

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

For the information of other Members of the Council

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

15 AUGUST 2011

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 15 August 2011 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests.**
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Lea, B Moss and Sweet and membership of the various Town/Parish Councils

of Councillors Barber (Ansley), Butcher (Polesworth), B Moss (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) are deemed to be declared at this meeting.

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

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 5 **Planning Protocol** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report outlines a Draft Planning Protocol which the Coventry and Warwickshire LEP has requested the Borough Council considers.

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

- 6 **Proposed Tree Preservation Order - The Vicarage, Baddesley Ensor** - Report of the Head of Development Control.

Summary

The purpose of this report is to confirm or otherwise a Tree Preservation Order made in respect of land at The Vicarage in Baddesley Ensor.

The Contact Officer for this report is Erica Levy (719294).

- 7 **Use Classes Order Consultation Paper** - Report of the Head of Development Control.

Summary

The Government has circulated a further paper for consultation concerning the possibility of further relaxation of the Use Classes Order.

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

- 8 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2011** - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to June 2011.

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

- 9 **Annual Performance Report** - Report of the Head of Development Control.

Summary

The report sets out the annual performance of the Development Control service over the period 2010/11 comparing it with recent years.

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

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

- 10 **Exclusion of the Public and Press**

Recommendation:

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

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

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 5

Planning and Development Board

15 August 2011

Report of the Assistant Chief Executive and Solicitor to the Council

Planning Protocol

1 Summary

- 1.1 This report outlines a Draft Planning Protocol which the Coventry and Warwickshire LEP has requested the Borough Council considers.

Recommendation to the Board

That the Draft Planning Protocol be approved and be followed, wherever possible.

2 Background

- 2.1 As Members will know the Coventry and Warwickshire Local Enterprise Partnership was set up in October 2010 and since then a Board, Executive Delivery Board and sub-groups have been established. One of these sub-groups is the Property and Planning Group.

3 Barrier to Growth

- 3.1 The Property and Planning Group has been tasked by the CWLEP Board to consider ways of removing "Barriers to Growth". One of these barriers is seen as how the planning system is interpreted and implemented in the sub-regional authorities. It is perceived that has led to confusion and delay and concerns over the different ways that developers must work.
- 3.2 One of the biggest frustrations is said to be the difficulty in speaking to the relevant officer. This is less of an issue in a small authority such as North Warwickshire, but can be difficult in the larger more urban authorities.
- 3.3 Equally, from the local planning authorities' point of view, it is important that the developer provides all the relevant, quality information in a timely and suitable manner. Therefore it is a two way process.

4 Draft Planning Protocol

- • • 4.1 The draft planning protocol is attached as Appendix A.

4.2 As well as the issues discussed above the protocol also covers the Council's commitment to updating the planning policies for the area in order that developers know more readily what can and what can not be developed.

4.3 It is recommended that the Draft Planning Protocol be adopted and be implemented wherever possible. It is envisaged that by following this Protocol developers will also provide quality applications that make the decision making process a lot easier.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 By adopting the protocol it is hoped to ensure that by outlining the service that developers can expect that they provide quality information that will make the decision making process easier.

5.1.2 Environment and Sustainability Implications

5.1.2 The Local Enterprise Partnership (LEP) is currently preparing a 5 year strategy for the Coventry and Warwickshire economy. This is aimed at to establish, run and grow strong and successful businesses, generating significant new employment and skills opportunities in the area. The planning protocol sets out a collaborative approach to support this and if this is successful should produce positive benefits in economic and social terms for residents of North Warwickshire.

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

The Local Enterprise Partnership (LEP) is currently preparing a 5 year strategy for the Coventry and Warwickshire economy which states

'By 2016, through, strong private-public sector collaboration, Coventry and Warwickshire will be regarded as one of the best and easiest places in the country to establish, run and grow strong and successful businesses, generating significant new employment and skills opportunities in the area.'

Planning authorities are to assist in delivering this vision. This will require commitment to collaborative working, good project management and to achieving high quality sustainable developments with exemplar outcomes in terms of economic benefits. It is important for planning authorities to make development by valued investors in the area more cost effective and low risk. This will involve a move towards a presumption in favour of growth recognising the benefits that this brings for the economy.

The broad principles set out below are intended to be agreed by the LEP board and the constituent planning authorities. The protocol is intentionally not burdened with technical matters and does not include prescriptive detail.

Draft Planning Protocol

Political support for growth is critical to how the planning system operates in any given Council. The Local Planning Authority team need to know that when they are making decisions that they have the support of the Senior Managers and the political leadership. Such leadership is fundamental and should be locally reflected through the LDF. The following broad principles constitute the draft Planning Protocol:

What the Local Planning Authority will commit to do:

1. Prioritise the formulation of a coordinated Growth Statement across the LEP area to replace the outdated CSW Planning Strategy. This Statement would be formally adopted and would set the framework for the progression of LDF's across the area.
2. Commit to their LDF being advanced to ensure up to date policies are in place.
3. Provide an accessible pre-application service with the most relevant officer in an endeavour to ensure that potential showstoppers, fundamental policy constraints and CIL and s.106 figures are identified before an application is submitted.
4. Provide a named Case Officer who will be able to be contacted readily without delays and will always be the first point of contact. Case Officer will be able to make decisions in a timely manner on all aspects of the application.
5. Prioritising applications that increase the opportunity for employment or bring investment and jobs to the area.
6. Commitment to joint working by authorities on schemes that cross administrative boundaries.
7. Heads of Planning (or equivalent) need to meet quarterly or ahead of LEP meetings to address any issues arising or to suggest further improvements.

What the developer will commit to do:

1. Provide a high quality planning application, including all the necessary plans, illustrative and context material and supporting statements identified at the pre-application stage.
2. Undertake pre-submission consultation with local communities and stakeholders in accordance with the Council's Statement of Community Involvement.
3. Discuss proposals at the earliest stage before they become too 'fixed'.
4. Understand and take into account the key policy and strategic issues at the outset.
5. Identify a principal point of contact for communication.

The protocol relies on the principle of working together in good faith and mutual trust in the interests of achieving sustainable, accessible and viable development.

Agenda Item No 6

Planning and Development Board

15 August 2011

**Report of the
Head of Development Control**

**Proposed Tree Preservation Order
The Vicarage, Baddesley Ensor**

1 Summary

- 1.1 The purpose of this report is to confirm or otherwise a Tree Preservation Order made in respect of land at The Vicarage in Baddesley Ensor.

<p>Recommendation to the Board</p> <p>That the Tree Preservation Order be confirmed.</p>
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2 Report

- 2.1 The Council made a Tree Preservation Order in respect of 32 individual trees and 1 group of trees which are located within the grounds of The Vicarage, Newlands Road, Baddesley Ensor which took provisional effect from 12 April 2011. The Tree Preservation Order had been agreed by the Planning and Development Board at its 11 April 2011 meeting. A copy of the report is attached as Appendix 1.
- 2.2 The closing date for representations about the Tree Preservation Order was 20 May 2011. No letters of objection were received.
- 2.3 Tree Preservation Orders are made under Section 198 of the Town and Country Planning Act 1990. The Council may make an Order if it appears to them that it is "...expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area". The Act does not define "amenity", nor does it prescribe the circumstances in which it may be in the interests of amenity to make a Tree Preservation Order. It is normally recognised, however, that the tree or trees should have a reasonable degree of public visibility, and be protected for the public's benefit.
- 2.4 The trees in this instance make such a significant contribution to the amenity of the area that it is considered that the Order should be confirmed.

3 Report Implications

3.1 Finance and Value for Money Implications

3.1.1 The confirmation of the Order has no implications, but in certain limited circumstances, claims for compensation can be made.

3.2 Safer Communities Implications

3.2.1 The felling of a tree protected by an Order is an offence.

3.3 Legal and Human Rights Implications

3.3.1 There is a balance here between the importance to public amenity in retaining the trees and controlling works to them. In the future, should consent be refused for works to the trees, appeals can be lodged with the Secretary of State.

3.4 Environment and Sustainability Implications

3.4.1 The value of the trees as a living resource would be retained if the Order is confirmed.

The Contact Officer for this report is Erica Levy (719294).

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	North Warwickshire Borough Council	Tree Preservation Order dated	12 April 2011

Agenda Item No 10

Planning and Development Board

11 April 2011

Report of the
Head of Development Control

Proposed Tree Preservation Order
The Vicarage, Newlands Road,
Baddesley Ensor

1 Summary

- 1.1 Attention has been drawn to mature trees within the rear garden of The Vicarage at Baddesley Ensor, following the submission of a pre-application enquiry relating to the possibility of residential development within the site. The trees have been inspected and are considered worthy of a Tree Preservation Order.

2 Recommendation to the Board

That a Tree Preservation Order be made with immediate effect, in respect of 32 individual trees and 1 group of trees which are located within the grounds of The Vicarage, Newlands Road, Baddesley Ensor for the reasons given in this report, and that any representations received be referred to the Board for it to consider when it decides whether to make the Order permanent.

3 Background

- 3.1 There have been pre application enquiries relating to the possibility of developing this site for residential purposes. The latest suggested scheme would be for the development of 4 dwellings in addition to the retention of the existing Vicarage. The development would necessitate the clearance of some trees. For this reason the views of the Council's Trees Officer were sought.
- 3.2 The Council's Tree Officer has assessed the trees in respect of the effect of the proposed development and in terms of their suitability for an Order. As a consequence he considers that they definitely merit an Order. The trees are in good condition and contribute to the amenity of the area as well as having ecological value. The trees are visible from public viewing areas and their removal would have a negative impact on the local environment and its enjoyment by the public.
- 3.3 The land and the trees in question are shown in Appendix 1 (Plan of Land) and Appendix 2 (Schedule of Trees). The Tree Officer's Consultation Response to the Pre-application enquiry is shown as Appendix 3 and the TEMPO Assessments for the Trees are shown at Appendix 4. These evidence that the trees to be protected exhibit significant amenity and ecological/habitat value and explain that the TPO is not being made to stop development, but to ensure the trees are not damaged or removed without discussion and agreement with the Council.
- 3.4 As the trees are currently afforded no protection, and may be seen to frustrate the development aspirations for the land, it is considered that any such Order should take immediate effect.

4 Report Implications

4.1 Legal and Human Rights Implications

4.1.1 The owner of the land has the opportunity to make representations to the Council before any Order is confirmed as being permanent. If a planning application is submitted, he would also have the right of appeal if that was to be refused.

4.1.2 These trees have significant amenity value and it is thus important to protect them.

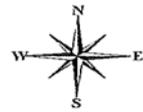
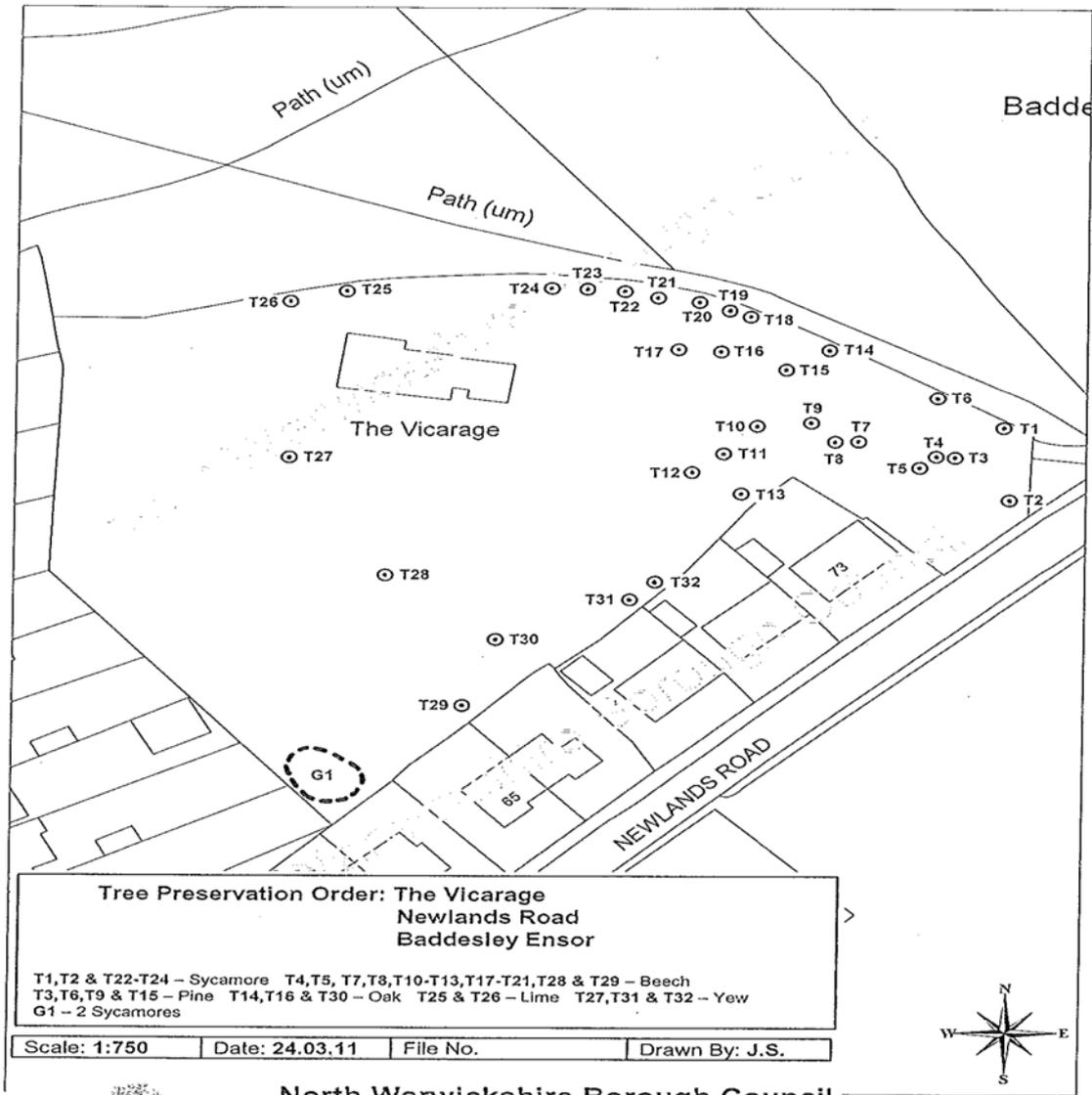
The Contact Officer for this report is Erica Levy (719294)

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	Agent for site owner	Pre application enquiry letter and plan	10/03/11
2	Tree Officer	Tempo Forms	15/03/11

Appendix 1



Development Control

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

The Council House
South Street
Atherstone
Warwickshire CV9 1DE

Telephone (01827) 715341



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Appendix 2

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Sycamore	Standing on land as shown encircled in black on the map
T2	Sycamore	Standing on land as shown encircled in black on the map
T3	Pine	Standing on land as shown encircled in black on the map
T4	Beech	Standing on land as shown encircled in black on the map
T5	Beech	Standing on land as shown encircled in black on the map
T6	Pine	Standing on land as shown encircled in black on the map
T7	Beech	Standing on land as shown encircled in black on the map
T8	Beech	Standing on land as shown encircled in black on the map
T9	Pine	Standing on land as shown encircled in black on the map
T10	Beech	Standing on land as shown encircled in black on the map
T11	Beech	Standing on land as shown encircled in black on the map
T12	Beech	Standing on land as shown encircled in black on the map
T13	Beech	Standing on land as shown encircled in black on the map
T14	Oak	Standing on land as shown encircled in black on the map
T15	Pine	Standing on land as shown encircled in black on the map
T16	Oak	Standing on land as shown encircled in black on the map
T17	Beech	Standing on land as shown encircled in black on the map
T18	Beech	Standing on land as shown encircled in black on the map
T19	Beech	Standing on land as shown encircled in black on the map
T20	Beech	Standing on land as shown encircled in black on the map
T21	Beech	Standing on land as shown encircled in black on the map
T22	Sycamore	Standing on land as shown encircled in black on the map
T23	Sycamore	Standing on land as shown encircled in black on the map
T24	Sycamore	Standing on land as shown encircled in black on the map
T25	Lime	Standing on land as shown encircled in black on the map
T26	Lime	Standing on land as shown

T27	Yew	encircled in black on the map Standing on land as shown encircled in black on the map
T28	Beech	encircled in black on the map Standing on land as shown encircled in black on the map
T29	Beech	encircled in black on the map Standing on land as shown encircled in black on the map
T30	Oak	encircled in black on the map Standing on land as shown encircled in black on the map
T31	Yew	encircled in black on the map Standing on land as shown encircled in black on the map
T32	Yew	encircled in black on the map Standing on land as shown encircled in black on the map

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
	NONE	

Groups of trees

(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	2 Sycamores	Standing on land shown within broken black line on the map

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	

Appendix 3

ARBORICULTURAL COMMENTS (Planning):

From: Peter Wharton (Landscape Officer – Trees)
To: Erica Levy
Date: 24th March 2011

Re: Resolution: New Tree Preservation Order

Site: The Vicarage, Newlands Road, Baddesley Ensor

Date of Site Visit: 15th March 2011

Comments:

A site visit was undertaken to assess the trees located on land at The Vicarage, Newlands Road, Baddesley Ensor. The tree assessment was initiated following pre-application discussions in relation to a potential planning application for the residential development of the site.

The site is currently occupied by a large detached dwelling house located to the north and is surrounded by a large garden area. The trees and groups are an integral part of this site providing amenity and ecological value to the surrounding public and private areas. In addition to the main trees there are also a number of smaller groups of trees and mature shrub areas which characterise the site.

To date following conversations with the planning consultants there has been no tree survey inline with BS5837:2005 and as a result there has been not assessment of the trees, their inherent quality or their root protection areas which will ultimately define the location of an dwellings.

The TPO has not been designed to stop development of the site but to ensure that all significant trees are considered for retention. Prior to any design plans evolving it is recommended that a detailed tree constraints assessment be undertaken to assess the trees, define tree retention categories, root protection areas and shading arcs.

The TPO is protect a total of 32 individual trees and 1 group of trees which are either sycamore, beech, oak, pine, lime or yew trees.

Recommendations:

It is recommended that a new TPO be made to protect 32 individual trees and 1 group of trees as per the TPO plan. The trees to be protected exhibit significant amenity and ecological/habitat value. The TPO is not being made to stop development but to ensure they are not damaged or removed without discussion and agreement with the Council.

Peter Wharton
Landscape Officer (Trees)

Appendix 4

1

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15/03/11 Surveyor: P. Wharton

Tree details
 TPO Ref (if applicable):
 Owner (if known):

Tree/Group No: T1, T2, T22-T24, 61
 Species: Sycamore
 Location: The Vicarage, Newlands Rd, Baddesley Ensor

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
 - 3) Fair Suitable
 - 1) Poor Unlikely to be suitable
 - 0) Dead/dying/dangerous* Unsuitable
- * Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
 3 - All trees in fair structural + physiological condition

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

- 5) 100+ Highly suitable
 - 4) 40-100 Very suitable
 - 2) 20-40 Suitable
 - 1) 10-20 Just suitable
 - 0) <10* Unsuitable
- * Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
 2 - All trees have a minimum of 20 years remaining.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
 4 - Located on site boundary

d) Other factors

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

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

Score & Notes
 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
 3 - Pre applicable

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
 13

Decision:
 TPO.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15/03/11	Surveyor: P. White
Tree details	T4, T5, T7, T8, T10-T13
TPO Ref (if applicable):	Tree/Group No: T7-20, T21, T28 + T29
Owner (if known):	Species: Beech Location: As per page 1

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
3 - All trees in good/fair condition

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

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
4 - High quality trees with significant ULE remaining

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes
4 - All trees, and clearly visible

d) Other factors

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

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

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
3 - Pre-application

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
15

Decision:
TPO

3

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15/03/11	Surveyor: P. Whelan
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Tree details	
TPO Ref (if applicable):	Tree/Group No: T3, T6, T9, T15
Owner (if known):	Species: Pine
	Location: As per page 1.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
3 - All in fair condition

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

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
2 -

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes
4 - site boundary

d) Other factors

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

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

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
3 - Pres - applicant

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
13

Decision:
TPO

4

TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15/03/11	Surveyor: P. White.
Tree details	T14, T16, T30
TPO Ref (if applicable):	Tree/Group No: Oak.
Owner (if known):	Location: As per page 1.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
3 -

* Relates to existing context and is intended to apply to severe irremediable defects only

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

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
4 - Significant ULE present

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
4

d) Other factors

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

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

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
3

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
15

Decision:
TPO

5

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15/07/11	Surveyor: P. White
----------------	--------------------

Tree details	
TPO Ref (if applicable):	Tree/Group No: T85+26 Species: Lime
Owner (if known):	Location: As per page 1.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
3

* Relates to existing context and is intended to apply to severe irremediable defects only

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

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
2 - previously included trees

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
4 - site boundary with canopy

d) Other factors

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

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

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
3

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
13

Decision:
TPO

6

TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 18/03/11	Surveyor: P. White
----------------	--------------------

Tree details	T27, T31, T32	Species: Yew
TPO Ref (if applicable):	Tree/Group No:	
Owner (if known):	Location: As per page 1	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
5 - Trees are all in good condition

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

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
5 - Significant ULE means.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
3

d) Other factors

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

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

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
3 - Pre-application

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
17

Decision:
TPO.

Agenda Item No 7

Planning and Development Board

15 August 2011

**Report of the
Head of Development Control**

**Use Classes Order
Consultation Paper**

1 Summary

- 1.1 The Government has circulated a further paper for consultation concerning the possibility of further relaxation of the Use Classes Order.

Recommendation to the Board

- a That in North Warwickshire's case, this Council considers that any further relaxation in the Use Classes Order will inevitably involve far worse adverse impacts arising from unrestricted changes of use, particularly traffic and environmental impacts, and that these would outweigh any benefits that might arise. Any alternative should be introduced through Local Development Orders such that local circumstances can be better reflected; and
- b That this Council has in particular seen the adverse impacts arising from temporary use permitted development rights, and once again requests that these are reviewed such that greater emphasis is given to limiting these rights so as to reduce these impacts on local communities.

2 Background

- 2.1 Members will recall the recent report outlining the Government's proposals to relax the Use Classes Order in order to enable the change of use of commercial/business premises to residential use without the need to submit a planning application. This was designed to encourage housing growth.
- 2.2 The Use Classes Order essentially defines a number of uses, and says that a planning application is required to change the use of land or buildings between these uses, but not if the new use is in general terms the same use as that which is already lawful. The proposal as outlined above is designed to make changes of use far more flexible through relaxation.

3 The Paper

- 3.1 The Government is continuing to look at ways to promote growth and to reduce the “administrative burden” on business. This current consultation paper therefore invites representations on further reform to the Use Classes Order to make it more “deregulatory”. It is also said that the review is timely, as any new proposals should reflect present day uses and activity – e.g. more people working from home, changes in shopping habits and new industries being created.
- 3.2 The Paper asks a number of questions rather than making specific proposals. It starts by asking fundamental questions. Firstly, is the submission of planning applications the best system to look at changes of use? It asks whether perhaps a Licensing system or the making of Local Development Orders through Neighbourhood Plans is a better way of enabling changes and keeping impacts to a minimum. Secondly, does the present Order allow an appropriate balance between the regulation of development and its potential impact? It suggests that the Order itself may be a barrier to growth and thus that the Local Planning Authority need only be involved in changes of use only if the building works are required or if there is an identified adverse impact. It then also asks whether the current classes in the Order are still appropriate, and whether the concepts of “ancillary” uses and “temporary” uses are still properly necessary.

4 Observations

- 4.1 This paper is not unexpected given past announcements and consultations, particularly reflecting the Government’s growth agenda and its objective of removing central control systems. The issue has always been however how these objectives sit with the other objective of localism. Members will only be too aware of the interest that arises from assessing the likely impacts arising from changes of use as well as the difficulties that arise when uses and activities either change within a use class or through intensification. Changes of occupier in industrial and commercial areas might not have material impacts, but the introduction of a business into a residential area may have significant impacts. Members know that key impacts arising from changes of use usually focus around traffic impacts as well as environmental impacts – hours of working; noise and general disturbance. Unfettered changes of use of land would only intensify and worsen these impacts if further re-regulation was sought.
- 4.2 For all of its faults and the difficulties that there are in using the current Order, it does provide a recognised and consistent framework through which the Council can work and fulfil its role of managing new development. It enables the Council to meet its priorities – sustainable development in the right locations thus protecting the rural character and appearance of the Borough.
- 4.3 If anything, it is suspected that Members and the local communities would probably wish to see greater control in order to protect the rural character of the Borough, to reduce traffic impacts and to protect existing services and

facilities. This is evident to a certain extent in the difficulties that arise when some temporary uses become significantly large – eg car boot sales; when historic uses expand and intensify and when business use is made of residential property through mixed uses.

5 Report Implications

5.1 Links to Council’s Priorities

5.1.1 The Council priorities of protecting the Borough’s rural character and of promoting sustainable new development in the right places so as to meet its Sustainable Community Plan objectives, could be put at risk if there is no control over changes in the use of land and property.

5.2 Environment and Sustainability Implications

5.2.1 The proposed deregulation and further relaxation of the use classes order could impact adversely on the local environment and local communities arising from unrestricted changes of use, particularly traffic and environmental impacts. The adverse impacts need to be assessed alongside any benefits to local businesses and others.

The Contact Officer for this report is Jeff Brown (719210).

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	Issues Paper - “How Change of Use is Handled in the Planning System”	June 2011

Agenda Item No 8

Planning and Development Board

15 August 2011

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2011

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to June 2011.

Recommendation to the Board

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

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 The Portfolio Holder and Shadow Portfolio Holder for Resources, Councillors Forwood and Lea have been sent a copy of this report and any comments received will be reported to the Board.

3 Background

- 3.1 This report shows the first quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2011/12. This is the first report showing the progress achieved so far during 2011/12.

4 Progress achieved during 2010/11

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to June 2011/12 for the Planning and Development Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not achieved

Amber – target currently behind schedule and requires remedial action to be achieved

Green – target currently on schedule to be achieved.

5 Performance Indicators

- 5.1 Members will be aware that national indicators are no longer in place and have been replaced by national data returns specified by the government. A number of previous national and best value indicators have been kept as local indicators as they are considered to be useful in terms of managing the performance of our service delivery corporately.
- 5.2 The current national and local performance indicators have been reviewed by each division and Management Team for monitoring for the 2011/12.

6 Overall Performance

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

Corporate Plan

Status	Number	Percentage
Green	4	100%
Amber	0	0%
Red	0	0%
Total	4	100%

Performance Indicators

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

7 Summary

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

8 Report Implications

8.1 Safer Communities Implications

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

8.2 Legal and Human Rights Implications

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

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community.

8.4 Risk Management Implications

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

8.5 Equalities

8.5.1 There are indicators relating to Equality reported to other Boards.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to protecting and improving our environment and defending and improving our countryside and rural heritage.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

Ref	Start Date	Action	Board	Lead Officer	Reporting Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
NWCP 004 11/12	Apr-11	To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities	Executive Board/Planning Board	ACE&StC	Dorothy Barratt	Housing/Countryside & Heritage		The LDF Sub-committee have agreed a draft Core Strategy to be considered by Planning & Development and Executive Boards in September 2011.	Green	↑
NWCP 012 11/12	Apr-11	To move towards the management of development rather than its control by looking at development proposals as an opportunity to deliver the Council's priorities and objectives, as set out in the Sustainable Community Strategy and the Corporate Plan and not just the Development Plan. To report on this approach by March 2012	Planning Board	ACE&StC	Jeff Brown	Countryside & Heritage		Reports to go to board in time to meet target dates	Green	↑
NWCP 013 11/12	Apr-11	Consideration of planning applications to ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings. To report on this approach by March 2012	Planning Board	ACE&StC	Jeff Brown	Countryside & Heritage		Reports to go to board in time to meet target dates	Green	↑
NWCP 014 11/12	Apr-11	Continue to use the Design Champion to ensure the best achievable designs are implemented in development. To report on the role of the Design Champion by March 2012	Planning Board	ACE&StC	Jeff Brown	Countryside & Heritage		Reports to go to board in time to meet target dates	Green	↑

Performance Indicators

PI Ref	Description	Division	Section	High/Low is good	2011/12 Target	2010/11 Outturn	National Best Quartile	Performance	Traffic Light	Direction	Comments	Suggested reporting interval	Board
Development Control													
NI 157a	Processing of planning applications as measured against targets for major application types	Development Control	Development Control	High	60%	47.06%	81.6%*	33.33%	Amber		This is an annual figure. This figure is due to section 106 agreements and serious design issues.	Q	Planning and Development Board
NI 157b	Processing of planning applications as measured against targets for minor application types	Development Control	Development Control	High	85%	85.90%	84%*	72.09%	Amber		These are qtrly returns the full picture will be available at the end of the year	Q	Planning and Development Board
NI 157c	Processing of planning applications as measured against targets for other application types	Development Control	Development Control	High	95%	90.83%	93.91%	80.46%	Amber		These are qtrly returns the full picture will be available at the end of the year	Q	Planning and Development Board

Agenda Item No 9

Planning and Development Board

15 August 2011

Report of the Head of Development Control

Annual Performance Report

1 Summary

- 1.1 The report sets out the annual performance of the Development Control service over the period 2010/11 comparing it with recent years.

Recommendation to the Board

That the report be noted.

2 Planning Applications

- 2.1 Table One sets out the annual performance for 2010/11 for this part of the service. Whilst the total number of applications increased over last year, this is due to two new categories being introduced – namely applications to Discharge Conditions and Minor Amendments. Formerly no applications were needed for these matters. During 2010/11 they amounted to 15% of all applications. If taken out, then the number of applications received was the same as for 2009/10 – around 670. This reflects the continuing “sluggish” situation in respect of the economy. This is further emphasised if the types of application received are looked at – majors are down on last year (3.2% to 2.9%), and also householders are down (34% to 32%).
- 2.2 Whilst there has been some reduction in the overall speed of determining applications, the overall performance remains consistent over the past few years. There has however been a noticeable drop in the speed of determining major applications – down from 64 to 47%. It first has to be noted that with so few major applications being submitted (2.9%), that any delay in just one application can have a disproportionate impact on the overall determination rate. Even allowing for this statistical effect, performance is still down on last year and thus an analysis of the major applications determined in 2010/11 has been undertaken. The attached Table Three identifies those major applications determined outside of their 13 week target. It can be seen that of these nine, two involved formal referral to the Secretary of State as departures; five were awaiting completion of Section 106 Agreements even although the resolution to grant permission was taken within the 13 week period. Two of the remainder were for fishing pools, where far more detailed information had been requested from applicants in order to understand the likely impacts, and the third involved lengthy design negotiations. These last three cases could have been refused permission within 13 weeks in order to meet determination targets, but that would then have involved re-submissions and repeated work. It is noteworthy that only one of these nine applicants complained about the determination outside of the 13 weeks.

2.3 As to be expected, with no fee increase announced, the income received remains down on previous years – also a reflection of few major applications being submitted. It can be seen that on average over the past few years we receive around 9% of applications which carry no fee, and that whilst round 35% of our work is generated by householder applications, they only generate around 12 to 13% of our fee income.

3 Breaches of Planning Control

3.1 Performance in respect of the investigation of alleged breaches of planning control is set out in Table Two. It can be seen that the number of allegations received remains consistent with past years, and that the way in which breaches of planning control are resolved remains the same. The emphasis has always been to resolve these issues through an agreed measure – either retrospective applications, the submission of Certificate of Lawfulness applications or through voluntary action. However as Members are aware, the profile given to formal action in the Courts tends to be high. This therefore tends to disguise the amount of work that is otherwise going on by officers to gain an agreed resolution in other cases. As reported elsewhere, this formal activity attracts media attention and this does play a significant role in highlighting the perception in the community that the Council will take action when appropriate. Again as already reported, it is these cases that take up a very high proportion of resources and inevitably involve a number of planning and legal officers. Members will have noted that the times taken to visit sites and to make initial assessments have returned to those that were consistently evident over the past few years. Thus is due to there now being a full complement of staff in the investigation team – last year there was a vacancy.

4 Report Implications

4.1 Financial Implications

4.1.1 Members are already aware of the fall in planning income and in this respect the work of the investigation team in encouraging retrospective and Certificate applications is having a positive impact.

4.2 Links to the Council’s Priorities

4.2.1 The service continues to have its outcomes driven by the Development Plan and the Sustainable Community Plan which have strong environmental and sustainability themes running through them.

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

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE ONE: HANDLING APPLICATIONS

Measure	Year 2006/2007	Year 2007/2008	Year 2008/2009	Year 2009/2010	Year 2010/2011
Processing Applications					
A) Total number of applications received divided as follows:	783	761	666	674	787
• Change of use	5.49%	5.51%	7.51%	6.23%	8.00%
• Householder	44.83%	44.54%	38.14%	34.12%	22.4%
• Major developments	3.96%	2.89%	3.61%	3.26%	2.9%
• Minor developments	30.14%	27.59%	28.98%	30.42%	23.9%
• Others	15.58%	19.45%	21.77%	14.84%	17.8%
• Docs				10.29%	12.2%
• MIAS				0.74%	3.5%
B) Total number of Decisions	795	760	674	644	720
C) % of all applications granted permission	76.60%	76.97%	76.70%	82.14%	73.47%
D) % of all applications determined in eight weeks (BVPI)	87.92%	73.68%	85%	88%	87%
• majors in 13 weeks	74%	84.21%	86%	64%	47%
• minors in 8 weeks	87%	88.77%	83%	85%	86%
• others in 8 weeks	94%	93.99%	91%	88%	88%
E) % of all householder applications determined in eight weeks	97%	97.04%	91.63%	95.02%	92.5%
F) % of all applications determined in under delegated powers (BVPI)	94%	94%	95%	93%	94%

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE ONE: HANDLING APPLICATIONS (Cont'd)

Measure	Year 2006/2007	Year 2007/2008	Year 2008/2009	Year 2009/2010	Year 2010/2011
Appeals					
G) Number of Appeals lodged	37	25	16	15	30
H) % of Appeals allowed	26.47%	15.38	22.73%	42.80%	24%
Fees and Costs					
I) Fee income from all applications	£337,211	£384,024	£304,388	£247,200	£262,215
J) % of all applications that are non-fee earning.	9.45%	10.91%	10.81%	7.8%	8.13%
K) % of fees that come from householder applications.	12.75%	5.87%	9.50%	14.23%	14.9%

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

TABLE TWO: BREACHES OF PLANNING AND ENFORCEMENT

Measure	Year 2006/2007	Year 2007/2008	Year 2008/2009	Year 2009/2010	Year 2010/2011
Reports of Alleged Breaches					
A) Number of notifications	231	209	249	236	218
B) %Where a breach identified	62%	45%	71%	66%	63%
C) Average working days from notification to site visit	6	5	5	11	7
D) Average working days from notification to assessment	8	7	7	13	10
E) % of assessments in 21 days	84%	85	86	62	78
F) Once a breach is established – mode of resolution (%)					
• Retrospective planning application or certificate application	47	50	48	25	33
• Voluntarily removed	38	33	34	52	40
• Not expedient to take action	2	3	4	4	5
• Enforcement action authorised	11	12	14	14	14
• Other action, e.g. injunctions	0	0	0	5	0
• outstanding				0	8

PLANNING CONTROL SERVICE IMPROVEMENT PLAN – MONITORING REPORT

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

Measure	Year 2006/2007	Year 2007/2008	Year 2008/2009	Year 2009/2010	Year 2010/2011
Reports of Alleged Breaches					
G) %of notifications resolved, or where no breach identified in twelve weeks	97%	74%	91%	69%	84
H) Fee income from retrospective applications	£ 8445	£ 9040	£ 7555	£ 6050	£ 7175
I) Number of Enforcement Notice Appeals lodged (not necessarily relating to Notices served this year).	7	3	9	10	9
J) Number of cases where Court Action authorised (not necessarily relating to cases reported this year).	5	4	2	1	4

TABLE THREE – MAJOR APPLICATIONS DETERMINED AFTER 13 WEEKS IN 2010/2011

Application	Reason
Phase 2 Birch Coppice	Departure and Section 106
Wagstaff Farm	Departure and Section 106
Arley Miners Welfare Club	Section 106
Ocado	Section 106
The Dog Inn, Water Orton	Section 106
M G Evans, Atherstone	Design Issues – Lengthy Negotiation
Manor House Farm, Ansley	Fishing Pools – More detail required
Marston Fields Farm, Marston	Fishing Pools – More detail

Agenda Item No 10

Planning and Development Board

15 August 2011

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 11

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

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

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