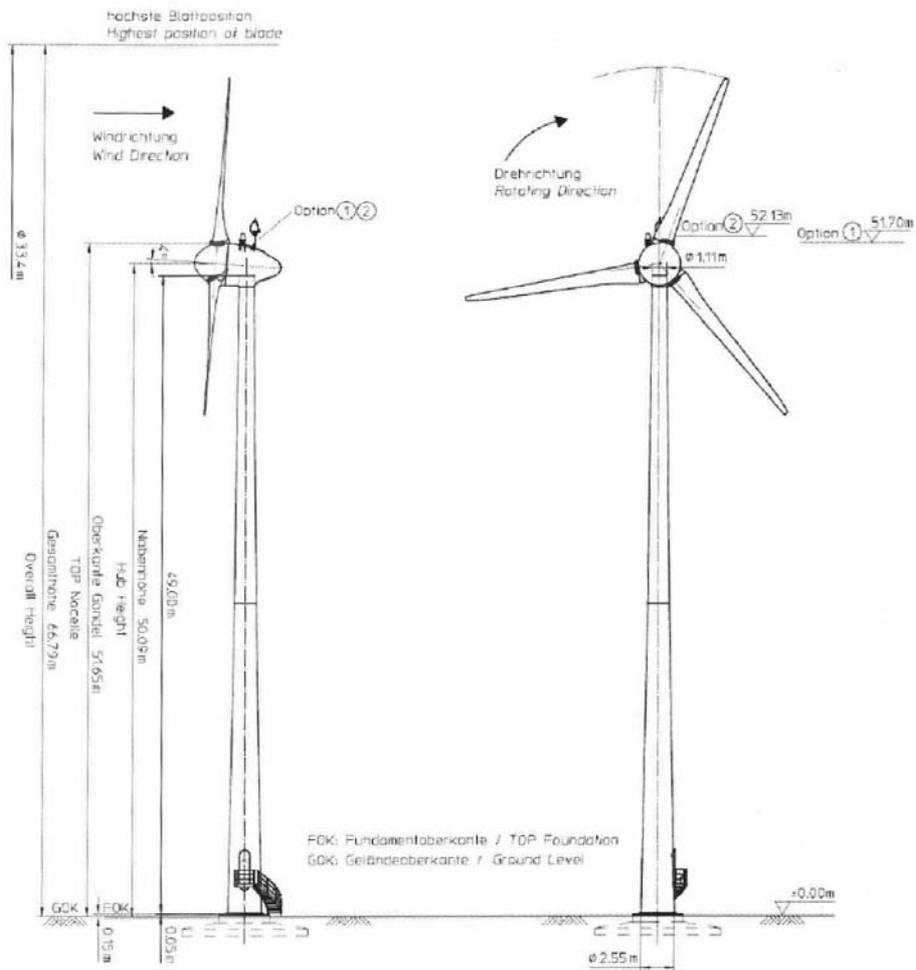
TMSA2LP-1C

OS LICENCE NO:

0100031673



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11-Jun-13
PLANNING & DEVELOPMENT
DIVISION



(7) Application No: PAP/2013/0285

Poultry Farm, Gorse Green Lane, Fillongley, CV7 8PH

Proposed development of a 50kW wind turbine, for

Mr Justin Potter - W Potter & Sons (Poultry) Ltd

Introduction

This application is reported for information at this time only so that Members can have an initial view of the proposal itself; understand the reasons for the submission and be aware of the nature of the site and its surroundings. The main Development Plan policies relevant to its determination are also outlined.

The Site

The existing poultry farm here consists of two poultry sheds, a couple of hundred metres south of Green End Lane opposite the site currently occupied by Sovereign Exhibitions, and one poultry shed just to the west of Gorse Green Lane in Fillongley. Members will recall that the Sovereign Exhibitions site used to be the Potter's manufacturing site which was then re-used for the packaging of potatoes.

The site is wholly agricultural in appearance and character surrounded by farm land and field hedgerows. There are scattered individual dwellings along Green End Lane in both directions as well as a number of smaller farmsteads. Blabers Hall Farm and a cottage in Gorse Green Lane are the closest residences – about 350 metres to the north-west and east respectively. The Blabers Hall radio and telecommunications mast is 330 metres to the north- west too.

Green End Lane is classified as the D507 and is a two lane carriageway. Gorse Green Lane, the D510, is a single carriageway narrow country lane with high banks and it joins Green End Lane to the east. The main vehicular access to the poultry sheds is from either of the roads depending upon which sheds are being serviced.

The land here is relatively high here with the site just below the highest level in the vicinity. There is thus little higher ground around the site. Ground levels fall away to the south and to the south east. The M6 Motorway is about 600 metres to the south and the M286 public footpath crosses the land adjoining the site – 80 metres to the north. The Heart of England Way is 600 metres to the south-east, and there are other footpaths south of the Motorway.

The attached plan illustrates these features and covers an area roughly two kilometres around the actual site itself. Maxstoke is about 1.8 kilometres to the west.

The Proposal

It is proposed to erect a single wind turbine at this site to providing 50 kW of energy to power the poultry farm business with excess electricity going into the National Grid. The Farm covers some 12 hectares and is primarily involved in the rearing of pullet chickens which are supplied to free-range egg producers to provide their laying stock. The applicant argues that following changes in legislation which effectively de-couple subsidies from production through the implementation of a single farm payment scheme, it is necessary that farmers look at more profitable ways to maintain business. The proposal provides a sustainable opportunity for energy use at the farm thus reducing costs and sustaining the local rural economy as well as reducing green house gas emissions. The applicant says that the optimum location for a turbine to power his business would be further to the north on the higher ground, but he recognises and understands that such a location would be more visually intrusive and has therefore compromised with the current site location.

Being a poultry producer the applicant says that his business is highly dependant on the optimum environmental conditions being consistently available in the sheds – lighting, ventilation and heating. As such his current energy costs are significant and rising in line with all electricity consumers.

The turbine would be 46 metres tall from the ground to the tip of the blade. The blade itself would be 9.6 metres in radius and the hub would be 36.4 metres off the ground. It has been sited such that it is 50 metres away from any hedgerow or tree. A ground based cabinet would be necessary – 2 metres by 1 metre and 2.1 metres high.

Vehicular access for construction and maintenance would be from the existing track leading northwards to Green End Lane. Construction of the foundations would take 4 to 5 days, with installation about five weeks later taking 2 days.

Other Supporting Documentation

Three documents are included with the submission.

A Design and Access Statement outlines the basis for the application; describes the proposal and makes its own assessment of the proposal against planning policy drawing on the conclusions of other documents. Reference is made to relevant paragraphs of the National Planning Policy Framework 2012 as well as to the 2006 Local Plan. The Statement also refers to two appeal decisions allowing single turbines of equivalent size to that proposed here, located on farms and in Green Belt locations.

A Noise Assessment Report sets out current Government guidance as set out in the National Planning Policy Framework 2012 and the current Recommended Good Practice Note for Noise on Wind Farms. This suggests a noise limit at night time of 43 dBA. In this case, given the site's characteristics and the type of turbine specified, the assessment concludes that this threshold would be reached at 75 metres from the turbine. As the closest residential property is 400 metres away the report concludes that there would not be a noise issue here.

A Landscape and Visual Appraisal has been undertaken using guidelines set out by the Landscape Institute and the Institute of Environmental Management and Assessment. The base line for the assessment is that the site lies in an area which displays the key characteristics of the "Arden River Valleys" described by the

Warwickshire Landscape Guidelines - ie. river corridors; natural alluvial floodplains, grazing meadows and hedgerows. The North Warwickshire Landscape Character Assessment reflects the same type of rural characteristics but also includes the fact there are views from elevated land particularly looking east and southwards.

The Assessment describes a number of vantage or viewpoints and aims to assess the likely magnitude and significance of the proposed turbine on the particular characteristics identified above, through a number of photo-montages. These are based on locations at: Gorse Green Lane just north of the M6 Motorway; in Packington Lane between the M6 and Maxstoke, from Green End Lane west of Blabers Hall Farm, the junction of Green End Lane and Gorse Green Lane, from Green End Farm, and from the Kinwalsey area.

The Assessment concludes that the single turbine here would result in a low magnitude of landscape change at around 2 km distance, but that at the local level that rises to a low/medium level of change up to 1.5 km away and a minor/moderate impact at a distance of 0.5 km. The turbine would not be visible from the hamlet of Maxstoke and there would be intermittent views from Green End. The overall conclusion is that the turbine is modest and set in an undulating landscape with some tall vegetation, woodlands and trees. These elements combine to limit the landscape and visual effects of the turbine to a very local area. In other words it could be accommodated in the landscape without significant effect on the openness of the Green Belt.

For the benefit of Members, more detailed plans of the location and the turbine are at Appendices A and B, with copies of photomontages provided by the applicant at Appendix C.

Background

For comparison purposes, Members might like to know that the turbine at Grendon Fields Farm which is now up and running is also 46 metres tall from ground to blade tip and it too is designed to generate 50 kW of electricity. The turbine approved at appeal for the Dordon Services Area on the M42 is to be 67 metres from ground to the blade tip when it is constructed and that is said would generate 330kW of electricity.

The nearby radio mast at Blabers Hall is 37.5 metres tall.

In terms of neighbour consultations Members should be aware that all residential addresses with a 2 kilometre radius of the site have been notified of the application.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 3 (Natural and Historic Environment), ENV1 (Landscape Conservation and Enhancement); ENV2 (Green Belt), ENV3 (Nature Conservation), ENV4 (trees and Hedgerows), ENV6 (Land Resources), ENV9 (Air Quality), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – Sustainable Development; Core Planning Policies, A Prosperous Rural Economy, Protecting Green Belt, Meeting the Challenge of Climate Change, Conserving and Enhancing the Natural Environment,

The Council's Submitted Core Strategy 2013 – Policies NW2 (Green Belt), NW8 (Sustainable Development) and NW9 (Renewable Energy and Energy Efficiency), NW10 (Quality of Development) and NW11 (Natural and Historic Environment).

Observations

Present Government planning policy on the approach to be taken to wind turbines is set out in the NPPF. However this is made up of conflicting policies. The NPPF states that the overall purpose of the planning system is to reach decisions based on a balance of performing three different roles; an economic, a social and an environmental role. These of course may “pull” in different directions. Even under the environmental role, there may be a tension between “protecting and enhancing our natural, built and historic environment”, and “using natural resources prudently” and “adapting to climate change including moving to a low carbon economy”. The twelve planning policies set out also have conflicting objectives - for instance, “protecting the Green Belt and recognising the intrinsic character of the countryside and supporting thriving rural communities within it” and “encouraging the use of renewable energy resources for example by the development of renewable energy”. The Planning Board will have to assess each of these matters and give weight to each before reaching a final assessment or balance between them.

This site is in the Green Belt and thus one of the first issues to consider is whether the proposal is appropriate or inappropriate development in the Green Belt. The NPPF provides the definitions within which this question should be answered. But even then, on the one hand this states that buildings for agricultural purposes are appropriate developments, and then on the other it says that, “elements of many renewable energy projects will compromise inappropriate development”. In the latter instance, then the onus is on the developer to demonstrate the very special circumstances if projects are to proceed. The NPPF explicitly says that such circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The Board will have to assess these conflicting definitions. If it concludes that it is appropriate development then the presumption is one of approval unless there are material planning considerations of such weight to refuse planning permission. If it concludes that it is inappropriate development, then the applicant's very special circumstances will need to be evaluated to assess whether they might override the presumption of refusal.

A second critical planning consideration will be to evaluate the impact of the development both on landscape character locally and more widely, together with its overall visual impact. It is not appropriate to conclude that all wind turbines have adverse landscape and visual impacts and therefore should be refused planning permission. It is necessary to determine the extent of any harm, if there is any, given the surrounding context and topography. An understanding of the nature of the surrounding landscape is thus essential to the determination as to the level of visual harm.

A third and equally important consideration will be to evaluate the applicant's submitted evidence for both the economic and agricultural case that is being made. The Board will need to understand the scale of the economic case and the agricultural justification for it. It is also pertinent to see what public benefit there also might be from the development.

Finally Members will need to be satisfied that there are no adverse impacts in respect of a number of other matters – such as noise, flicker, aviation, ecology, heritage and highway matters.

In order that Members can understand and appreciate the landscape setting, as with other similar applications, it is strongly recommended that the Board does visit the site ahead of any determination of this application and that that visit includes a tour around the surrounding area in order to assess the potential visual impact of the turbine.

Recommendation

That prior to determination of this application, the Board visit the site and its surrounding area

BACKGROUND PAPERS

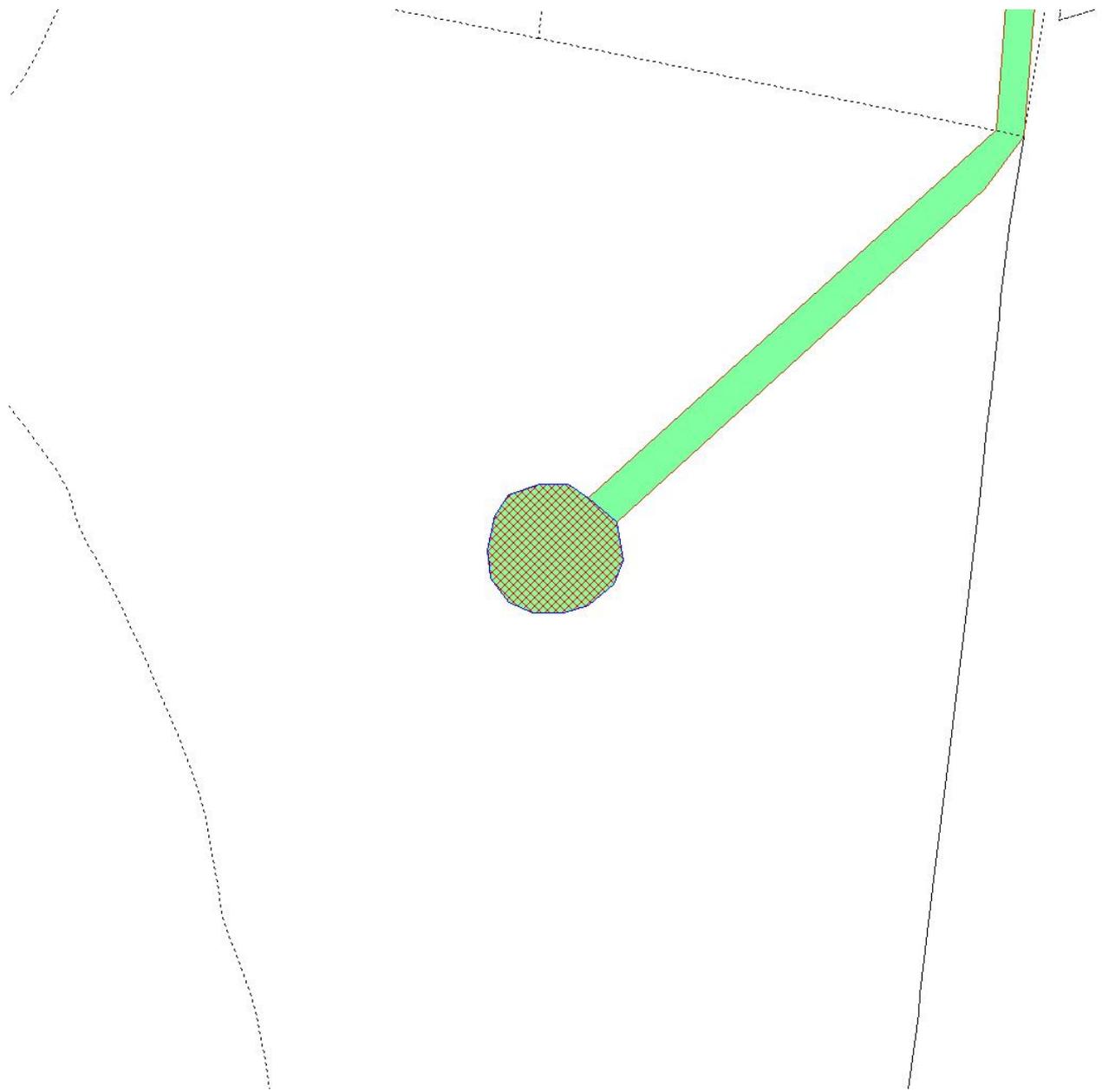
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0285

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/6/13

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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2013/0285



Proposed site for wind turbine



Photo Viewpoint

North Warwickshire Landscape Character Assessment



Blythe Valley Parkland Farmland Character Area

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 12-Jun-13
PLANNING & DEVELOPMENT DIVISION

Hallmark Power Ltd.

Green End Road, Warwickshire
Wind Turbine

LOCATION PLAN &
PHOTO VIEWPOINT LOCATIONS

1:12,500 @ A3 METTAGH May 2013

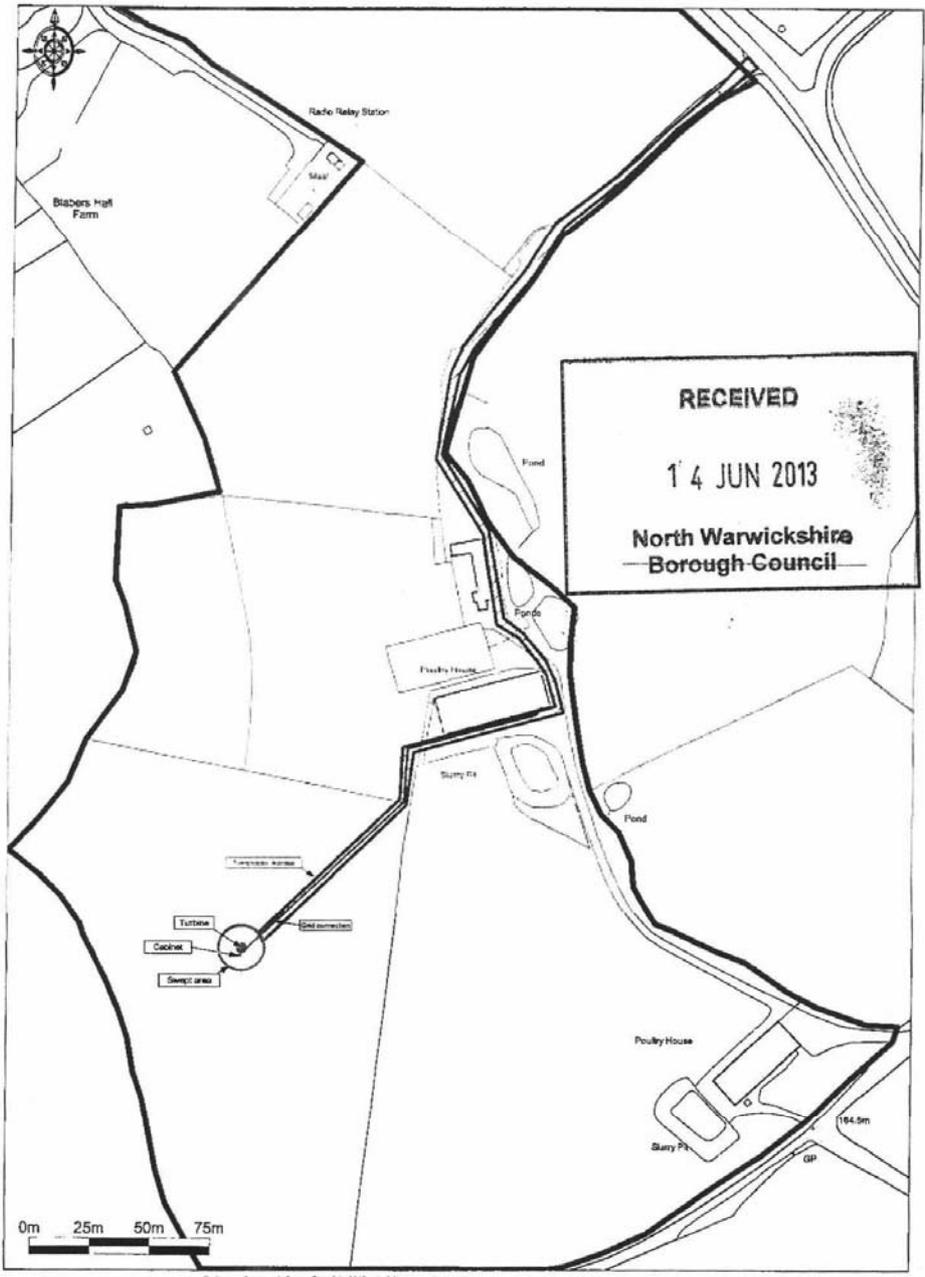
Figure 1



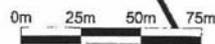
fPCR Environment and Design Ltd, Lichfield Road, Lichfield, Staffs, B55 6JH. Tel: 01827 527777. Fax: 01827 527778. Email: info@fpcr.co.uk
 fPCR Environment and Design Ltd is a registered environmental assessment & landscape design & ecology & architecture & landscape architects.

Green End Farm. Location Plan

APPENDIX B



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North Warwickshire
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Promap

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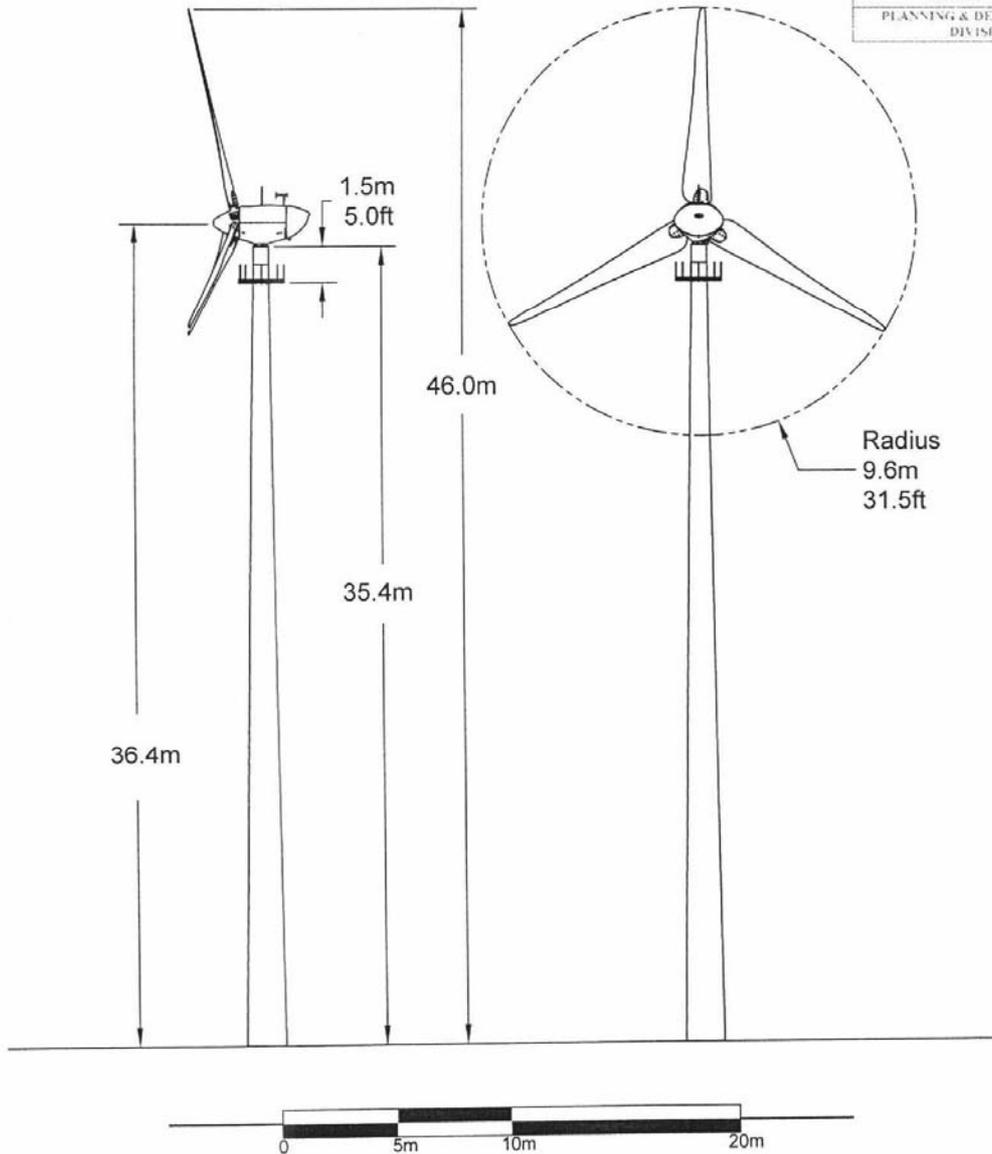
Bagshaws Ashbourne Office. Tel: 01335 342201

2013/0285

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED
12-Jun-13

PLANNING & DEVELOPMENT
DIVISION



Flange Elevation		Hub Elevation		Max Blade Elevation		Notes
ft	m	ft	m	ft	m	
77.4	23.6	80.7	24.6	112.2	34.2	EU Countries Only
97.1	29.6	100.4	30.6	131.9	40.2	North America Only
116.1	35.4	119.4	36.4	150.9	46.0	North America Only
135.8	41.4	139.1	42.4	170.6	52.0	North America Only

Note: Dimensions approximate and provided for planning purposes only. Final construction elevations are available in a permitting package on a per-tower basis.

Endurance
wind power

E-3120 36m Scaled
Elevation

SIZE DWG. NO. REV.
A E-3120 - 50 kW Monopole A

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Photomontage - Location A
View north from the lane north of the M6
Grid reference: 425225, 285648
Approximate distance to Turbine: 550m
Weather: Clear
Viewing distance: 350mm

APPENDIX C

May 2013

Hallmark Power Ltd.

Green End Road, Warwickshire
Wind Turbine

PHOTOMONTAGE A

NTS @ A3
MSTM04

Figure 3A

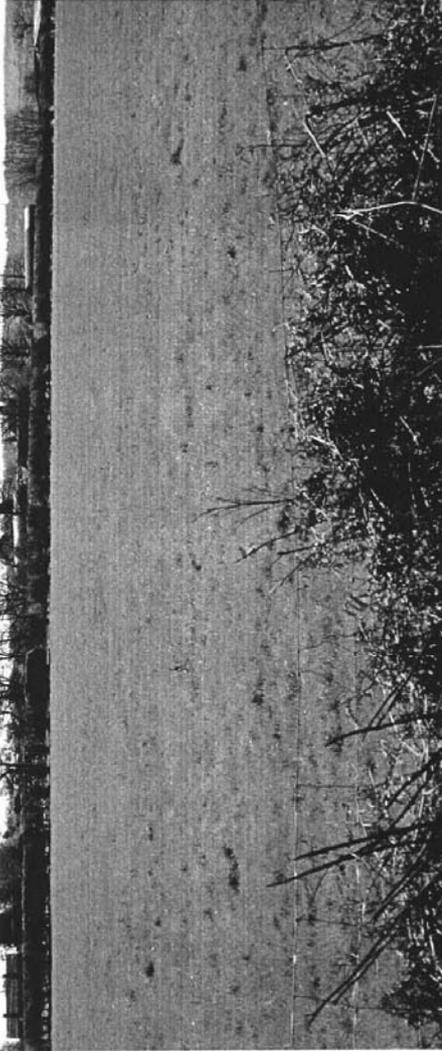
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FPCR Environment and Design Ltd, Ludlow, Shropshire, DE13 7JN
Tel: 01589 545624
Fax: 01589 622774
Email: enquiries@fpcr.co.uk
Website: www.fpcr.co.uk
Services: Planning • Environmental Assessment • Landscape Design • Arboriculture • Ecology • Archaeology • Heritage • Planning

J:\0000584\ENCL\ENCL038A.Fig 3 Photomontage.indd

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Turbine



Photomontage - Location D
View south from **Broadmoor Wood**
Grid reference: 425094, 286912
Approximate distance to Turbine: 800m
Weather: Clear
Viewing distance: 350mm



Hallmark Power Ltd.
Green End Road, Warwickshire
Wind Turbine

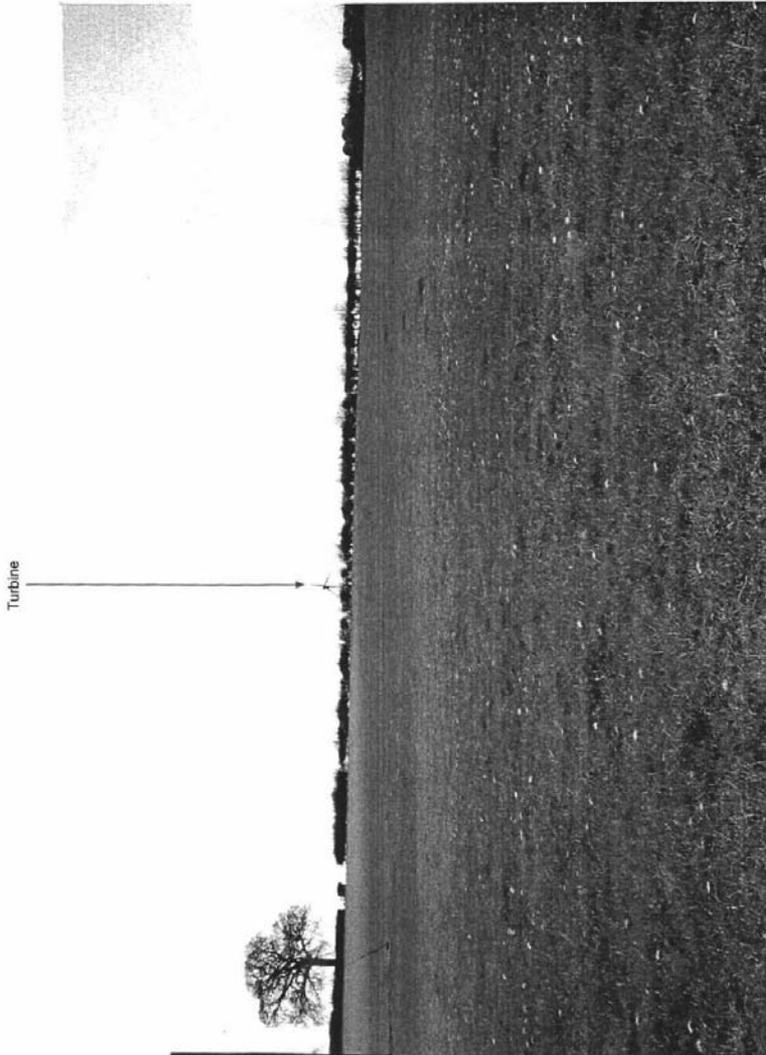
NTS @ A3 MST/MGH

May 2013

Figure 6A

FPCR Environment and Design Ltd, Ludington Hill, Ludington, Derby, DE14 2PH • t: 01509 427779 • e: info@fpcr.co.uk • w: www.fpcr.co.uk
landscapeplanning • environmentalassessment • landscape design • urban design • ecology • architecture • arboriculture
2750000884_NPCS_LVA0308_Fig 6 Photomontage.html

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Photomontage - Location F
View south west from the Heart of England Way
Grid reference: 425915, 296751
Approximate distance to Turbine: 700m
Weather: Clear
Viewing distance: 350mm

fpcr
Hallmark Power Ltd.
Green End Road, Warwickshire
Wind Turbine
PHOTOMONTAGE F

NTS @ A3 M5TINGH May 2013

Figure 8A

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www.fpcr.co.uk
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2/020000000/04/02/04/00000000 Fig. 8 Photomontage F.pdf

Agenda Item No 7

Planning and Development Board

15 July 2013

**Report of the
Head of Development Control**

Planning Performance

1 Summary

- 1.1 The report describes new Government measures to increase the speed of decision making by Local Planning Authorities.

Recommendation to the Board

That the Report be noted

2 Background

- 2.1 Members will recall a recent report outlining the Government's intention to "designate" poor performing Planning Authorities with the view to transfer some decision making over to the Planning Inspectorate. Consultation took place and the Government has now published its response defining the criteria against which designation will be based.
- 2.2 Additionally Members will recall the proposal for the refunding of planning fees should no decision be reached 26 weeks after validation of an application. This is to be taken forward.

3 Performance Proposals

- 3.1 Performance is to be assessed in two ways: on the basis of the speed with which major development applications are dealt with, and secondly, the extent to which such decisions are overturned at appeal. Authorities will be assessed against each aspect independently and could be designated on the basis of either measure or both. Initial designations are to be made in October 2013 with subsequent assessments on an annual basis.

a) The Speed Measure

- 3.2 The "speed" measure to be used is the average percentage of decisions on applications for major development made:
- a) within the statutory determination period (either 13 or 16 weeks); or
 - b) within such extended period as has been agreed in writing between the applicant and the Authority

- 3.3 The assessment period is the two years up to and including the most recent quarter for which data on planning decisions are available at the time of designation.

The threshold for designation is 30% or fewer of an Authority's decisions made within the time periods set out above.

b) The "Quality" Measure

- 3.4 The measure to be used is the average percentage of decisions on applications for major development that have been overturned at appeal once nine months has elapsed following the end of the assessment period. This period is the two years up to and including the most recent quarter for which data on planning application decisions are available. The threshold for designation is 20% or more of an Authority's decisions on major planning applications being overturned at appeal. There is an exemption from this measure if Authority's decide fewer than ten major applications during the assessment period.

c) Observations

- 3.5 As reported to the Board when this procedure was first suggested, this Authority should not become a designated Authority based on the measures outlined above. On the "speed" measure our performance is 46%, and on the "quality" measure, we would be exempt given that we have not had ten major applications gone to appeal in the last two years.

- 3.6 However, several matters need to be highlighted now that these measures have been introduced.

- i) The first is that decision making for major applications needs to be timely. As a consequence any issues or concerns need to be highlighted as soon as possible within the process – even at pre-application stages. We have a good practice of requesting applicants to give early presentations to Members and there are also the initial reports to the Board following receipt of large applications. These are both good opportunities for Members to raise issues and concerns at an early stage and this should be encouraged. Additionally Members should be cognisant that any requests for deferral of a decision late on in the process.
- ii) Secondly we are highly dependant on outside Agencies providing consultation responses – e.g. the Highways and Environment Agency. Belated requests for further information or evidence and objections can delay the process through no fault of this Council. All applicants need to be encouraged to commence pre-application discussion with these agencies at the earliest opportunity to prevent the process stalling after submission of applications. Officers will be seeking every opportunity to encourage applicants to undertake such engagement.
- iii) It is critical to understand that the decision time period ends with the issue of the decision itself. A resolution to grant a planning permission

subject to a Section 106 Agreement within the 13 week period will not “count” if the actual notice is not then issued until the 14th week. As a consequence officers are far more likely to request draft Section 106 Agreements to part of the submission documentation.

- iv) Members may have picked up from the definitions above that an agreed extension of the decision period with the applicant, would not count against the Authority. This is expected to become more frequent and formal in the next few months.
- v) The number of major applications submitted in the past few years has been quite small – around 3 % of all applications. However this has already started to rise as the Core Strategy nears adoption and applications are submitted following the identification site allocations and speculative applications are submitted for other sites. There is expected to be a continuing rise in major applications in the next few years – both for commercial and residential developments. It is currently at 5%.
- vi) As indicated above, this Council has very few appeals into refusals of major applications. This may increase if there are a greater number of major applications submitted as a consequence of the passage of the Core Strategy through to adoption. Reasons for refusal should always be robust and strongly based on hard evidence if the are to be upheld following appeal.

4 The Refund Proposals

- 4.1 From October 2013, any fee paid by an applicant in respect of a planning application is to be refunded where the Authority fails to determine that application within 26 weeks of the validation of that application. There is to be no refund if an extended decision period is agreed in writing between the parties. Members should be aware that this applies to all applications – not just major applications.
- 4.2 This is a significant “stick” and Members do need to be aware of this change not only in the way that increases the need for speedy determinations, but also in respect of the potential loss of fee income.
- 4.3 Once again this measure highlights the significance of pre-application consultation and discussion, together with the need for early identification of planning issues and concerns, and speedy resolution of Section 106 Agreements.

5 Report Implications

5.1 Financial and Value for Money Implications

- 5.1.1 There could be a significant financial impact as a consequence of these measures should the Council become a designated Authority or not determine applications speedily. We would not collect planning fees for applications dealt with by the Inspectorate and have to refund fees for “late” determinations.

Planning fee income was close to £500k in 2012/13 and already this financial year, is well ahead of the profiled budget.

5.2 Links to the Council's Priorities

5.2.1. Local decision making is far more likely to result in decisions which reflect the priorities of retaining the rural character of the Borough and preserving its cultural heritage.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	DCLG	Planning Performance – Government Response	June 2013
2	DCLG	Improving Planning Performance	June 2013
3	DCLG	Draft Fees Regulations	June 2013

Agenda Item No 8

Planning and Development Board

15 July 2013

Report of the
Head of Development Control

Annual Performance Report
2012/13

1 Summary

- 1.1 This report outlines the performance of the Development Control service during the past year comparing it with previous years.

Recommendation to the Board

That the report be noted

2 Observations

- 2.1 The performance of the service is set out as in previous years in two tables which are attached to this report – the first deals with the handling of all planning and related applications and the second with enforcement work.

...

a) Applications

- 2.2 Table One shows that application workload remains steady overall, but that the nature of that workload is changing – (Row A on Table One). There is a clear increase in the number of major applications being submitted – from 3 to 5% - and that householder applications are reducing - from over 30% to 27%. Members will be aware of the former type of application through them being brought to Board for determination. The reduction in householder applications is due to a combination of increased permitted development rights and the slow down in the economy. It is anticipated that the percentage of major applications will increase further over the next few years as the Core Strategy nears adoption and as more speculative applications are submitted due the content of the National Planning Policy Framework. There too has been a significant increase in applications to discharge conditions (DOCS in Row A) and in applications for Minor Amendments (MIAS in Row A). Members will recall that these were previously dealt with by letter. They now have to be determined through the submission of applications.
- 2.3 Notwithstanding the stable workload, Members can see immediately that the value of that workload in respect of fee income is substantial – (Row I on Table One). This is due not only to fee increases but definitely to the increased number of major applications. This trend is continuing.
- 2.4 Performance in determining applications is falling – see Row D. This is due to a combination of several factors; the increased number of major applications,

delays in securing Section 106 Agreements, poor quality submissions and the continuous round of seeking amendments and changes particularly to design and appearance. The current overall performance is however in line with national figures. These figures will need constant monitoring as Members will be aware of the new “designation” and “refund” measures which are highlighted in a further report on this Agenda.

- 2.5 Delegation levels are falling – see Row F - Members will be aware of this through the length of the Board agendas. This is due to a combination of factors during 2012/13; the number of major applications being received and attracting objections; the increased number of Section 106 Agreements being sought, the increased number of applications on the Council’s own land or where we have an interest, and the number of Member referrals.

...

b) Enforcement

- 2.6 Table two shows a decrease in the number of notifications concerning alleged breaches of planning control – Row A of Table Two. Notwithstanding this fall, the performance in terms of assessments being made is falling and that is due to several of the cases under investigation being complicated – Row E of Table 2. The means of resolution of breaches remain heavily focussed on voluntary action and the submission where appropriate of Certificate and Planning applications (91% of cases – Row F of Table 2). This brings in income – see Row H of Table 2. Formal action through the Courts remains consistent but as Members are aware these can and often are very time consuming and are prone to delay through no fault of the service.

3 Report Implications

3.1 Financial and Value for Money Implications

- 3.1.1 Whilst the increase in fee income is clearly welcome and likely to be sustained, there is a very real concern that if performance reduces, then that fee income will be lost through the new refund and designation measures due to commence in October 2013.

3.2 Sustainability and Environmental Implications

- 3.2.1 The service is performing well in upholding the Development Plan with its emphasis on balancing the protection of the rural character of the Borough with the wish to provide economic development opportunities. The adoption of the Core Strategy is material to the continuing this approach. The continuing investigation of, and subsequent successful action into enforcing breaches of planning control, are also able to reinforce this balance.

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

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE ONE: HANDLING APPLICATIONS

Measure	Year 2008/2009	Year 2009/2010	Year 2010/2011	Year 2011/2012	Year 2012/2013
Processing Applications					
A) Total number of applications received divided as follows:	666	674	787	788	756
• Change of use	7.51%	6.23%	8.00%	7%	6%
• Householder	38.14%	34.12%	22.4%	29%	27%
• Major developments	3.61%	3.26%	2.9%	3%	5%
• Minor developments	28.98%	30.42%	23.9%	26%	26%
• Others	21.77%	14.84%	17.8%	21%	20%
• Docs		10.29%	12.2%	11%	12%
• MIAS		0.74%	3.5%	3%	15%
B) Total number of Decisions	674	644	720	762	727
C) % of all applications granted permission	76.70%	82.14%	73.47%	69.4%	86.2%
D) % of all applications determined in eight weeks (BVPI)	85%	88%	87%	75%	73%
• majors in 13 weeks	86%	64%	47%	50%	46%
• minors in 8 weeks	83%	85%	86%	72%	75%
• others in 8 weeks	91%	88%	88%	79%	63%
E) % of all householder applications determined in eight weeks	91.63%	95.02%	92.5%	83.41%	86.43%
F) % of all applications determined in under delegated powers (BVPI)	95%	93%	94%	90%	89%

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE ONE: HANDLING APPLICATIONS (Cont'd)

Measure	Year 2008/2009	Year 2009/2010	Year 2010/2011	Year 2011/2012	Year 2012/2013
Appeals					
G) Number of Appeals lodged	16	15	30	17	22
H) % of Appeals allowed	22.73%	42.80%	24%	0%	25%
Fees and Costs					
I) Fee income from all applications	£304,388	£247,200	£262,215	£286,609	£481,984
J) % of all applications that are non-fee earning.	10.81%	7.8%	8.13%	10.53%	11.77%
K) % of fees that come from householder applications.	9.50%	14.23%	14.9%	12.30%	8.89%

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE TWO: BREACHES OF PLANNING AND ENFORCEMENT

Measure	Year 2008/2009	Year 2009/2010	Year 2010/2011	Year 2011/2012	Year 2012/2013
Reports of Alleged Breaches					
A) Number of notifications	249	236	218	232	173
B) %Where a breach identified	71%	66%	63%	61%	57%
C) Average working days from notification to site visit	5	11	7	7	7
D) Average working days from notification to assessment	7	13	10	9	10
E) % of assessments in 21 days	86	62	78	76	71
F) Once a breach is established – mode of resolution (%)					
• Retrospective planning application or certificate application	48	25	33	41	42
• Voluntarily removed	34	52	40	35	49
• Not expedient to take action	4	4	5	3	1
• Enforcement action authorised	14	14	14	12	7
• Other action, eg injunctions	0	5	0	4	0
• outstanding		0	8	5	1

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE TWO: BREACHES OF PLANNING AND ENFORCEMENT (Cont'd)

Measure	Year 2008/2009	Year 2009/2010	Year 2010/2011	Year 2011/2012	Year 2012/2013
Reports of Alleged Breaches					
G) %of notifications resolved, or where no breach identified in twelve weeks	91%	69%	84%	70%	66%
H) Fee income from retrospective applications	£ 7555	£ 6050	£ 7175	£ 14250	£11895
I) Number of Enforcement Notice Appeals lodged (not necessarily relating to Notices served this year).	9	10	9	8	4
J) Number of cases where Court Action authorised (not necessarily relating to cases reported this year).	2	1	4	4	4