

**To: The Deputy Leader and Members of the Planning and Development Board (Councillors Simpson, Bowden, Davis, L Dirveiks, Jenkins, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, 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**

**18 OCTOBER 2010**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 18 October 2010 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 Davis (Atherstone), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) are deemed to be declared at this meeting.)

- 4 **Minutes of the meetings of the Board held on 14 June, 19 July, 16 August and 13 September 2010** (copies herewith) to be approved as a correct record and signed by the Chairman.

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

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

### **Summary**

Town and Country Planning Act 1990 – application presented for determination.

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

- 6 **Planning Application Validation Requirements** – Report of the Head of Development Control.

### **Summary**

This report proposes revisions to the Council's Planning Application Validation Requirements document. The reasons for these revisions and a summary of the amendments are set out in full below, along with details of the intended consultation period.

The Contact Officer for this report is Chris Nash (719481)

- 7 **Draft Tree Preservation Regulations** – Report of the Head of Development Control.

### **Summary**

The Government has published draft revisions to the Regulations governing Tree Preservation Orders for consultation purposes. These are reported for the Board to consider making any representations.

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

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

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

### **Recommendation:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they**

**involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

- 9 **Tree Preservation Orders** – Report of the Head of Development Control

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

- 10 **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

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

14 June 2010

Present: Councillor Lea in the Chair.

Councillors Davis, L Dirveiks, Morson, B Moss, Sherratt, Swann, Sweet and Wykes

Apologies for absence were received from Councillors Bowden, Jenkins, Simpson, M Stanley and Winter.

Councillor Phillips was also in attendance.

#### 8 **Declarations of Personal or Prejudicial Interests**

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 Davis (Atherstone), B Moss (Kingsbury) and Sherratt (Coleshill) were deemed to be declared at this meeting.

#### 9 **Minutes**

The minutes of the meetings of the Board held on 15 March, 12 April and 17 May 2010, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

With regard to Minute No 4 of the meeting of the Board held on 17 May 2010 (85A Long Street, Atherstone), the Head of Development Control reported that the matter had been resolved and it was agreed that no further action be taken.

#### 10 **Management of Trees and Open Spaces**

The Board received a presentation from Alethea Wilson, Landscape Manager, on the management of trees and open spaces in the Borough.

#### 11 **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 2009/0420 (Almshouses, Church Lane , Middleton)**
- i That the material considerations identified on page 6/6 of the report of the Head of Development Control be explored by the Board prior to determination of the application; and**
  - ii That a site visit be held prior to determination of the application.**
- b That in respect of Application No 2010/0088 (Coleshill Hall Farm, Birmingham Road, Coleshill)**
- i That the Council is minded to support the principle of the development proposed in the application, but that it first be referred to the Secretary of State as a Green Belt Development as defined by paragraph 4 of the 2009 Direction, and that provided it is not “called-in”, a planning permission be granted subject to satisfactory outcomes in respect of nature conservation and archaeological investigations, and the draft conditions as set out in the report;**
  - ii That the applicant be reminded of the need for archaeological and nature conservation investigations to be undertaken and submitted to the Council;**
  - iii That the applicant be reminded of the need to obtain Listed Building Consent for the works proposed prior to any work commencing on site; and**
  - iv That, in the event of the grant of a planning permission, the conditions set out in the report of the Head of Development Control be attached.**
- c That Application Nos 2010/0099 and 2010/0100 (Three Tuns, Long Street, Atherstone) be refused for the following reason:**
- “The use of flowplast cast iron look a like UPVC rain water goods would be inappropriate at this listed building, situated in the Atherstone Conservation Area. The appearance, quality and durability of the material would detract from the traditional character of the Listed Building and its Conservation Area setting, contrary to the provisions of Policies ENV15 and ENV16 of the North Warwickshire Local Plan 2006 (saved policies). A desire to**

make cost savings does not outweigh the provisions of these policies.”

**d That in respect of Application Nos 2010/0580 and 2010/0585 (Three Tuns, Long Street, Atherstone)**

**i condition 2 of both applications be varied to read:**

**“The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 07\_091 034B received by LPA on 17 December 2009 and the site location 05\_124 17 received by LPA on 26 July 2006.” and**

**ii consent be granted for partial non-compliance with condition 6 of each application.**

**e That in respect of Application No 2010/0184 (Wood Corner Farm, Green End Road, Green End, Fillongley), condition 3 of Application No 2005/5095 be varied to read as follows**

**“3. The use hereby approved shall enure solely for the benefit of Sovereign Exhibitions Ltd and for no other Company whomsoever, and specifically not for the building known as Wood Corner Farm, and shall on or before vacation of the property by Sovereign Exhibitions Ltd, be discontinued “.**

**f That, subject to no representations being received referring to matters not included in the report of the Head of Development Control, Application No 2010/0248 (The Depot, Sheepy Road, Atherstone) be granted planning permission under delegated powers subject to the conditions set out in his report.**

**g That Application No 2010/0260 (Garage Site, Eastlang Road, Fillongley) be approved subject to the following amended conditions**

**“2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered L(90) 04E, L(2-) 133.1A, L(2-) 134.1A, L(2-) 131.1A and L(2-) 103.1B received by the Local Planning Authority on 25 May 2010, and the Arboricultural Impact Assessment and Method Statement received by the Local Planning Authority on 7 June 2010.**

**6. No development or site works whatsoever shall commence on site until details of measures for the**

**protection of retained and neighbouring trees, in accordance with the recommendations of the Arboricultural Impact Assessment and Method Statement dated 4 June 2010, have been submitted to and approved in writing by the Local Planning Authority.**

- 7. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval. This landscaping scheme shall include full details of the finished ground levels in relation to the existing ground levels.”**

**12 The Powers Delegated to the Director of Community and Environment**

The Board was invited to consider recommending to the Executive Board that the powers delegated to the Director of Community and Environment be instead delegated to the Assistant Chief Executive and Solicitor to the Council and the Head of Development Control.

**Recommendation to the Executive Board:**

- a That the powers detailed in the Appendix be delegated to the Assistant Chief Executive and Solicitor to the Council and Head of Development Control: and**
- b That all references to the Director of Community and Environment in the Scheme of Delegation in respect of the determination of planning applications to be replaced with a reference to the Assistant Chief Executive and Solicitor to the Council.**

**13 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2009 – March 2010**

Members were informed of the achievement of the Council's Corporate Plan and Performance Indicator targets for 2009 during April 2009 and March 2010.

**Resolved:**

**That the performance achieved for the Corporate Plan and Performance Indicator targets for April 2009 to March 2010, be noted.**

Chairman

**Planning and Development Board  
14 June 2010  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
6/5	2010/0248	Mr McDonnell	Objection	14 06 10

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

19 July 2010

Present: Councillor Simpson in the Chair.

Councillors Bowden, Davis, L Dirveiks, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet and Winter.

Apologies for absence were received from Councillors Jenkins and Wykes.

Councillors Hayfield, Lewis, Phillips and Smith were also in attendance. With the consent of the Chairman, Councillors Hayfield and Phillips spoke on Minute No 16 Planning Applications (Application No 2010/0102 - Land to the south east of Birch Coppice Business Park, Dordon).

#### 14 **Declarations of Personal or Prejudicial Interests**

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 Davis (Atherstone), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

In respect of Application No 2010/0267 (95 Witherley Road, Atherstone – Mr Richard Freer) the personal interest from all Members was noted.

#### 15 **Budgetary Control Report 2010/2011 Period Ended 30 June 2010**

The Assistant Director (Finance and Personnel) reported on the revenue expenditure and income for the period from 1 April 2010 to 30 June 2010. The 2010/2011 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the out-turn position for services reporting to the Board.

**Resolved:**

**That the report be noted.**

#### 16 **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. A supplementary report in respect of Application No

2010/0102 (Land to the south east of Birch Coppice Business Park, Dordon was circulated at the meeting.

**Resolved:**

- a **That in respect of Application No 2009/0592 (Wagstaff Farm, Shawbury Lane, Shustoke), Members take the opportunity to visit the site in view of the issues involved in the determination of the application as described in the report of the Head of Development Control;**
- b **That provided the applicant first completes a Section 106 Agreement in respect of the issues set out in the report of the Head of Development Control, Application No 2010/0113 (Shaw House, Freasley Common, Dordon) be approved subject to the condition set out in the report;**
- c **That Applications No 2010/0215 and 2010/0266 (11 and 19 Browns Lane, Dordon) be approved subject to the following additional condition**  
  
**“The use hereby approved shall not be commenced for business purposes until such time as full detailed plans of the measures to be taken to reduce odour and to reduce waste emission arising from the use hereby approved, have first been submitted to and approved in writing by the Local Planning Authority. The measures so approved shall then be fully installed to the written satisfaction of the Authority prior to the premises opening for business purposes.”**
- d **That Application No 2010/0267 (95 Witherley Road, Atherstone) be approved subject to the conditions specified in the report of the Head of Development Control.**

**Recommended**

- e **That in respect of Planning Application No 2010/0102**  
  
**“Birch Coppice Business Park to create 186,000 square metres of built floor space for storage and distribution uses within Use Class B8, together with space for a Waste Transfer Station, as an extension to Birch Coppice Park Phase One. Details submitted include the layout of the proposed site roads and vehicle accesses; site drainage infrastructure works, construction of site roads, site levels for building development plateaux and proposed site boundary landscaping. Details of individual plot layouts, scale and appearance of buildings are included now for illustrative purposes only.”**

**For IM Properties (Dordon) Ltd**

- (A) Outline planning permission be granted subject to:**
- i) the imposition of conditions as drafted below under B;**
  - ii) A Section 106 Agreement in the form set out in the report to the May Planning and Development Board as clarified by the main report to the July Board, together with the supplementary report to the July Board.**
- (B) Conditions**
- i) Standard Outline condition (i) - omit layout; scale and access**
  - ii) Standard Outline condition (ii) – five years for submission**
  - iii) Standard Outline condition (iii) – three years time period**
  - iv) Standard Plan numbers condition to include plan numbers: 829-020A; 11201/122, 123, 124, 125, 127 all received on 10 March 2010, plus plan numbers 11201/121C, 129D, 133B and 09-0406 Rev A received on 25 June 2010, together with Appendix A (Design Brief) and Appendix 2 (Landscape Design Guide) of the Design and Access Statement received on 10 March 2010.**
  - v) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: PCB/JWH/11201/3.3 –Issue 2 dated December 2009; the FRA Supplementary Information Ref: PCB/JWH/11201/3.0 dated February 2010, and the Investigations for Surface Water Disposal and FRA Ref: DAC/JWH/11201/3.3 dated April 2010, together with the following mitigation measures:**
    - a) the limitation of the rate of surface water run-off generated by the total site (Phases 1 and 2) so as to discharge at a rate of not more than the greenfield run-off rate as detailed in the FRA and associated documents.**
    - b) Provision of attenuation storage volume on the total site to retain the 100 year plus 20% flow event volume.**
    - c) Provision of an 8 metre easement strip adjacent to the top of the bank of the Penmire Brook as detailed in the FRA and associated documents**

- d) **No ground levels to be raised in the area defined in the FRA as being at risk of flooding in a 1 in a 100 year plus climate change allowance, event.**

**Reason: To prevent the increased risk of flooding; to improve and to protect water quality, habitat and amenity, and to ensure future maintenance of the system.**

- vi) **The B8 Use hereby approved shall be limited to a maximum of 186,000 square metres of gross floor space.**

**Reason: In the interest of highway safety by ensuring that there is no adverse impact on the capacity of the existing road network.**

#### **Pre-Commencement Conditions**

- vii) **No work shall commence on site until such time as full details of how the surface water drainage system hereby approved is to be maintained and managed following completion, have first been submitted to and approved in writing by the Local Planning Authority.**

**Reason: In order to reduce pollution and of flooding**

- viii) **No work shall commence on site until such time as a Construction Method and Management Statement has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of the method, working and phasing of the ground works; working hours, mitigation measures in respect of noise attenuation and reducing deposits on the surrounding highway network arising from HGV traffic, the location of site compounds and storage facilities, and the location of any site lighting during the construction phase. It shall also identify the means by which its terms are monitored and reviewed including the handling of complaints. The Plan once agreed by the Local Planning Authority shall remain in place until such time as agreed by the Authority.**

**Reason: In the interest of reducing adverse highway, traffic and environmental impacts as a consequence of this major construction project.**

- ix) **No development shall take place within the area denoted by the hatched area illustrated on the plan attached to this Notice and marked Appendix A, until such time as a programme of archaeological investigation has first been undertaken and implemented in full, in accordance with a**

written brief that shall first have been submitted to and approved in writing by the Local Planning Authority. The developer shall afford access at all reasonable times in order to enable this investigation to take place.

**Reason:** In the interest of establishing the archaeological significance of the site so as to add to the knowledge of the cultural heritage of the area.

- x) **No development shall take place within the area denoted by the hatched area illustrated on the plan attached to this Notice and marked Appendix A, until such time as any archaeological finds, remains and evidence arising from the investigation required under the above condition, has been fully recorded in line with a specification as set out in the approved written brief, and that record submitted to the Local Planning Authority.**

**Reason:** In the interests of securing a record of the archaeological evidence found at the site so as to enhance knowledge of the cultural heritage of the area.

- xi) **No development shall take place within the area denoted by the hatched area illustrated on the plan attached to this Notice and marked Appendix A, until such time as mitigation measures commensurate with the evidence found as a consequence of the survey undertaken under the above condition (ix) and recorded as required under the above condition (x), have first been submitted to and agreed in writing by the Local Planning Authority. Any such measures shall then be implemented and fully completed, to the written satisfaction of the Local Planning Authority, prior to the development approved under this permission being commenced.**

**Reason:** In the interests of securing measures to best retain any archaeological remains on the site.

- xii) **No development, including site clearance, shall commence on site, until a bat survey has been undertaken on site and a detailed mitigation plan, including the replacement of any loss of suitable roosting and foraging habitat, has first been submitted to and approved in writing by the Local Planning Authority. The Plan so approved shall be implemented in full to the written satisfaction of the Authority.**

**Reason:** To ensure that European protected species are not harmed by the development.

- xiii) **No development, including site clearance, shall commence on site until a detailed mitigation plan for reptiles, including a schedule of works and timings, has first been submitted to and approved in writing by the Local Planning Authority. The Plan so approved, shall be implemented in full to the written satisfaction of the Authority.**

**Reason: To ensure that protected species are not harmed by the development.**

#### **Pre - Occupancy Conditions**

- xiv) **All of the works itemised in condition (v) above shall have been completed in full and to the satisfaction in writing of the Local Planning Authority, and the details required under condition (vii) above shall have been approved in writing by the Local Planning Authority, prior to the occupation for business purposes of the first unit to be constructed under this planning permission.**

**Reason: In order to reduce the risk of pollution and of flooding.**

- xv) **No building hereby approved shall be occupied for business purposes until such time as details of the means of lighting the estate roads as shown on the approved plans, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented.**

**Reason: In the interests of good design; to reduce the risk of light pollution beyond the site, and in the interests of reducing crime.**

- xvi) **No building hereby approved shall be occupied for business purposes until such time as details of the measures to be installed necessary for fire fighting throughout the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall be installed.**

**Reason: In the interests of fire safety.**

- xvii) **No building whatsoever constructed pursuant to this permission shall be occupied for business purposes until such time as the whole of the spine road, roundabouts, access roads and access arrangements, including the secondary and emergency access measures as shown on the approved plans detailed under condition (iv), or as may have been subsequently amended in writing by the Local**

**Planning Authority, have first been completed in full to the satisfaction in writing of the Local Planning Authority.**

**Reason: In the interests of highway safety.**

- xviii) No building constructed pursuant to this permission, shall be occupied for business purposes until such time as all of the peripheral landscaping as shown on the approved plans under condition (iv) of this permission, or as subsequently amended in writing by the Local Planning Authority, have first been fully implemented to the satisfaction in writing of the Local Planning Authority.**

**Reason: In the interests of securing structural landscaping at the beginning of this development in order to secure its visual and bio-diversity benefits.**

- xix) No building constructed pursuant to this permission, shall be occupied for business purposes until such time as the fire fighting measures, and the lighting details approved under conditions (xv) and (xvi) above or as may be subsequently amended in writing by the Local Planning Authority, have first been fully installed to the satisfaction in writing of the Local Planning Authority.**

**Reason: In the interests of fire safety and to reduce the risk of crime.**

- xx) No building hereby approved shall be occupied for business purposes until such time as the following measures to deal with risks associated with contamination on the site have first been submitted to and approved in writing by the Local Planning Authority:**

- a) A preliminary Risk Assessment which identifies all previous uses; potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, together with potentially unacceptable risks arising from contamination at the site.**
- b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- c) An options appraisal and remediation strategy based on (a) and (b) above giving full details of the remediation measures required and how they are to be undertaken.**

- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) above are complete, and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any variation in these measures shall be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of pollution.

- xxi) There shall be no occupation for business purposes of any building hereby approved, until such time as a combined Ecological Mitigation, Enhancement and Management Strategy for the whole site has first been submitted to and approved in writing by the Local Planning Authority. This Strategy shall specifically include all aspects of: habitat and species mitigation, enhancement and management measures including details of enhancement of the Penmire Brook corridor and the Penmire Lake, together with the replacement of any tree and hedgerows. Once agreed, the Strategy shall be implemented in full, and it shall remain in place at all times, unless otherwise agreed by the Local Planning Authority in writing. It shall include measures for the monitoring of its outcomes and the means of reviewing the Strategy.

Reason: In the interests of securing improved and enhanced landscaping and bio-diversity measures for the area in accordance with PPS9.

#### Reserved matters

- xxii) No building approved under this permission shall be constructed until such time as the matters reserved under condition 1(iii) and 1(iv) above, have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt those matters shall include the following details and particulars in respect of development of each plot:
  - a) The plot layout, including all access, circulation and car parking areas.
  - b) The siting, design and external appearance of all buildings, including fixed structures and plant

- c) The type, texture and colour of building materials
- d) The site boundary treatments – including all walls, fences and other means of enclosure
- e) Landscaping details within each plot
- f) Final site levels
- g) Foul and surface water arrangements to the point of disposal from the plot boundary
- h) All external illumination, security structures and equipment.

Only the matters approved under this condition shall then be implemented.

Reason: In order to ensure a high quality of development.

#### **Bespoke Conditions to the Development**

- xxiii) Within three months of the date of this permission, details showing how the promotion and encouragement of use of the rail facilities and the intermodal freight terminal at Birch Coppice, for the movement of freight arising from occupation of the new development hereby approved, shall be submitted to the Local Planning Authority. These details shall include a description of those details; the processes involved, how they are to be monitored and reviewed. Once approved in writing, these measures shall be implemented and evidence of the measures taken and the monitoring undertaken shall be referred to the Local Planning Authority when requested. For the avoidance of doubt, these measures shall relate to all occupiers of the development hereby approved, and not just to the initial occupier.

Reason: In order to promote the intermodal facility at the site so as to achieve a sustainable development.

- xxiv) Each building constructed pursuant to this permission shall achieve the prevailing minimum standard in terms of energy efficiency at the time of its design, and for the avoidance of doubt the base-line for this minimum standard shall be the present BREEAM “good” standard.

Reason: In order to achieve sustainable development with a minimum carbon footprint and to encourage the use of renewable energy.

- xxv) A minimum of 1750 jobs shall be provided within the whole of the development hereby approved, unless otherwise agreed or varied in writing by the Local Planning Authority. For the avoidance of doubt this shall refer to Full Time Equivalent jobs and shall be calculated at the time when the first occupiers of the plots so approved, are fully operational.**

**Reason: In order to meet the requirements of Saved Core Policies 1 and 12 of the North Warwickshire Local Plan 2006, together with the Local Economy aim of the North Warwickshire Sustainable Community Plan 2006 – 2009, such that the local economy is able to diversify and adapt to changes in the wider economy, whilst remaining relevant to the needs of local people.**

### **Reasoned Justification**

**The application represents a departure from the Development Plan in that the proposal is for major commercial development on a green field site not allocated for such a purpose. It is considered that there are material planning considerations of such weight to warrant the application being treated as an exception to the Development Plan. These are:**

- i) Support from saved Core Policy 1 of the North Warwickshire Local Plan 2 that seeks the economic regeneration of the Borough.**
- ii) The evidence base that informed the preparation of the Regional Spatial Strategy indicates an unmet and immediate need for logistics sites, and that an extension of the existing Birch Coppice site would “fit” the locational criteria outlined in that evidence, for such provision.**
- iii) the employment provisions that propose a higher density of employment provision and opportunity in an area recognised as having high unemployment and with low skills**
- iv) the ability to treat each application for logistics provision in North Warwickshire on its own merits without being obliged to provide floor space because of a policy base-line requirement**
- v) the proposals contained within the application to re-locate the Warwickshire County Council’s Waste Transfer Station to an alternative site within the application site, such that there are material planning, environmental and traffic benefits**
- vi) the bespoke package of measures contained within a Section 106 Agreement accompanying the application that is focussed on public transport provision and on the provision of measures aimed**

at linking the job opportunities provided by the proposal with local employment needs and training opportunities.

It is not considered that there would be adverse impacts arising from the proposals that warrant refusal. This is based on the responses from a number of Statutory and technical consultations; the use of conditions to mitigate impacts, and the content of the Section 106 Agreement. It is acknowledged that this is a significant application and that it is not possible to completely mitigate all impacts. The Council has had to balance the benefits and opportunities arising from the proposals, against these residual impacts, most notably the loss of agricultural land. It considers that on balance, the application can be supported.

[Note: The minute relating to Application No. 2010/0102 – Birch Coppice was considered and agreed by Full Council at its meeting on 16 August 2010].

**17 Revisions to PPS3 (Housing) Garden Land and Densities**

The Head of Development Control reported that the Coalition Government had announced changes to its Planning Policy documents to enable greater emphasis on local identification of some planning requirements.

**Resolved:**

**That the changes be noted.**

**18 Tree Preservation Orders Hurley and Fillongley**

The Council had recently made two Tree Preservation Orders, and following the period set aside for representations, Members were invited to consider whether or not to confirm the Orders.

**Resolved:**

**a That the Tree Preservation Order in respect of the oak tree at the junction of Dexter Lane and Knowle Hill, Hurley be made permanent; and**

**b That the Tree Preservation Order in respect of the oak tree in the rear garden of 32 Holbeche Crescent, Fillongley, be made permanent.**

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

**20 Heart of England, Fillongley**

The Head of Development Control updated the Board on the current position at the Heart of England site in Fillongley. Members noted the outcome of the recent successful prosecution.

**21 Beech House, Market Square, Atherstone**

Under Section 100B(4)(b) of the Local Government Act 1972 the Chairman had agreed to the consideration of this report by reason of the need to take urgent legal action.

The Assistant Chief Executive and Solicitor to the Council sought authority to prepare, and if needed, issue of an Urgent Repairs Notice under Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 to prevent further deterioration of Beech House, Market Square Atherstone. Members were asked to agree a suggested course of action.

**Resolved:**

- a That the issue of the Notice and action detailed in the report of the Assistant Chief Executive and Solicitor to the Council be authorised;**
- b That English Heritage be informed of the acceptance of its offer of grant aid; and**
- c That if necessary the Chief Executive use his emergency powers in respect of the financial implications outlined in the report.**

M Simpson  
Chairman

**Planning and Development Board  
19 July 2010  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/25	2010/0266	Applicant	Letter	2/7/10

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

16 August 2010

Present: Councillor Simpson in the Chair.

Councillors Bowden, Davis, L Dirveiks, Lea, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes.

Apologies for absence were received from Councillors Jenkins and Morson.

Councillors Forwood, Fox, Freer, Lewis, Moore, Phillips, Pickard and Y Stanley were also in attendance.

#### 22 **Declarations of Personal or Prejudicial Interests**

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 Davis (Atherstone), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

Councillors Lea, B Moss and Sweet declared a personal interest in Minute No 23 Planning Applications (Application No 2010/0393 - Lower House Farm, Lower House Lane, Baddesley Ensor) by reason of being Warwickshire County Councillors and took no part in the discussion or voting thereon.

#### 23 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

##### **Resolved:**

- a **That the issues report in respect of Application No 2010/0374 (Atherstone Police Station and Magistrates Court, Sheepy Road, Atherstone) be noted: and**
- b **That in respect of Application No 2010/0393 (Lower House Farm, Lower House Lane, Baddesley Ensor):**
  - l) **this Council has no objection to the proposals subject to the conditions attached to the planning permission for Phase Two of Birch Coppice, and that the draft Section 106 Agreement accompanying that permission is also signed;**

- ii) the County Council be strongly recommended to undertake an archaeological survey of the existing Lower House Farm site in liaison with the Warwickshire Museum, and that no planning permission for this current proposal be granted until such time as it is satisfied that appropriate measures commensurate with the conclusions of that survey are agreed and implemented in full; and
- iii) the County Council condition any planning permission such that the colour of the materials to be used matches that on the Phase Two Birch Coppice proposals and that the operating hours are as set out in the report of the Head of Development Control.

24 **Annual Performance Report 2009/10**

The Head of Development Control reported on the annual performance over 2009/10 of the Development Control service comparing it with recent years.

**Resolved:**

- a That the report be noted; and
- b That a further report be brought to the Board making recommendations concerning a review of the Council's Enforcement Policy.

25 **Local Transport Plan 3 - Consultation**

The Assistant Chief Executive and Solicitor to the Council reported on the "The Local Transport Plan (LTP)", prepared by Warwickshire County Council setting out the transport strategy for Warwickshire and outlined a programme of transport schemes and initiatives to be delivered over the short to medium term.

**Resolved:**

**That the comments on the feedback form be sent to Warwickshire County Council as this Council's response to the consultation document.**

26 **Old Bank House Garden Wall and Trees**

The Assistant Director (Streetscape) and the Assistant Director (Leisure and Community Development) reported on the proposed felling of a number of trees in Old Bank House Garden, Atherstone;

both to protect the unstable wall that surrounded the Garden and also to open up the area to provide a more attractive amenity space for the local community.

**Resolved:**

- a That officers be asked to identify the emergency works required to be undertaken to the walls and trees within Old Bank House Garden and bring a further report to the Board in respect of any other proposed works be undertaken as part of a planned maintenance programme;**
- b That the comments in a) above be referred to the Resources Board for consideration; and**
- c That the Board be advised of all future works to remove trees the in ownership or care of the Borough Council.**

**27 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – June 2010**

The Chief Executive and the Director of Resources reported on the performance and achievement against the Corporate Plan and Performance Indicator targets relevant to the Board for the first quarter from April to June 2010.

**Resolved:**

**That the report be noted.**

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

**29 Breaches of Planning Control**

The Head of Development Control reported on a number of alleged breaches of planning control and the Board was asked to agree suggested courses of action.

**Resolved:**

- a** That in the case of Heart of England Promotions, Wall Hill Road, Fillongley and relating to a 'forestry/agricultural building' the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with three elements of a separate, extant Enforcement Notice requiring:
- Removal of the toilet block and replacing it with that shown on the approved plan
  - Removal of the internal staircase and the first floor
  - Removal of the cantilevered platform together with its hand rail.
- b** That in the case of Heart of England Promotions, Wall Hill Road, Fillongley the Solicitor to the Council be authorised to take further enforcement action in relation to the 'forestry/agricultural building' with the issue of an Enforcement Notice relating to the unauthorised erection of a building. The notice to require the cessation of the recreational use of the land and the removal of the whole of this unauthorised development including the building, its foundation, compound, fencing, associated hardstanding and all services. The compliance period will be six months;
- c** That in the case of Heart of England Promotions, Wall Hill Road, Fillongley, the Solicitor to the Council be authorised to issue an enforcement notice in relation to an unauthorised mock lighthouse structure erected on an island within the lake. The compliance period will be one month;
- d** That in the case of Heart of England Promotions, Wall Hill Road, Fillongley, the Solicitor to the Council be authorised to take appropriate legal action in response to the erection of eight unlawful signs on the former field access comprising:
- Two free standing 'welcome' signs
  - Two signs on the fencing at the entrance to the site
  - Two box style signs on fabricated steel mountings
  - One free standing double sided 'A' board and
  - One directional sign.

- e** That in respect of land to the rear of Whitegate Farm, Quarry Lane, Mancetter, the Solicitor to the Council be authorised to issue two Enforcement Notices relating to:
- i)** The change of use of the land for the storage of plant (heavy machines used in industry and for earth moving equipment; heavy machine parts; containers; builders materials; heavy goods vehicles; vehicle parts; fuel storage tank; aggregate and skips; together with the formation of a raised hardstanding area, comprising brick, concrete rubble and stone; the formation of a waste bund comprising earth, brick and concrete rubble; and
  - ii)** Secondly, to serve an enforcement notice in relation to the erection of a steel framed, block and wooden clad industrial type building with roller shutter door.
  - iii)** The owner being required to cease the unauthorised storage use, dig up and remove from the site the unauthorised hardstanding and waste bund, demolish and remove the unauthorised building and reinstate the land with a covering of top soil. The compliance period will be six months.
- f** That in respect of The Field , Lamp Lane, Arley, the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the unauthorised change of use of the site, to a mixed use, comprising agriculture, together with the siting of a residential mobile home. The Notice to require the cessation of the use of the land for the siting of a residential mobile home by the removal of the mobile home from the site and the land restored to its previous condition. The compliance period will be six months;
- g** That in respect of the The Dog Inn, Marsh Lane, Water Orton, the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the unauthorised change of use of the site from a Public House falling within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987 as amended, to a mixed use involving this public house together with its use for car boot sales. The Notice to require the cessation of the car boot sales at the site and the compliance period be four weeks; and

- h That in respect of 81 Ansley Common, Ansley and adjoining land, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with part of an extant Enforcement Notice requiring the cessation of the use of the land for a vehicle recovery business together with the storage of recovery vehicles, scrap, and car parts.**

**30 Tree Preservation Order, Atherstone**

Under Section 100B(4)(b) of the Local Government Act 1972 the Chairman had agreed to the consideration of this report by reason of the urgent need to make the Tree Preservation Order.

The Board was informed that an outline planning application had been submitted proposing the redevelopment of the Police Station and Magistrates Court Site in Sheepy Road, Atherstone. The site contained groups of trees and individual trees along the frontages with Croft Road and Sheepy Road. The trees had been inspected and were considered worthy of a Tree Preservation Order.

**Resolved:**

**That a Tree Preservation Order be made with immediate effect, in respect of T1 a Lime Tree, T2 a Silver Birch Tree, G1 - 4 Silver Birch Trees and 1 Downey Birch Tree, G2 - 3 Lime Trees and G3 – 3 Ash Trees for the reasons given in the report of the Head of Development Control, and that any representations received be referred to the Board for it to consider when it decides whether to make the Order permanent.**

M Simpson  
Chairman

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE  
PLANNING AND DEVELOPMENT BOARD**

**13 September 2010**

Present: Councillor Simpson in the Chair.

Councillors Davis, L Dirveiks, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes.

Apologies for absence were received from Councillors Bowden and Jenkins.

Councillor Phillips was also in attendance.

**31 Declarations of Personal or Prejudicial Interests**

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 Davis (Atherstone), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

**32 Budgetary Control Report – Period Ended 31 August 2010**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2010 to 31 August 2010. The 2010/2011 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the out-turn position for services reporting to the Board.

**Resolved:**

**That the report be noted.**

**33 Old Bank House Garden Wall and Trees**

The Assistant Director (Streetscape) and the Assistant Director (Leisure and Community Development) reported on the proposed felling of a number of trees in Old Bank House Garden, Atherstone; both to protect the unstable wall that surrounded the Garden and also to open up the area to provide a more attractive amenity space for the local community.

**Resolved:**

- a That a further report on the phasing of tree works in Old Bank House Garden be referred to a future meeting of the Board for consideration;**

- b** That any emergency works identified as part of the proposed felling works included in the current “tree works” contract be undertaken and that officers be asked to circulate the report to Parish, Town and Ward Members for comment and report back to a future meeting of the Board;
- c** That any emergency works identified as part of the proposed felling works included in the current “tree works” contract be undertaken and that officers be asked to circulate the report to Parish, Town and Ward Members for comment and report back to a future meeting of the Board; and

**Recommended to Resources Board:**

- d** That emergency works to the wall and any associated emergency works to the trees adjacent to the wall within Old Bank House Garden be undertaken and that officers be asked to prepare a long term phased maintenance plan for the Garden and Wall.

**34 Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

**Resolved:**

- a** That in respect of Application No 2007/0594 (Atherstone Garage, Long Street, Atherstone) officers be asked to continue discussions with the owner on the basis of the matters set out in the report of the Head of Development Control, and to bring a further report to the Board on the outcome;
- b** That officers be asked to prepare guidance for how the Council deals with requests to re-negotiate financial contributions when requested by other signatories, particularly given the current economic downturn;
- c** That in respect of Application No 2009/0952 (Wagstaff Farm Shawbury Lane Shustoke)
  - i)** the Council is prepared to consider support for this proposal providing that the applicant is prepared to enter into a Section 106 Agreement obligating a financial contribution of £240k to be paid to the Council in order to provide off-site

**affordable housing in the locality, in lieu of on-site provision.**

- ii) officers be instructed to inform the applicant of this position, and to report back to a further meeting on the outcome;**
  - iii) subject to the above Section 106 Agreement and the imposition of conditions as drafted in recommendation (iv) below, the application be referred to the Secretary of State under the 2009 Direction to see if he wishes to call-in the application for his own determination. If he does not, then the application be determined in line with recommendations (i) and (iv); and**
  - iii) the conditions set out in the report of the Head of Development Control be attached to the grant of any planning permission.**
- d That Application No 2010/0387 and 2010/0388 (Land Adjacent to and including 12 Meadow Street, Atherstone) be approved subject to the conditions specified in the report of the Head of Development Control.**

### **35 Interim Planning Policy Statement**

The Assistant Chief Executive and Solicitor to the Council reported on the recent changes to the Planning system and set out the Borough Council's planning policy stance in order to give clarity to residents, landowners, developers and other stakeholders on how the Council would consider development proposals. A Draft Interim Planning Policy Statement had been prepared and would be taken into account as a relevant material consideration in determining planning applications.

#### **Recommended to the Executive Board:**

- a That the Draft Interim Planning Policy Statement be approved for consultation;**
- b That representations be brought back to Board;**
- c That the Interim Planning Policy Statement be considered as a material planning consideration; and**
- d That the Statement be kept under review as further changes are announced.**

36 **Section 106 Monitoring**

The Head of Development Control submitted the six monthly review of outstanding Section 106 Agreements.

**Resolved:**

**That the report be noted.**

37 **Design Briefs**

The Head of Development Control sought approval for a number of draft Design Briefs to be circulated for consultation purposes.

**Resolved:**

**That the draft design briefs as set out in the report of the Head of Development Control be agreed for a period of consultation, prior to considering any representations received as part of their adoption as material planning considerations.**

38 **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.**

39 **Breaches of Planning Control**

The Head of Development Control reported on two alleged breaches of planning control and the Board was asked to agree suggested courses of action.

**Resolved:**

- a **That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of the use of the outbuilding as an independent dwelling at Lynwyn, Botts Green Lane, Over Whitacre and that the compliance period be six months; and**
- b **That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the reduction in height and the removal of the first floor of an outbuilding at Lynwyn, Botts Green Lane, Over Whitacre which has not**

**been constructed in accordance with the approval plans  
and that the compliance period be three months.**

M Simpson  
Chairman

## **Agenda Item No 5**

### **Planning and Development Board**

**18 October 2010**

### **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](http://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, 15 November 2010 at 6.30pm in the Council Chamber at the Council House.

Item No	Application No	Page No	Description	General / Significant
1	PAP/2009/0126	3	<b>BEC Engineering Ltd Richmond Road Atherstone Atherstone</b> Outline - Demolition of existing factory premises and erection of 6 dwellings with associated parking and landscaping	General
2	PAP/2010/0295	15	<b>Waverton Avenue Allotments Waverton Avenue Warton</b> Erection of a metal shed for storage	General
3	PAP/2010/0451	24	<b>Pooley Country Park Pooley Lane Polesworth Warwickshire</b> The installation of an artwork on top of the remodelled spoil heap/viewpoint as part of the arts-led regeneration project for Pooley Country Park	General

## General Development Applications

### (1) Application No PAP/2009/0126

#### **BEC Engineering Ltd, Richmond Road, Atherstone**

#### **Outline - Demolition of existing factory premises and erection of 6 dwellings with associated parking for BEC Engineering Ltd**

#### **Introduction**

This is reported to Board as a Section 106 agreement is submitted with this application

#### **The Site**

The site is within the settlement boundary for Atherstone and is situated at the end of Richmond Rd, a cul de sac, which has terraces of Victorian houses on both sides and is characterised by on-street car parking. The application site is adjacent to the Coventry canal. It measures approximately 0.11 ha and comprises single storey factory buildings, with a total floor space of 635m<sup>2</sup>, and adjacent open areas used for storage and parking. Existing buildings extend to the edge of the canal. Vehicle access is via a privately owned access from Richmond Road.

#### **The Proposal**

The application seeks outline planning permission for a residential development of 6 two-storey dwelling houses. Appearance and landscaping are identified as reserved matters; therefore only access, layout and scale are to be considered now. Submitted plans show details of the appearance of buildings and landscaping, these however are illustrative only.

The proposal involves a material change in the use of the site. The authorised use is considered to be within Use Class B2. The premises are currently occupied by an engineering business, the owners of which have expressed the wish to relocate to new premises more suitable to their current needs within the town. The business also currently occupies number 47 Richmond Road, which is used as an office.

## **Background**

The site appears to have been developed for industrial uses between 1938 and 1950, it has thus been in industrial use for many years and the authorised use for the site is considered to be within Use Class B2 – general industry. The owners of the site have a right of access over the privately owned access that links the site to Richmond Road, which is public highway.

## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): - CP1 (Social and Economic Regeneration), CP2 (Development Distribution), CP11 (Quality of Development), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON3 (Protection of Employment Sites), HSG4 (Densities), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) TPT6 (Vehicle Parking)

Warwickshire Structure Plan Saved Policies: I2 (Industrial Land Requirement)

## **Consultations**

Highway Authority – no objection

Environment Agency – no objection subject to condition for ground investigation survey

NWBC Environmental Health Officer – recommends a condition to require Phase 2 ground investigation.

British Waterways – comments concerning impact on a maintained waterway and request for information to be attached if permission is granted relating to its interests

## **Representations**

Atherstone Town Council – no objection, but it requests some form of traffic control on Coleshill Road during the construction period.

Atherstone Civic Society – no objection in principle, but there is concern over the need to provide vehicle turning space and to ensure the adequacy of parking provision; concern over the appearance of proposed buildings as shown on the submitted elevations, comments on the appropriate style for building to reflect its canal side position, and express preference for comprehensive re-development of this site and adjacent derelict Britannia Mill.

One neighbour representation was received from a local resident. This identifies the correspondent as having an interest in the private access leading from the public highway to the site. Concern is raised over impact on highway safety due to increase in traffic to the site arising from the change in use; congestion on Richmond Road due to existing parked vehicles and the width of the private access being insufficient

for two way traffic, the adequacy of proposed parking provision, disturbance from refuse collection, access to site not suitable for people with disabilities, the adequacy of existing services infrastructure and the presence of hazardous materials including asbestos. A further letter was received following the receipt of amended plans. This re-iterates previous concerns as detailed above together with a concern over the lack of parking provision for No. 47 Richmond Road and an adverse impact arising from vehicles parking on the private access outside 43 and 45 Richmond Road.

In response to these concerns, a further amendment to the layout has been made to provide two additional parking spaces within the site for No.47, and a turning space is now shown to enable vehicles to enter and leave the application site in a forward gear. This will ensure vehicles entering and leaving the site have good forward visibility when traversing the private access. Road markings requiring vehicles leaving the site to give way to vehicles entering the site are proposed. These could be required by condition, but adherence to them could not be enforced under the Highway Acts.

With regard to concerns over vehicle access and the level of traffic, Richmond Road is a cul de sac. Traffic is thus limited to that requiring access. The business use at the end of the street is a significant reason for traffic to access the street. The amount of traffic generated by this use is material. However consideration is not limited alone to the traffic generated by the current occupier, as an alternative business, within the authorised B2 Use Class, could generate more or less traffic. The present vehicle access via the private way from Richmond Road is not suited to larger vehicles, the private way is narrow and leads from the end of a cul de sac which is characterised by on-street parking and which has no turning area within the public highway. The removal of this general industrial site with sub-standard vehicle access and the potential to generate higher levels of traffic would improve the general amenity of this residential area.

## **Observations**

The relevant considerations now within this outline application are the appropriateness of the proposed change of use of the site to residential use; the suitability of the proposed layout for the development and the scale of the built development proposed.

Policy ECON2, whilst protecting existing employment sites does however allow for the loss of sites where there would be no negative impact on the range and quality of available employment sites within the settlement. A number of employment sites is currently available within Atherstone. In addition, the existing buildings no longer provide a working environment suited to modern industrial needs, and the site also has an inadequate vehicle access. The proposed change of use will remove the existing B2 use from within this predominantly residential area; it will also resolve issues arising from the inadequacy of the vehicle access. The existing business will benefit from relocation to premises more suited to modern industrial requirements.

The proposed change of use is considered to accord with saved policies CP1, CP2, and ECON3.

The initial plans submitted with the application detailed a development of 6 three-storey dwellings in two blocks of 3 attached houses. This was considered to result in the over development of the site with detrimental impact on amenity and highway safety, and with the Highway Authority objecting to the proposed development.

The development has been revised and amended plans show a layout of 6 two-storey dwellings in two blocks of 3 attached houses with 14 parking spaces and a turning space to enable vehicles to enter and leave the site in a forward gear. The parking layout includes two parking spaces for number 47 Richmond Road.

The proposed layout is influenced by both the proximity to the canal and the vehicle access from Richmond Road. The desire to create a characteristic canal side frontage is compromised by the need to accommodate the existing vehicle access, provide turning and parking space as well as private amenity areas to the dwelling houses. One block of dwellings is oriented with the rear elevation facing the canal, and the second block presents a gable elevation to the canal and is angled to facilitate the parking and turning space. The layout provides each dwelling house with a small area of external amenity space. Overall density for the proposed development is 54 dwellings per hectare. This is above the minimum density required under Policy HSG3 of 30 dwellings which is subject to there being no inherent compromise to the quality of the environment. The existing buildings on the site extend to the edge of the canal, the towpath being on the other side of the canal on this reach. The proposed houses will be set back from the canal side, opening up the vista along the canal. Although appearance is a reserved matter, illustrative plans show windows in the elevations facing the canal which would introduce an element of passive surveillance to this reach.

The proposed layout provides 14 car parking spaces and turning space. This is the maximum allowed under adopted parking standards with 12 spaces provided for the new houses and 2 spaces for number 47 Richmond Road. The reversion of No.47 to residential use would, in principle, be an acceptable alternative use should the current business use cease, but planning permission would need to be obtained first.

The scale of the development has been reduced through the reduction in the height of the proposed buildings to two storeys. The three storey buildings initially proposed, the inspiration for which was warehouse buildings characteristic of canal side buildings, would create a poor relationship with existing residential properties. Given the lower ground level of existing dwellings across the canal on Westwood Crescent and the close proximity to dwelling houses on Erdington Road, the result would have been an overbearing development with an adverse impact on the amenity of existing properties. The reduction in height of the buildings to two storeys significantly improves the relationship between the proposed and existing buildings and reduces the adverse impact on amenity.

The layout and scale of the proposed development is considered to accord with policy requirements set out in policies ENV12, ENV13, ENV14, HSG4, TPT1, TPT3 and TPT6.

The layout and scale of the buildings proposed are considered to maximise the development opportunity on this site, and as such further development is likely to be detrimental to amenity for existing properties. Furthermore, the new dwellings will have a relatively small area of private external amenity space. It is thus considered appropriate to further limit the general permission granted for permitted development rights.

As the site has been in industrial use for a number of years, a Phase 1 environmental assessment has been undertaken and a report is submitted. This concludes it should be possible to develop the site for residential use. It does however

identify a limited number of potentially significant pollutant linkages and recommends that a further Phase 2 intrusive investigation be undertaken. This can be required through a condition on a permission to require that Phase 2 investigation and the implementation of any remedial measures found to be required. The Environmental Health Officers concur with the findings of the Phase 1 report.

A Section 106 Agreement accompanies the application. This would secure a financial contribution to improve existing open space provision, reflecting the existing deficiency in provision in this area and the additional burden from the development. The sum of £364 per dwelling is required, a total of £2184 for the six dwellings.

## **Recommendation**

That the application be granted subject to the following conditions and the completion of the Section 106 Agreement :

1. This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the undermentioned matters hereby reserved before any development is commenced:-
  - I. Appearance
  - II. Landscaping

### **REASON**

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

### **REASON**

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

### **REASON**

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 2468/01RevA received by the Local Planning Authority on 25/09/2009, plan numbered 2468/107 RevB received by the Local Planning Authority on 30/03/2010 and plan numbered 2468/110 RevB received by the Local Planning Authority on 06/04/2010.

### **REASON**

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

5. The total number of dwellings within the approved site shall not exceed six.

#### REASON

In the interests of the amenities and character of the area and to secure a satisfactory form of development.

6. No development shall commence until a scheme for the construction of the surface water and foul water drainage systems shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### REASON

To prevent pollution of the water environment.

7. No development shall commence until details of the position, design, materials and type of screen walls, fences or barriers to be erected on the site have first been submitted to and approved in writing by the Local Planning Authority. The approved structures shall be erected before the dwelling(s) hereby approved are first occupied and shall subsequently be maintained.

#### REASON

In the interests of the amenities of the area.

8. No development shall commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

#### REASON

In the interests of fire safety

9. No development shall commence until a Phase 2 intrusive ground investigation, as recommended in the Phase 1 investigation report submitted with the planning application, has been completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

(i) an intrusive investigation survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,  
    woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred

option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policies ENV6 and ENV8 of the North Warwickshire Local Plan 2006.

10. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policies ENV6 and ENV8 of the North Warwickshire Local Plan 2006.

11. The Local Planning Authority must be given prior notice in writing two weeks before the date of commencement of any remediation scheme works. The approved remediation scheme must be implemented in full prior to the commencement of the development permitted unless otherwise agreed in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and approved in writing of the Local Planning Authority.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policies ENV6 and ENV8 of the North Warwickshire Local Plan 2006.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of

condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policies ENV6 and ENV8 of the North Warwickshire Local Plan 2006.

13. No demolition or construction works shall commence until a turning area has been provided within the site so as to enable all construction site traffic to leave and re-enter the public highway in a forward gear.

#### REASON

In the interests of safety on the public highway and amenity.

14. The vehicle access to the site shall not be used in connection with the clearance of the site or construction of the development permitted until it has been surfaced with a bound macadam material for the whole length in accordance with details to be approved in writing by the Local Planning Authority.

#### REASON

In the interests of safety on the public highway.

15. No development shall commence until details of measures to be taken to prevent spoil / mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be fully installed and implemented before the development commences and shall be retained for the duration of the construction period in order that no vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud/spoil being deposited onto the highway.

#### REASON

In the interests of safety on the public highway.

16. No construction work relating to the development hereby approved, including demolition or site preparation or internal finishing or fitting out, shall take place before the 0730 hours or after 1800 hours on Monday to Friday, before 0800 hours or after 1300 hours on Saturday and at no time on Sundays or recognised public holidays.

#### REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

17. The dwellings hereby permitted shall not be occupied until a turning area has been provided within the site so as to enable cars to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

18. The dwellings hereby permitted shall not be occupied until the car parking areas have been laid out in accordance with the layout shown on approved plan 2468/110 RevB.

REASON

In the interests of safety on the public highway.

19. The parking area hereby approved shall not be used for any purpose other than the parking of cars.

REASON

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

20. No gates or barriers shall be erected at the entrance to the site.

REASON

In the interests of safety on the public highway.

21. No lamp columns, lamps or other lighting shall be erected until details of the proposed lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, operated and maintained in accordance with the approved scheme.

REASON

In the interests of the amenity of the area.

22. No development whatsoever within Class A, Class B, Class C, Class E or Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

**Notes**

1. The applicant is advised advised to consult British Waterways and the Environment Agency if any discharge of surface water to the canal is proposed or will occur.
2. British Waterways offer no right of support to the adjacent property. Appropriate measures must be taken to ensure works do not adversely affect the canal infrastructure and provisions of the Party Wall Act should be followed where necessary.

3. The applicant is advised to consult British Waterways to ensure all necessary consents are obtained and that works will comply with the "Code of Practice for Works affecting British Waterways". This should be undertaken prior to the commencement of demolition / site clearance works, ground works / foundation works and installation of boundary treatments. Contact is Mr Des Harris, Senior Third Party Works Engineer on 01827 252038.
4. No right to moor or fish exists. The consent of British Waterways will be required for moorings or to fish in this location. An application for such consent must be made to British Waterways.
5. British Waterways advises the waterway wall is insecure in this location and will need strengthening works to protect the waterway. These works must be agreed with British Waterways.
6. No vegetation should be added or removed from within 5 metres of the navigation without the consent of British Waterways. This is to preserve the stability of the canal bank.

### **Justification**

Policy ECON2 whilst protecting existing employment sites allows for the loss of sites where there would be no negative impact on the range and quality of available employment sites within the settlement. A number and range of employment sites are currently available within Atherstone. The existing buildings no longer provide a working environment appropriate to modern industrial requirements and the existing vehicle access is inadequate. The proposed change of use will remove a B2 use from within this predominantly residential area and will resolve the concern over the inadequacy of the vehicle access. The proposed change of use is thus considered to accord with saved policies CP1, CP2, and ECON3 of the North Warwickshire Local Plan 2006.

The proposed layout and the scale of the proposed buildings, in terms of their mass, footprint and height, is considered to create a development that will provide safe vehicle access; that is appropriate in scale to the site, the location and the character of the area and that will not result in undue adverse impact on highway safety or amenity of the area. The layout and scale of the proposed development is thus considered to accord with policy requirements set out in saved policies CP11, ENV12, ENV13, ENV14, HSG4, TPT1, TPT3 and TPT6 of the Local Plan.

## BACKGROUND PAPERS

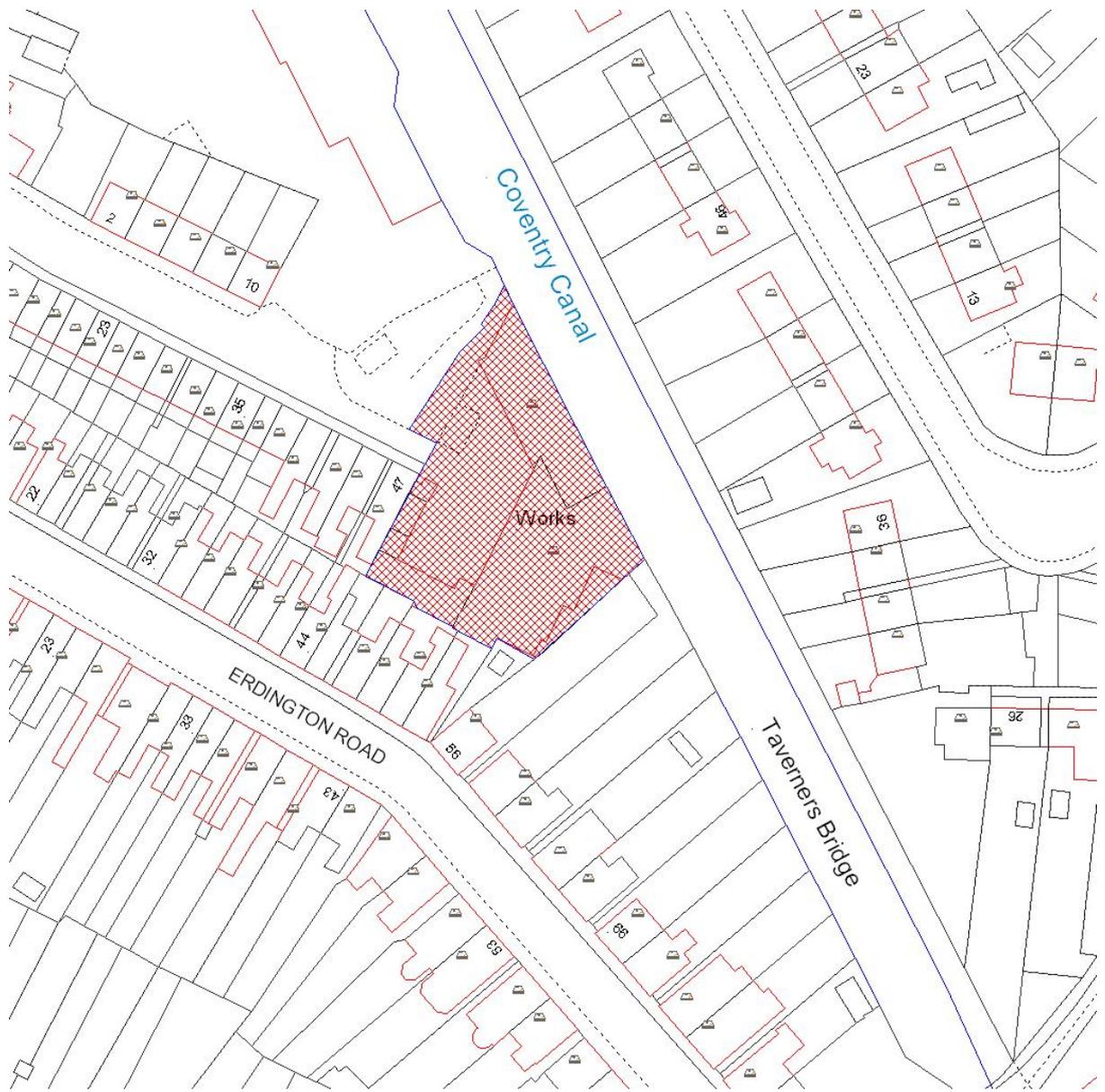
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2009/0126

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant / Agent	Application Forms and Plans	26/3/2009
2	The Applicant / Agent	Application Forms and Plans	25/9/2009
3	The Applicant / Agent	Application Forms and Plans	19/6/2009
4	The Applicant / Agent	Application Notice	15/10/2009
5	The Applicant / Agent	Application Forms and Plans	17/12/2009 22/12/2009
6	The Applicant / Agent	Application Forms and Plans	30/3/2010
7	The Applicant / Agent	Application Forms and Plans	6/4/2010
8	WCC Highways	Consultation response	4/8/2009 15/12/2009 21/12/2009 13/7/2010
9	J Deeming	Representation	11/8/2009 10/12/2009
10	British Waterways	Consultation response	10/8/2009
11	Atherstone Civic Soc.	Consultation response	10/8/2009
12	Env. Agency	Consultation response	18/8/2009
13	NWBC EHO	Consultation response	25/8/2009
14	Athersone Town Council	Consultation response	14/1/2010
15	NWBC Solicitor	Consultation response	1/4/2010
16			
17			
18			
19			
20			

*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.*



## **General Development Applications**

### **(2) Application No PAP/2010/0295**

#### **Waverton Avenue Allotments, Waverton Avenue, Warton**

#### **Erection of a shed/container for storage, for Mrs Lesley Aspley**

### **Introduction**

The application is brought to the Board, as the land is owned by the Council.

### **The Site**

The allotments are accessed off Waverton Avenue, and occupy an area of land within the Warton development boundary of 0.85 hectares. The site is owned by the Council. Two access gates have been installed to the rear of 31 Waverton Avenue and to the side of 36 Waverton Avenue. A public footpath runs along part of the eastern boundary. To the rear of numbers 36 and 34 Waverton Avenue there is a car parking area for the allotment users. The site is fenced to the eastern and southern facing sides, and these are nearest to the dwellings on Waverton Avenue and the public footpath. To the northern and western facing edges of the site, hedges and trees will provide the boundary treatment. The layout of the site and proposed metal shed can be viewed at Appendix A. The allotment is currently being used to grow vegetables and fruit, and a majority of the plots are being used. There are various sheds on the site serving the plots.

### **The Proposal**

The proposal is for the erection of a metal shed for storage on the site allotment site. It would be 3.22metres wide, 3.64metres long and 2.11metres high to the ridge of the roof. The plan and image of the type of metal shed can be seen at Appendix B.

The shed / container will be used by the Warton Allotment Association to hold communal tools and equipment, including items for communal events such as open days, and also for education equipment for local children visiting the site. It has also been suggested that it may be occasionally used for meetings.

The siting is to the corner of the allotment site furthest away from the nearby dwellings, and next to an existing pond. Appendix C provides photographs of the allotment site.

The proposal will be painted green and the immediate area landscaped using a variety of plants including climbers to improve the external appearance.

### **Background**

In 2009, the Planning and Development Board recommended approved for up to 27 sheds for the allotments

### **Development Plan:**

Saved Policies from the North Warwickshire Local Plan 2006 - ENV11 (Neighbour Amenities); ENV13 (Building Design), ENV14 (Access Design) and ENV5 (Open Space)

## **Consultations**

NWBC Landscape Manager – The following comments are made:

- I have no objection in principle but am concerned that it should be adequately screened as I think it could be rather unsightly. Although planned to be sited away from houses it is still likely to be visible from some distance around.

## **Observations**

The site is within the development boundary for Warton and therefore a metal shed is considered for the location to be acceptable in principle.

Its design, scale and size is considered to comply with the relevant policy in the Plan. The provision of an additional shed for the community on an allotments site is also considered to be appropriate.

In 2009, the Planning and Development Board recommended approved for up to 27 sheds for the allotments. Having visited the site much of the land is being used for allotments, the internal access road is in place and some sheds have been constructed.

However, the impact upon the neighbouring residential properties does need to be considered. The metal shed is approximately 70metres away from the nearest dwellings on Waverton Avenue. This would not lead to an overall loss of amenity, light or privacy. The colour of the shed is proposed to be conditioned as green, so to reduce the visual impact, and it is in a corner of the allotment site.

The site is controlled by Warton / Waverton Allotment Association, who have management responsibility for it, following the lease of the land from the Borough Council. The project to regenerate the site delivers both corporate priorities and priorities identified in the Green Space Strategy. The Councils' Draft Green Space Strategy sets out in key policy SP17 and SP18 of Community Engagement, support for the establishment of allotment associations and support allotment associations to bring the regeneration of underused sites to establish new ones.

## **Recommendation**

That, subject to no adverse representations being received during the consultation period, 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 sitelocation plan received by the Local Planning Authority on 26 June 2010; to the site plan received by the Local Planning Authority on 14 June 2010 and the image of the metal shed with measurements received by the Local Planning Authority on 4th October 2010.

#### REASON

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

3. The metal shed shall be painted green and maintained in that colour at all times.

#### REASON

In the interests of the amenities of the area.

4. The communal allotment shed shall only be used for the storage of communal tools and equipment to be used in connection with the allotment use and for no other reason 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 entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://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):

ENV11 (Neighbour Amenities)  
ENV13 (Building Design)  
ENV14 (Access Design)  
ENV5 (Open Space)

### Justification

The use of the site for allotments is considered to be acceptable and as part of using the allotment a shed for community use by the allotment association storage of tools and gardening equipment. The proposal is not considered to result in a loss of amenity, privacy or loss of light that would result in unacceptable loss of amenity and privacy in the area. The site is within the development boundary of Warton and the size, siting and design of the shed is considered to be acceptable.

## BACKGROUND PAPERS

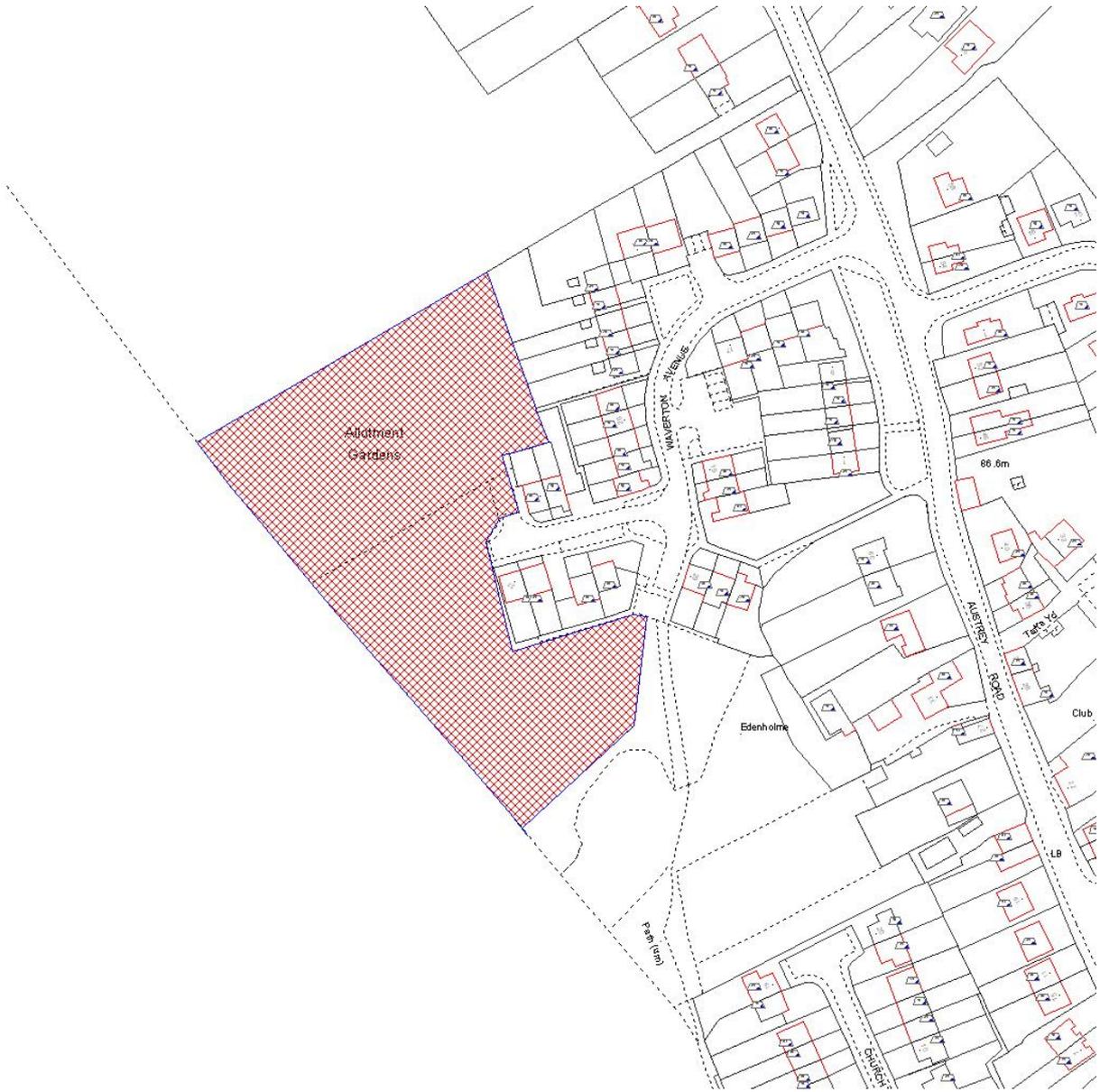
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2010/0295

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	15/6/10 Application Validated on 26/8/10
2	Case Officer	Letter to applicant	13/9/10
3	Case Officer	Email to applicant	13/9/10
4	Alethea Wilson, NWBC Landscape Manager	Comments	20/9/10
5	Case Officer	Letter to applicant	21/9/10
6	Case officer	Email to applicant	21/9/10
7	Head of Development Control	Email to applicant	29/9/10
8	Applicant	Email to Head of Development Control	30/9/10
9	Head of Development Control	Email to applicant	30/9/10
10	Alethea Wilson, NWBC Landscape Manager	Comments	4/10/10
11	Case officer	Email to Alethea Wilson, NWBC Landscape Manager	5/10/10
12	Case officer	Email to applicant	5/10/10
13	Applicant	Revised plans submitted	4/10/10
14	Case officer	Re-consultation on revised plans	6/10/10

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

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

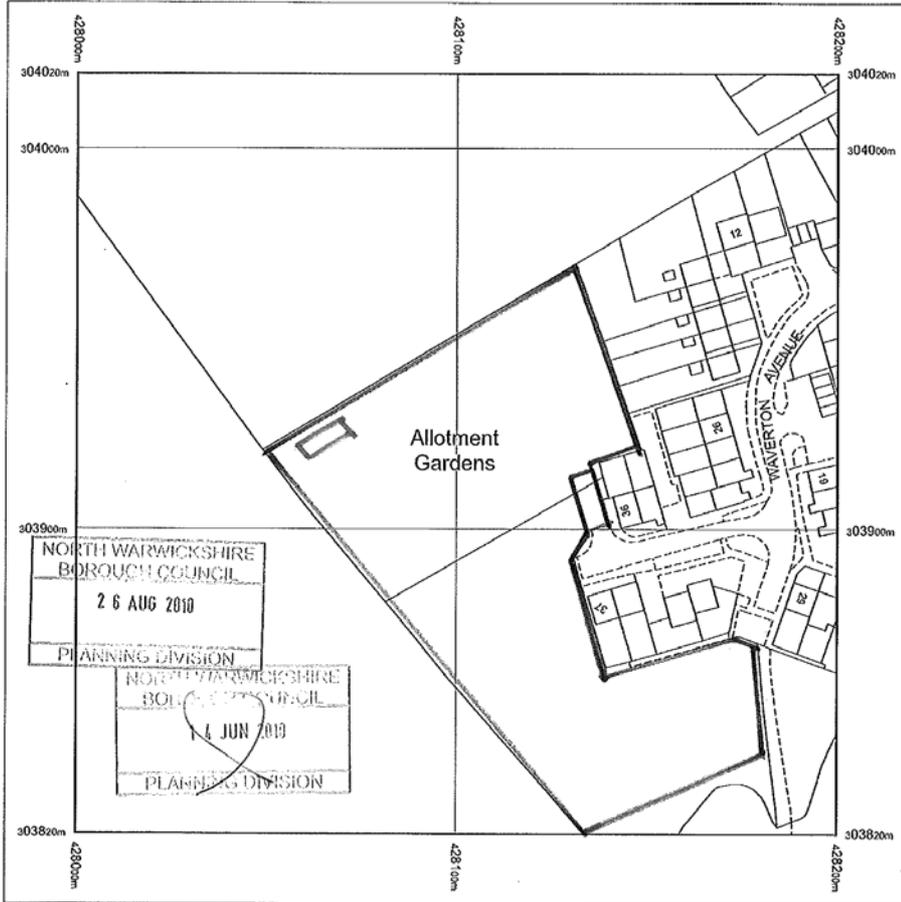


# Appendix A – Location of the Metal Shed

2010 / 0295



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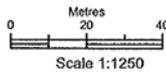
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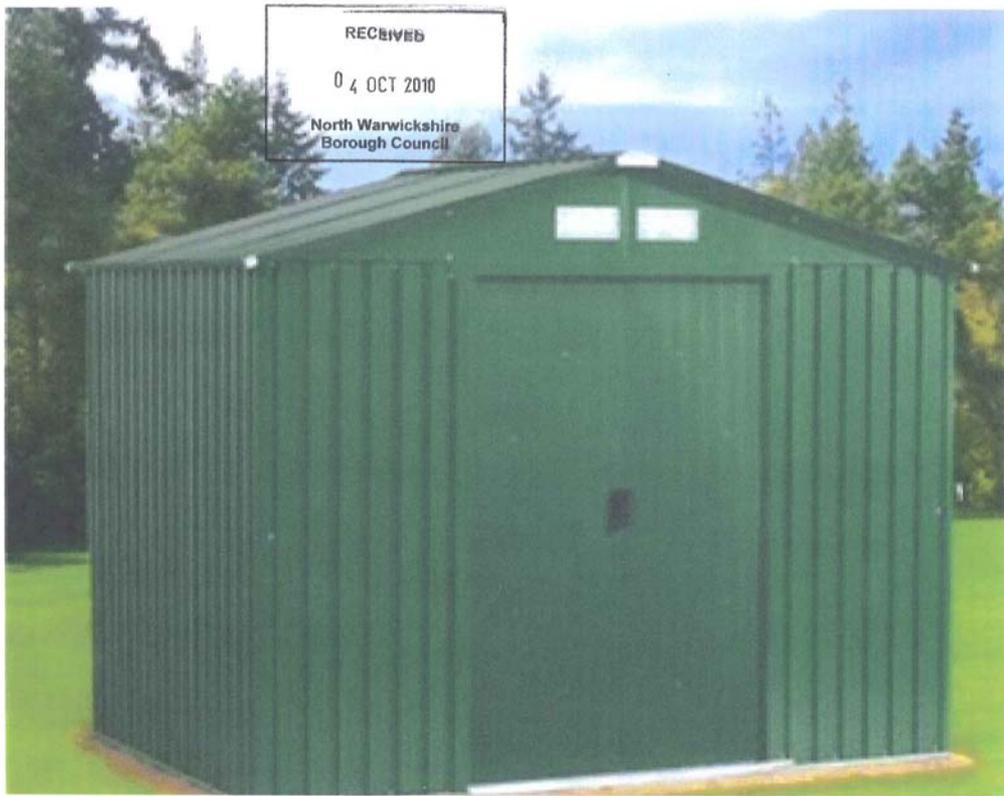
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<b>ALLOTMENT GARDENS</b>
WAVERTON AVENUE
WARTON
STAFFS, B79 0HJ



**Appendix B – Image of the Metal Shed**



W 3.22m  
(10' 7")  
D 3.64m  
(11' 11")  
H 2.11m  
(6' 11")

**Appendix C – Photographs of the site**



### **(3) Application No PAP/2010/0451**

#### **Pooley Country Park Pooley Lane Polesworth Warwickshire**

**The installation of an artwork on top of the remodelled spoil heap/viewpoint as part of the arts-led regeneration project for Pooley Country Park, For Warwickshire County Council**

#### **Introduction**

This is an application that will be determined by the County Council. This Council has been invited to submit representations on the proposal.

#### **The Site**

The Pooley Country Park is sited to the north west of Polesworth centred on the former colliery workings. It is accessed off Pooley Lane which has an access onto the Tamworth Road about 500 metres west of the centre of Polesworth. The former spoil heap has been re-modelled and is now used as a viewing point from which the public can take in extensive views. There is high ground to the south, such these views are generally to the north and to the east. The M42 Motorway divides the park.

There is another tall structure to the south east located on high ground, namely the "sail" telephone mast on Birchmoor Lane.

#### **The Proposal**

It is proposed to construct a 12 metre tall tower on top of the mound. It would take the form of a birch leaf in cross section and be constructed in a series leaves stacked up on top of each other. It would have a golden finish.

Illustrations are provided at Appendix A.

The tower is an artwork arising from a project led by the County Council, and more background information is provided at Appendix B.

#### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 3 (Natural and Historic Environment); ENV13 (Building Design), ENV15 (Heritage Conservation) and ECON 10 (Tourism and Heritage Sites)

#### **Representations**

The County Council has undertaken all consultations on this application. Nothing has been copied to this Council apart from the response of the Warwickshire Museum who have no interest.

#### **Observations**

The proposal is clearly linked to the industrial heritage of the local area and to the ongoing development of the Country Park here. The Board will be aware of several art works throughout the Borough that have been developed under a number of

different projects. This is the largest and most prominent that it has had to consider to date. Indeed the main issue here is whether the tower is too tall, prominent or conspicuous within a generally level area of countryside. In planning terms, would the tower have a visually adverse impact such that it would detract from an otherwise wholly rural landscape with its typical rural character? Overall it is considered that it would not. It would be noticeable, but that is not to say that it would completely dominate the landscape. There are very few immediate neighbours, and thus its visual impact is more seen in wider views of the countryside.

### **Recommendation**

That the County Council be informed that the Council does not object to the proposal.

## BACKGROUND PAPERS

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

**Planning Application No: PAP/2010/0451**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Warwickshire County Council	Consultation	23/8/10
2	Warwickshire Museum	Consultation response	9/8/10

*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.*

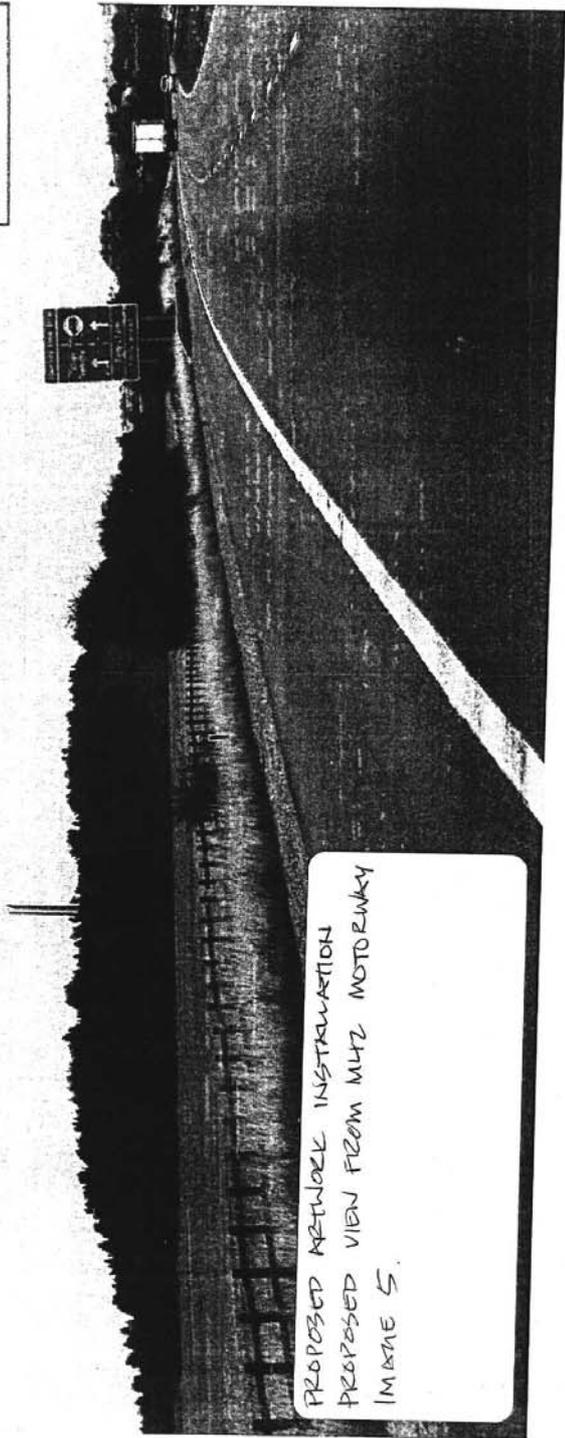
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



2010 / 0451

APPENDIX A

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PROPOSED NETWORK INSTALLATION  
PROPOSED VIEW FROM M12 MOTORWAY  
IMAGE 5.

2010 / 0451

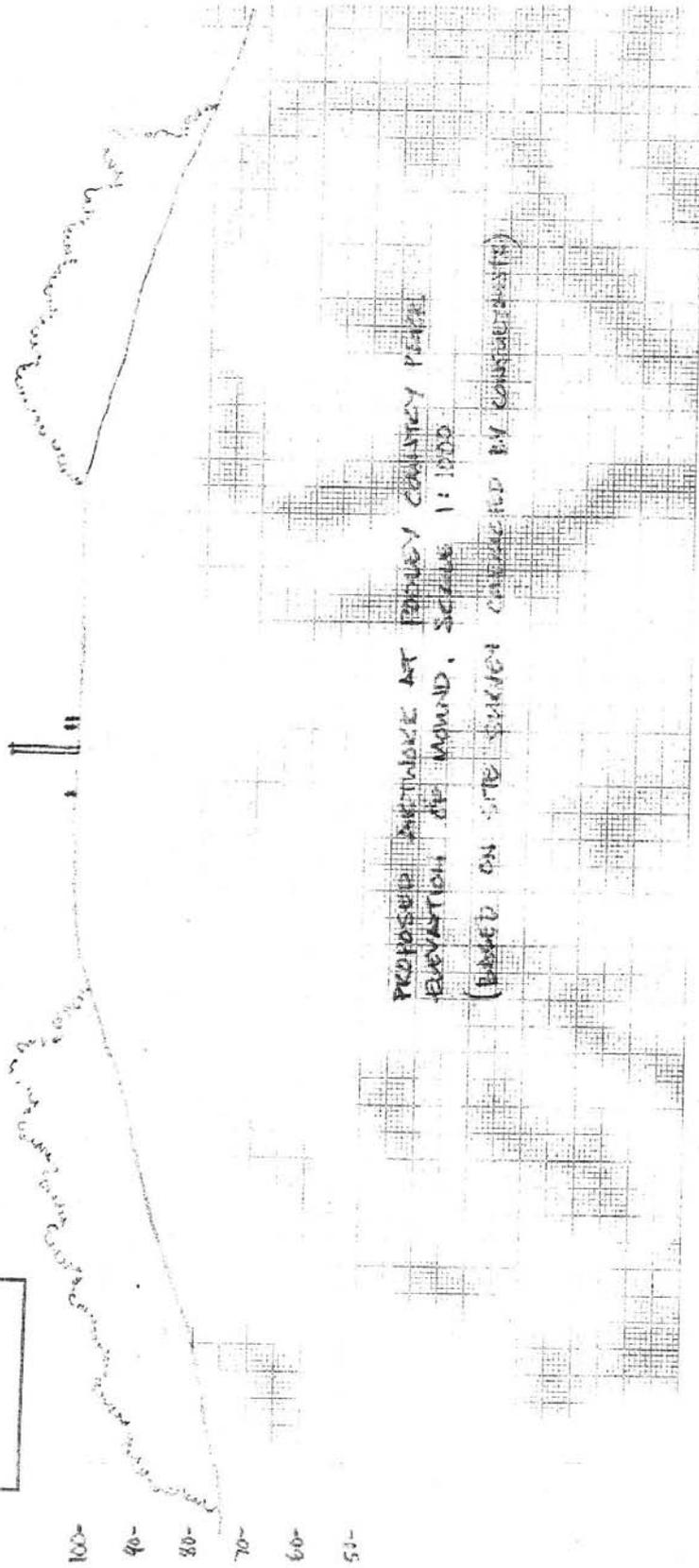
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23 AUG 2010  
North Warwickshire  
Borough Council



IMAGE 2

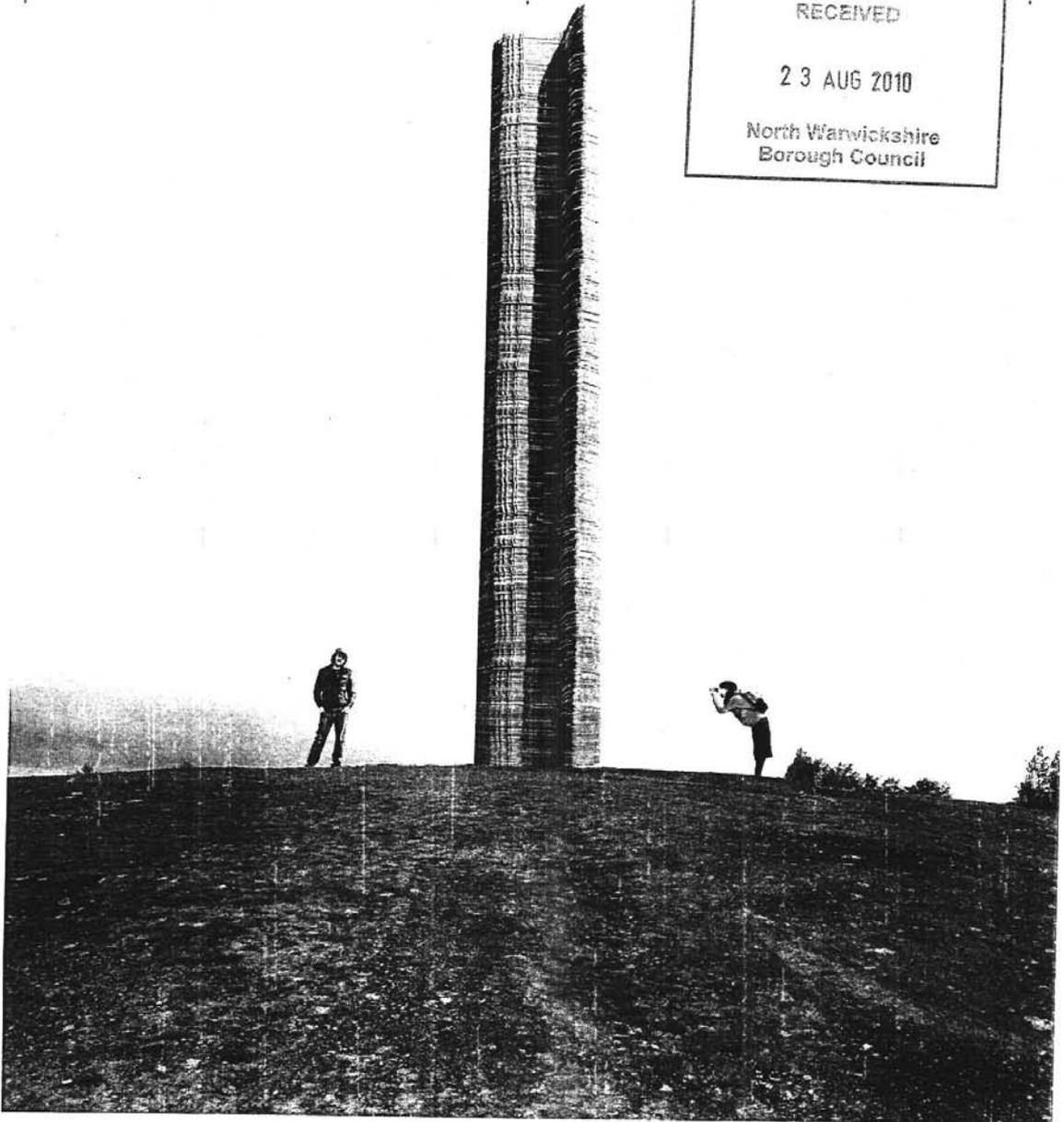
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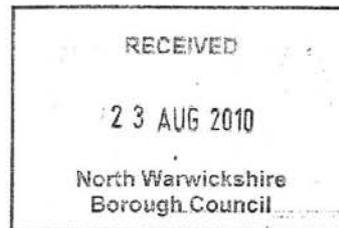
PROPOSED ARTWORK INSTALLATION  
IMAGE 1.

2010 2 / 0451

Rural Estates  
Warwickshire County Council

Pooley Country Park  
Art Project  
Planning Statement

June 2010



### Introduction

- 1.1 Pooley Country Park is situated on the site of the former North Warwickshire Colliery (Pooley Hall Colliery) on the edge of Polesworth. The Park is bisected by the M42 motorway and bounded by the West Coast Main line to the north and lies adjacent to the Coventry Canal to the south and west, which was used to transport the coal. The Park is a 62.5 hectare site which contains several pools caused by mining subsidence and naturally regenerating woodland habitats. Approximately one third of the Park is designated a Site of Special Scientific Interest (SSSI). There are extensive paths around the Park including the **Miners Walk** - a footpath used by miners as long ago as 1846. There is also direct footpath access to the SSSI Alvecote Meadows Nature Reserve where dragonflies, snipes and hoverflies can be seen.
- 1.2 Pooley Country Park has been awarded £333,000 by the Homes and Communities Agency (HCA) National Coalfields Programme to fund an arts-led project to help regenerate it into a valued park and community asset. This complements the regeneration work conducted to date which includes a Visitor Centre / tea room, built from RECHAR funding in 2000 and located at the main entrance to the site. The Centre provides an insight into the Colliery's mining history from 1846 to its closure in 1966. The Centre is supplied from a "hybrid" system of wind and solar energy (backed up by the National Grid). A 6 kW Proven wind generator and 10 x 710 W photovoltaic panels provide to a large extent the power needed to run the Centre. Other associated development work completed to date includes the creation of a new mooring on the Coventry Canal and a high quality children's Play Area funded from Landfill Tax Credits, the Market Towns Initiative and Advantage West Midlands which opened to the public in March 2006.
- 1.3 The investment, which forms part of the HCA's National Coalfields Programme, marks the next phase in the Park's regeneration and will help to fund improvements that were identified following extensive community consultation. These include a new spiral pathway up to the former spoil heap where views across four counties can be seen, an arts installation at the top and a new park entrance.

- 1.4 An artist team has been appointed by the project Steering Group that comprises representatives from the Polesworth Parish Council and The Polesworth Society, HCA, NWBC, WCC and others. The winning artists, Matthew Dalziel and Louise Scullion were selected from a strong international field of public realm artists. They are currently affiliated to the University of Dundee. The appointed artist team have been consulting with the local community and park visitors via a series of workshops for the arts piece on the mound. The Steering Group met recently to discuss two main ideas that the artists had developed further; a 'golden tower of leaves' and a 'carboniferous tree', both of which were popular at the community consultation events. The golden leaf tower was selected as the preferred idea with its depth and relevance to the formation of the Country Park. The Birch leaf is synonymous with Pooley, as Birch trees were one of the first species to recolonise the disturbed ground. The Birch leaf will be used as an emblem throughout the Country Park.
- 1.5 The entrance to the Country Park is located at the end of Pooley Lane/ Haycroft Byre on the edge of Polesworth. The site is very accessible, it is five minutes away from the M42 motorway and 20 minutes from Polesworth railway station. The nearest housing is immediately to the south off Pooley Lane, that is Barn House, Pooley Hall Farm, Pooley Hall and Gardener's Cottage. These properties are screened from the entrance to the Park by mature planting. There is a group of small industrial units 2-8b including a garage close to the entrance area. Other nearby residential properties are Pond Cottage to the west, Pooley View and Rickyard Close to the east, and Tamworth Road, the B5000 to the south. There is farmland to the west and a Recreation Ground to the east. The Country Park is increasingly well used and enjoyed by local residents, Forest Schools groups, canal boaters, cycling clubs and others.

## **2.0 Description of Proposed Development**

- 2.1 The proposed art work will sit on the top of the remodelled spoil heap/view point. Visitors to the Country Park will be able to access the site from a spiral path constructed from free draining stone, of no more than 1:15 gradient with resting places. The installation is designed to enhance the experience at the top and act as a focal point for the site, drawing visitors from the canal side Centre / tea room and play area, across the site to explore the nature walks, woodland and pools in the SSSI and the view point from the spoil heap.
- 2.2 The structure will be a 12m high golden column with a 1.8m x 1.0m footprint in the shape of a birch leaf. This artwork is made up of metal leaves stacked one upon another, symbolising the enormous quantity of plant material that created the Pooley coal reserves.

- 2.3 The artwork is constructed in layers of metal with a golden finish that reflect the sedimentary layers below the earth's surface where coal is trapped between layers of sandstone, clay and quartz. The towering form of the work attempts to picture the unimaginable lengths of time that coal seams took to form, acknowledging too that the connections between plants and economies are still very pertinent today.
- 2.4 Please refer to the artist's statement and the Design and Access Statement enclosed with this application.

### 3.0 Planning Policy Framework

#### National Level

- 3.1 The location for the art work is at the highest point of the spoil heap and is not covered by any national or local planning designations. The SSSI relates to the naturally regenerating woodland and the pools beyond the spoil heap and entrance area. The top of the spoil heap is devoid of vegetation and is the least sensitive area to develop. Warwickshire Wildlife Trust have been consulted and have expressed support with regard to the proposed arts led regeneration works taking place.

#### Regional Level

- 3.2 ***The Regional Spatial Strategy for the West Midlands*** was revoked on 06/07/10 with immediate effect.

#### Local level

- 3.3 Core Policy 3 – Natural and Historic Environment  
*All development decisions will seek to protect or enhance biodiversity, natural habitats, the historic environment, and existing landscape and townscape character.*

The development will enhance the site's industrial heritage. The design of the sculpture has a depth and relevance to the formation of the Country Park. The Birch leaf is synonymous with Pooley, as Birch trees were one of the first species to recolonise the disturbed ground. The Birch leaf will be used as an emblem throughout the Country Park.

There will be no impact upon the site's biodiversity or disturbance to any natural habitats. The proposed artwork will enhance the existing landscape, acting as a focal point for the site, drawing visitors from the canal side Centre / tea room and play area, across the site to explore

the nature walks, woodland and pools in the SSSI and the view point from the top of the spiral path.

The development complies with this material consideration.

3.4 Core Policy 11 – Quality of Development

*All development will be required to be well designed and to respect and/or enhance its surroundings.*

The installation is designed to enhance the experience at the top and act as a focal point for the site, drawing visitors from the canal side Centre / tea room and play area, across the site to explore the nature walks, woodland and pools in the SSSI and the view point from the top of the spoil heap. The artwork draws on the site's industrial heritage, its structure symbolises the enormous quantity of plant material that created the Pooley coal reserves. The golden leaf tower attempts to picture the unimaginable lengths of time that coal seams took to form, acknowledging too that the connections between plants and economies are still very pertinent today. The development fits within the existing landscape.

The development complies with this material consideration.

3.5 ENV15 Heritage Conservation, Enhancement, and Interpretation

***Industrial Heritage of the Borough:***

***Development that does not make provision for the preservation or enhancement of features and artefacts present on the site that, in terms of their architectural, cultural or historic interest, contribute to the Borough's industrial heritage, will not be permitted. Conditions may be imposed, or planning obligations sought, in connection with the redevelopment of any former industrial site requiring the developer to undertake a supervised programme of investigation, analysis and recording of the site and its contents before development takes place.***

Heritage within the Borough does not only relate to its landscape or wildlife but also to its industrial past particularly mining, agriculture and the canal systems. There are many facets of this heritage which are unique within the Borough and it is important that they are retained for future generations.

The artwork will enhance the site's connection with its industrialist past. Pooley Country Park combines these factors with its canal, farming, industrial heritage and natural heritage.

The development complies with this material consideration.

3.6 ECON10 Tourism and Heritage Sites and Canal Corridors

1. ***Outside the Main Towns, Green Belt Market Town and Local Service Centres, small scale development in connection with existing tourism facilities and alongside the canal network will be permitted subject to:***

***(i) The scale, siting and design of facilities respecting the character of the area and its surroundings***

***(ii) The development not generating traffic of a type or amount inappropriate to the character of local roads***

***(iii) The proposal having a direct functional relationship with the tourism or heritage site concerned, or to use and enjoyment of the canal network.***

***(iv) Any jobs created meeting a local need***

2. ***Where development of sites with historic features, fittings or equipment is proposed development will not be permitted unless suitable provision is made for them to be preserved in situ. Where this is not practicable, prior to development, the Council will require a photographic and written record of such features, fittings and equipment to be made by the developer.***

3. ***Where development is permitted on new sites with a nature conservation interest, the developer will be required to protect and enhance the existing assets.***

Pooley Country Park and the visitor centre is listed as an important tourism site for the borough in the Local Plan. The site, in common with other country parks, relies on repeat visits from local residents the day visits tourism market. A key aim of the project is to enhance the visitor experience, and expand the visitor offer, expanding the catchment for the site. In order to ensure the site is sustainable as a country park and a gateway to other attractions around the borough, it is essential to increase visitor numbers and associated income.

The development complies with this material consideration.

4.0 **Sustainability**

The proposal has been developed with regard to minimising the potential disturbance to both the spoil heap and the spiral path. The proposed location for the artwork is on the top of the mound which has no vegetation cover. There are few maintenance requirements associated with this type of development.

The regeneration of the former colliery as a country park is a sustainable use of the previous industrial site. The first phase of regeneration has transformed the land from a derelict site with significant misuse issues of concern to the local community into a valued community asset.

## **5.0 Key Issues and Justification of the Proposed Development**

### **5.1 Need for the development**

The artwork will enhance the visitor experience, and expand the visitor offer, expanding the catchment for the site. The capital investment by Homes and Communities Agency is a significant opportunity to enhance the site and improve the visitor welcome. There is a need to put the site on a sustainable operational footing to secure the future of this valued community asset. The development proposal was accepted in principle by HCA into the final round of the NCP. This has led to the development of an Arts Strategy involving the Steering Group and park users at an early stage in the project.

### **5.2 Suitability of the site**

Soil and geotechnical studies and reports have been undertaken on the mound, including consultation with the Environment Agency concerning run off. The work was commissioned by HCA from a select panel of consulting engineers and it has been used to define the parameters for the spiral path and the artist intervention at the top of the mound.

The development will not cause significant damage to any sites of archaeological interest or permanent disturbance to the sites' ecology.

### **5.3 Public Consultation**

The consultation process for the development of this project has been extensive and thorough. To begin with at the strategy stage, artist Jenny Savage was appointed specifically to consult the users of the park and explore what they wanted from it. Her work took place in October 2007 and informed the Arts Strategy for Pooley. The artist spoke to users, spending time walking the park with them and gathering their views on what they valued about the place. She also distributed posters around the park showing the responses she had from people so that they were able to share their views. Ms Savage's research informed the Strategy that was developed. Alongside this process the staff and partners also took part in a consultation exercise sharing their observations about the strengths and weaknesses of the Park.

- 5.4 All the information from these discussions was processed and used by the Steering Group to set priorities for the available funding. An art piece on the Mound at Pooley was identified as the top priority along with the new entrance and spiral path up the mound. The Steering Group selected the artists from an international field through a scored process of long listing, short listing, presentation and interview.
- 5.5 After the formal funding Agreements had been signed, 2 artists, Louise Scullion and Matthew Dalziel were appointed as the design team to carry out the commission. On 13<sup>th</sup> and 14<sup>th</sup> Feb 2010, 4 workshop sessions for the public and stakeholders were organised. These were programmed to be split between the park itself and the Tithe Barn Community Centre in Polesworth. Posters were designed and distributed throughout the park, village and surrounding environs and on the web.
- 5.6 The 4 sessions were used to introduce the scheme, the artists, and describe the artists past work to contextualise the process. Participants were invited to discuss what they value about the park and the things that are important to them. The artists used this as a briefing session and catalyst for the development of their own ideas. The artists then presented 4 options and all 4 were presented and discussed with the attendees, whose ages spanned all generations at a second series of workshops.
- 5.7 A clear preference emerged for the artists to develop 2 of the ideas and it was agreed that the respondents would be happy for the Client team (Steering Group) to make the final decision. On the 8<sup>th</sup> June 2010 a meeting of the Steering Group including representation from elected members of WCC, The Parish Council and the Polesworth Society as well the Homes and Communities Agency met to review the final proposals. The golden leaf tower was the clear favourite.

## 6.0 Conclusion

The artwork is a key element of the second phase of regeneration at Pooley. The final piece has involved extensive public consultation and selection by a widely represented steering group.

It is not anticipated that there will be any permanent adverse effects arising from the proposed development. The location of the proposed artwork has been demonstrated to be suitable. There will be no adverse cumulative effect on the well being of the community.

The proposals outlined above comply with planning policy.

## **Agenda Item No 6**

### **Planning and Development Board**

**18 October 2010**

#### **Report of the Head of Development Control**

#### **Planning Application Validation Requirements**

### **1 Summary**

- 1.1. This report proposes revisions to the Council's Planning Application Validation Requirements document. The reasons for these revisions and a summary of the amendments are set out in full below, along with details of the intended consultation period.

#### **Recommendation to the Board**

- a That the revisions to the Council's Planning Application Validation Requirements document be agreed for consultation purposes; and**
- b That a further report outlining the representations received be brought to Board for it to consider prior to formal adoption of the document.**

### **2 Consultation**

#### **2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members**

- 2.1.1 This report is presented to members of the Planning and Development Board prior to a public consultation period of 8 weeks.
- 2.1.2 Representations received during this public consultation period will need to be considered in line with the Council's objectives and the legislative requirements and guidance set out at 3.1.
- 2.1.3 A report of any further proposed amendments will be presented to the Board for its consideration prior to formal adoption.

### **3 Report**

- 3.1 The Department for Communities and Local Government published a consultation on streamlining information requirements for planning applications in July 2009. This resulted in 'Guidance of Information Requirements and Validation' being published in March 2010 which cancelled previous Circulars and guidance.

- 3.2 This Guidance requires Local Authorities with a published local list to review it. This review should ensure that policy drivers behind requested information are clearly stated, that requested information is in line with changes in policy since the adoption of the Local Plan, that requests for information are necessary, precise, fit for purpose and proportionate to the application submitted, and it should be clearly stated where further assistance can be obtained.
- 3.3 In April 2010, the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2010 (SI 2010/567) relaxed requirements for Design and Access Statements. This amendment has implications in respect of current requests for such Statements.
- 3.4 In addition to the above, Statutory Consultees, such as the Environment Agency and Coal Authority, have revised their standing advice and/or information requirements on planning applications.
- 3.5 Where changes to Validation Requirements are considered necessary, there is a requirement to consult the local community, applicants and agents for no less than 8 weeks.
- 3.6 Consequently, the revised Validation Requirements look to reduce the amount of information necessary to support an application, where appropriate. This maintains the tick box approach towards statutory requirements and the pragmatic approach the Council currently takes in respect of further information.
- 3.7 The changes are summarised thus:
- Inclusion of requirements for Applications to Discharge Conditions, Material and Non-Material Amendments, and for Applications for Extensions to Time Limits on Planning Permissions;
  - A reduced need for Design & Access Statements, along with more specific detail of when they are necessary;
  - Tightening of supporting evidence necessary in TPO applications;
  - Removal of Local Requirements where legislation does not allow for requests of additional information prior to validation;
  - Updated requirements for Contamination and Coal Reports, and Flood Risk Assessments;
  - Policy drivers for each application type have been added, justifying requests for information;
  - Reduction in the numbers of copies of documentation required when submitted by post or hand, and greater encouragement to submit electronically;

- Adjustments to the layout of the document to improve legibility, clarity and speed of locating the correct information. This includes a quick reference matrix, which is enclosed at Appendix 1 to this report.

...

3.8 A full draft of the Council's revised Planning Application Validation Requirements can be found at Appendix 2.

...

3.9 It is intended to open consultation on this document as soon as reasonably practicable by publication on the Council's website, and through direct consultation with applicants and agents.

3.10 Representations received during this public consultation period will be summarised and considered in respect of making appropriate adjustments to the draft document.

3.11 A report summarising the representations received, and any proposed amendments resulting from these representations, will be presented to the Board for its consideration. Authority to formally adopt the document will also be sought at that time.

## 4 **Report Implications**

### 4.1 **Finance and Value for Money Implications**

4.1.1 The greater encouragement to submit applications electronically, as well as a reduction in the amount of information necessary is likely to improve the speed and consistency of validation of applications, as well as reducing printing and reproduction costs.

### 4.2 **Legal and Human Rights Implications**

4.2.1 The recommendation brings the Council's Planning Application Validation Requirements in line with recent legislative changes.

### 4.3 **Links to Council's Priorities**

4.3.1 The recommendation aligns with the following priorities:

- Enhancing community involvement and access to services
- Protecting and improving our environment
- Defending and improving our countryside and rural heritage
- Making best use of our resources through achieving a balanced budget and developing our workforce.

The Contact Officer for this report is Chris Nash (719481).

## APPENDIX 1

	Page	Relevant Fee <sup>1</sup>	Relevant Application Form(s)	Agricultural Certificates/Notices	Ownership Certificates/Notices	Agricultural Holdings Certificate	Site Location Plan	Block/Site layout plan (existing)	Block/Site layout plan (proposed)	Elevations (existing where relevant)	Elevations (proposed)	Floor plans (existing where relevant)	Floor plans (proposed)	Existing levels/contours plan	Design and Access Statement	Planning or Other Statement	Conservation Area Statement	Listed Building Appraisal/Statement	Arboricultural Assessment	Biodiversity/Ecology survey	Affordable Housing Statement	Flood Risk Assessment	Phase 1 Contamination Report	Coal Mining Risk Assessment	Lighting Assessment	Noise Impact Assessment	Energy Statement	Transport Assessment/Green Travel Plan	Draft Legal/Section 106 Agreement	
Householder Application	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																		
Householder Application in a Conservation Area	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓													
Householder Application with Listed Building Consent	3 & 9	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓	✓												
Full application	4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆	◆	◆			✓	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Full application in a Conservation Area	4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆	◆	◆	✓	✓	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Full application with Listed Building Consent	4 & 9	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆	◆	◆	◆	✓	✓	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Full application with Advertisement Consent	4 & 12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆	◆	◆	◆	◆	✓	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Outline planning application (all or some Matters Reserved)	6	✓	✓	✓	✓	✓		◆		◆		◆	◆	◆	◆	◆	◆	◆	✓	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Reserved Matters application	8	✓	◆	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆		◆	◆	◆	◆		◆	◆				◆	◆				
Listed Building Consent	9		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			◆		◆	✓												◆
Listed Building Consent with Advertisement Consent	9 & 12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			◆		◆	✓							◆					◆
Conservation Area Consent for Demolition	11		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓													◆
Advertisement Consent	12	✓	✓				✓	✓	✓	✓	✓						◆	◆							◆					
Works to Tree(s) subject to a Tree Preservation Order (TPO)	13		✓				✓									✓			✓											◆
Notification of Works to Tree(s) in Conservation Areas	14		◆				✓									✓														
Prior Notification (Agricultural Buildings/Structures)	15	✓	◆				✓				✓																			
Prior Notification (Agricultural Surface Development/Other Works)	15	✓	◆				✓																							
Prior Notification (Demolition)	15	✓	◆				✓									✓														
Prior Notification (Telecommunications)	15	✓	◆				✓									✓														
Lawful Development Certificate (Existing Structure or Use)	17	✓	✓				✓									✓														
Lawful Development Certificate (Proposed Structure or Use)	17	✓	✓				✓		◆		◆	◆	◆																	
Vary/non-compliance with condition(s)/Material Minor Amendment	18	✓	✓	✓	✓	✓		◆		◆	◆	◆	◆			◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆	◆	◆	◆
Hedgerow removal notice	19		✓				✓									✓			◆											
Approval of details reserved by condition	20	✓						Submit information sufficient to discharge the relevant condition(s)																						
Non-material Minor Amendment	21	✓	✓				✓	◆	◆	◆	◆	◆																		
Extension to Time Limit for Implementation	22	✓	✓	✓	✓	✓									◆	◆			◆	◆		◆	◆	◆	◆	◆	◆	◆	◆	◆

APPENDIX A

✓ Required    ◆ See relevant page number to ascertain whether this is required

<sup>1</sup> The Town and Country Planning Fees Regulations 1989 (as amended) apply here. Where appropriate, the 'free-go' or exemptions apply.

## **APPENDIX 2**



# **North Warwickshire Borough Council**

## **Planning Application Validation Requirements**

**(Draft) October 2010**



# North Warwickshire Borough Council

## Planning Application Validation Requirements

### Validation of Planning and Related Applications

#### Introduction

In 2006 the Government set out requirements for the supplementary information that should be submitted with all planning and related applications. This information is mandatory, and applications will only be validated if they are accompanied with this information.

The information takes two forms. Firstly there are National Requirements<sup>1</sup> that will be necessary for every application, regardless of which Authority the application is sent to. Secondly, there are the Local Requirements that are bespoke to each Local Planning Authority. As well as outlining the National Requirements, this document sets out the Local Requirements that North Warwickshire will expect to be submitted with each type of application. These requirements are mandatory if applications are to be validated by the Borough Council.

Since 2006, new types of applications have been introduced, and the planning policy arena has altered. In addition, following the Department for Communities and Local Government's consultation on 'Streamlining Information Requirements for Planning Applications' in 2009<sup>2</sup>, their response, 'Guidance on Information Requirements and Validation', was issued in March 2010<sup>3</sup>. This revision to the Council's Validation Requirements responds to all these changes.

This document will be the subject of consultation, and the Council will consider responses made, and where necessary make amendments, before adopting it. It will replace the Council's previous "Planning Application Requirements" document adopted in December 2007.

The document is available on the Council's website at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning). It will next be reviewed in 2012, or sooner if necessary.

If further clarification is needed on any matter referred to in this document then please contact the Development Control Team at [planningcontrol@northwarks.gov.uk](mailto:planningcontrol@northwarks.gov.uk) or telephone 01827 715341.

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<sup>1</sup> <http://www.communities.gov.uk/documents/planningandbuilding/pdf/circularstandardvalidation.pdf>

<sup>2</sup> <http://www.communities.gov.uk/archived/publications/planningandbuilding/streamliningconsultation>

<sup>3</sup> <http://www.communities.gov.uk/publications/planningandbuilding/validationguidance>



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## 1. General Advice

### a) The Standard Application Form (The 1App Form)

1.1 The Government advocates that the planning process is greatly improved by the introduction of the Standard Application Form, published by the Secretary of State, whether the planning application is made electronically or on paper. The form covers the following types of application:

- Householder\*
- Outline and Full Planning Permission\*
- Approval of Reserved Matters
- Listed Building Consent\*
- Conservation Area Consent\*
- Advertisement Consent\*
- Consent under Tree Preservation Orders
- Lawful Development Certificates\*
- Prior Notification under the General Permitted Development Order 1995 (as amended)
- Variation of, or Non-compliance with Conditions\*
- Discharge of details reserved by Condition(s)
- Material and Non-Material Minor Amendments\*
- Extension of time for implementation of a permission\*

It is mandatory for those applications marked with an asterisk (\*).

### b) Information to Support Applications

1.2 Different types of application require different levels of information and supporting documentation to be submitted. In all cases, the Local Planning Authority will specify what is required. This will comprise of the National Requirements, that apply in all cases, and additional items specified locally.

1.3 In essence, the National Requirements include the form(s), the fee, Ownership Certificates and appropriate plans. Appendix B provides more detailed descriptions of these requirements.

1.4 The Local Requirements comprise additional information that the Borough Council can require in order to validate an application. The remainder of this document describes each type of application mentioned in para 1.1 above, and sets out both the National and Local Requirements for each type. This is summarised in a matrix at Appendix A. Appendix B provides more detailed descriptions of these requirements, particularly where they refer to additional documentation rather than to plans. In particular the purpose for each piece of additional information is set out, and an explanation given as to why and when it is likely to be required, together with the Development Plan background.

### c) General Advice

1.5 This document provides a very full outline of what is required with planning applications. Not all of these will apply to every application. The most important advice that can be given is thus to talk to the Development Control team well before the submission of any application, so as to be sure that its content is full, and thus its determination can be concluded without delay.

1.6 As described in the Introduction, the mandatory National Requirements must always be met if the application is to be registered. Whilst these are outlined in the following pages, it is worth emphasising the following:

- All forms and Certificates should be completed in full, signed and dated;
- The plan identifying the site should be on an Ordnance Survey base, with the direction of north shown, the site clearly outlined in red, and other land within the applicant's control outlined in blue;
- Copies of all other plans need to be to scale (metric) and show existing as well as proposed features;
- The fee should be checked with the Council prior to submission, either online at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning) or with officers;
- Electronic submission of applications is strongly encouraged, either via the Planning Portal, or by CD or a USB storage device.
- Where submitted on paper, 3 copies of the forms, Certificates, plans and supporting documents are necessary, except where indicated otherwise.

There are other National Requirements that are set out in legislation that apply to planning applications. Nothing in this document supersedes or replaces these statutory requirements.

1.7 When a planning application falls within the terms of the Environmental Impact Assessment Regulations 1999<sup>4</sup>, then the Council will use this Local Requirements document to assist in drawing up the Scoping Report that will then inform that Environmental Statement. The Scoping Report may however include other matters that are particular to the proposal and that are not included in this document. Further guidance can be found in Appendix B.

1.8 In August 2006, the Government introduced "Design and Access Statements" as a mandatory accompaniment to almost every planning application. Although, this requirement was relaxed in April 2010, this continues to be the case with the majority of applications. The Local Requirements outlined here are additional to such Statements.

1.9 The Government also provides guidance and advice on planning matters. This is found in their Planning Guidance Notes and Statements (PPGs and PPSs). These contain more detailed information on particular matters than can be provided here. Hence there is cross-referencing to the appropriate documents within the text. All of these documents can be found on the Department for Communities and Local Government's website at [www.communities.gov.uk](http://www.communities.gov.uk).

1.10 It is important that this document reflects North Warwickshire's own local planning circumstances. There is continual reference throughout the document to the Saved Policies of the North Warwickshire Local Plan 2006<sup>5</sup> and Supplementary Planning Documents<sup>5</sup>. Unless otherwise stated, all policy references are to the Local Plan. In particular they often identify the circumstances in which the additional information that is set out here is required, and are thus crucial to that requirement.

1.11 Given all of this, the advice of requesting a pre-application discussion with Planning Officers is crucial. This can identify both the National and Local Requirements for your application. As stressed above, these requirements are mandatory if an application is to be validated. Time spent at this early stage can prevent delay and frustration. Moreover the Government is encouraging such discussions, as well as giving consideration to developers themselves undertaking pre-application consultation with Local Communities.

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<sup>4</sup> [www.legislation.gov.uk/uksi/1999/293/contents/made](http://www.legislation.gov.uk/uksi/1999/293/contents/made)

<sup>5</sup> [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning)

## 2. Householder Applications

2.1 The most common form of planning application is that for householder development. Our aim is to determine these quickly, as they usually are straightforward. The most important considerations in dealing with these applications are an evaluation of the impact of the development on neighbouring residential amenity and the impact of the design on the street scene. It is thus important that full information concerning these issues, is submitted with the application from the outset.

2.2 We shall require the following:

### a) National Requirements

- The completed form, including the completed Ownership Certificate (A, B C or D as applicable) and the Agricultural Holdings Certificate;
- The appropriate fee;
- A Site Location Plan;
- Other plans and drawings or information necessary to describe the subject of the application;
- Design and Access Statement if necessary;
- Where Ownership Certificates B, C or D have been completed, the corresponding appropriate Notices.

➤ Appendix B provides more detailed descriptions of these requirements.

### b) Local Requirements

- If the application site is located within or adjoining a designated Conservation Area, then the Council will require a Conservation Area Statement with ALL householder applications. Conservation Area maps are available at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).
- If the dwelling is a Listed Building, or the application site contains Listed Buildings or structures, then the Council will require both a Planning Application and a Listed Building Consent Application. Additional information will be required to accompany the Listed Building Application (see Section 6).
- Dependent upon the application site, the location and the nature of the proposals, the Council may require additional information set out in Appendix B.

➤ Appendix B provides more detailed descriptions of these requirements.

2.3 Where such an application is submitted by post or by hand, 6 copies of the forms, Certificates, plans and supporting documents are sought.

### Policy Drivers

2.4 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 3 and 11 (Saved), and Saved Policies ENV4, ENV6, ENV8, ENV11, ENV12, ENV13, ENV14, ENV15 and ENV16 of the North Warwickshire Local Plan 2006. Additional guidance on this type of application and how the Authority will look at each proposal is to be found in the Council's Supplementary Planning Guidance entitled, "A Guide to Householder Developments" dated September 2003.

### 3. Full Planning Applications

3.1 This application form should be used where no specific form for the proposed development exists. This includes change of use applications.

3.2 We shall require the following:

#### a) National Requirements

- The completed form, including the completed Ownership Certificate (A, B C or D as applicable) and the Agricultural Holdings Certificate;
  - The appropriate fee;
  - A Site Location Plan;
  - A Site or Survey Plan\*;
  - Existing and Proposed Elevations\*;
  - Existing and Proposed Floor Plans\*;
  - Existing and Proposed Site Sections and Finished Floor and Site Levels\*;
  - A Design and Access Statement if necessary;
  - Where Ownership Certificates B, C or D have been completed, the corresponding appropriate Notices.
- Appendix B provides more detailed descriptions of these requirements.
- Appendix C provides more detailed advice on when a Design and Access Statement is necessary.

#### b) Local Requirements

- For proposals involving the erection of new dwellings or buildings with a sensitive end use, as outlined in para 24 of PPS23<sup>6</sup>, if the application falls within an area of potential contamination or at risk of migrating land gas, a Phase I Environmental Report MUST be submitted. Advice on whether the site falls within such an area can be sought from the Council's Environmental Health department on 01827 715341.
  - For proposals within a Coal Mining Development Referral Area, other than a change of use application, a Coal Mining Risk Assessment MUST be submitted. Advice on whether the site falls within such an area can be sought from Coal Authority's website at [www.coal.gov.uk](http://www.coal.gov.uk).
  - For proposals within an area at risk of flooding, a Flood Risk Assessment (FRA) may be necessary. Advice on preparing a FRA can be found on the Standing Advice pages of the Environment Agency's website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). Where an FRA is required, this MUST be submitted.
- Appendix B provides more detailed descriptions of these requirements.
- Additional information that may be required depending on the nature and type of proposal, the characteristics of the site, or the nature or character of the area involved, could include any of the items included within Appendix B.

### Policy Drivers

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\* Not required where the application is for a change of use which does NOT involve operational development.

<sup>6</sup> Para 24: [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/)

3.3 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 1, 2, 3, 5, 6, 8, 10 and 11 (Saved); and Saved Policies ENV1 to ENV17, HSG1 to HSG5, ECON1 to ECON12, COM1 to COM3, and TPT1 to TPT6 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs. Additional guidance on this type of application and how the Authority will look at each proposal is to be found in the Council's Supplementary Planning Guidance available at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).

## 4. Outline Planning Applications

4.1 Applications for outline planning permission generally need not give details of any proposed reserved matters, unless they include layout, scale or access. However if the Council receives an outline planning application, but considers that it ought not to be considered separately from all or any of the reserved matters, it will notify the applicant within one month of the receipt of the application that further details are required. The details to be submitted will be specified.

4.2 We shall require the following:

### a) National Requirements

- The completed form, including the completed Ownership Certificate (A, B C or D as applicable) and the Agricultural Holdings Certificate;
- The appropriate fee;
- A Site Location Plan;
- Other plans and drawings necessary to describe the subject of the application\*;
- Where Ownership Certificates B, C or D have been completed, the corresponding appropriate Notices.
- Information on the proposed Operational development and/or Use(s) for the site:
  - Use – the use or uses proposed for the development and any distinct development zones within the site identified;
  - Amount – the amount of development proposed for each use;
  - Indicative layout – an indicative layout with separate development zones proposed within the site boundary where appropriate;
  - Scale parameters – an indication of the upper and lower limits for height, width and length of each building;
  - Indicative access point(s) – an area or areas in which the vehicle, cycle and pedestrian access point(s) will be situated;
- A Design and Access Statement if necessary.
  - Appendix B provides more detailed descriptions of these requirements.
  - Appendix C provides more detailed advice on when a Design and Access Statement is necessary.

4.3 In addition to the above, if the outline application includes some reserved matters (e.g. access arrangements), then full detailed scaled plans of that Reserved Matter are required.

### b) Local Requirements

- For proposals involving the erection of new dwellings or buildings with a sensitive end use, as outlined in para 24 of PPS23<sup>7</sup>, if the application falls within an area of potential contamination or at risk of migrating land gas, a Phase I Environmental Report MUST be submitted. Advice on whether the site falls within such an area can be sought from the Council's Environmental Health department on 01827 715341.

<sup>7</sup> Para 24: [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/)

- For proposals within a Coal Mining Development Referral Area, other than a change of use application, a Coal Mining Risk Assessment MUST be submitted. Advice on whether the site falls within such an area can be sought from Coal Authority's website at [www.coal.gov.uk](http://www.coal.gov.uk).
- For proposals within an area at risk of flooding, a Flood Risk Assessment (FRA) may be necessary. Advice on preparing a FRA can be found on the Standing Advice pages of the Environment Agency's website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). Where an FRA is required, this MUST be submitted.
  - Appendix B provides more detailed descriptions of these requirements.
- Additional information that may be required depending on the nature and type of proposal, the characteristics of the site, or the nature or character of the area involved, could include any of the items included within Appendix B.

### **Policy Drivers**

- 4.4 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 1, 2, 3, 5, 6, 8, 10 and 11 (Saved); and Saved Policies ENV1 to ENV17, HSG1 to HSG5, ECON1 to ECON12, COM1 to COM3, and TPT1 to TPT6 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs.

## 5. Approval of Reserved Matters

5.1 This type of application is only appropriate where a prior outline planning permission exists. Should this not be the case, you should submit a Full Planning Application (see section 3).

5.2 We shall require the following:

### a) National Requirements

- The completed form OR an application in writing containing sufficient information to enable the Council to identify the outline planning permission in respect of which it is made.
  - The appropriate fee;
  - A Site Location Plan;
  - Other plans and drawings or information necessary to assess the Reserved Matters (any or all of the following: layout, scale, appearance, landscaping, access).
- Appendix B provides more detailed descriptions of these requirements.

### b) Local Requirements

- Additional information that may be required depending on the nature and type of proposal, or the nature or character of the area involved, could include any of the items included within Appendix B.

5.3 For all applications, the Council recommend that the 1App Form is completed (see section 1). This will ensure the application is clear in which Reserved Matters are being applied for, and to which application.

### Policy Drivers

5.4 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Saved Policies ENV1 to ENV17, and TPT1 to TPT6 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs. Additional guidance on this type of application and how the Authority will look at each proposal is to be found in the Council's Supplementary Planning Guidance available at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).

## 6. Listed Building Applications

6.1 These are applications that are required under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990<sup>8</sup>. In particular Section 10 states what has to be provided with such applications. Besides plans and drawings, the Act enables the Council to set out “other particulars” that might be required. This document sets out such particulars. In short, much more detailed information is required with these applications.

6.2 The Council has a statutory duty, when determining such applications to have “special regard” to the impact of the proposal on the special architectural or historic importance of the Listed Building. In other words the Council is evaluating the impact of the proposals on these special features. It is looking for the least intrusive or invasive proposals. It thus follows that the Council needs to fully understand the proposal. This can only come from a detailed and informative submission by the applicant. It is thus important that plans, drawings and reports are detailed, scaled and accurate. Hand drawn sketches should be avoided at all times, unless they clearly are illustrations.

6.3 We shall require the following:

### a) National Requirements

- The completed form, including the completed Ownership Certificate (A, B C or D as applicable) and the Agricultural Holdings Certificate;
  - A Site Location Plan;
  - A Block Plan;
  - Existing and Proposed Elevations;
  - Existing and Proposed Floor Plans;
  - Existing and Proposed Site Sections and Finished Floor and Site Levels;
  - Where Ownership Certificates B, C or D have been completed, the corresponding appropriate Notices;
  - A Design and Access Statement where required.
- Appendix B provides more detailed descriptions of these requirements.
- Appendix C provides more detailed advice on when a Design and Access Statement is necessary.

### b) Local Requirements

- Plans showing Existing Elevations and Floor Plans MUST show the existing layout of each floor, all external elevations and the roof plan. Internal features should be identified and described or illustrated (e.g. original plaster work, staircases, fireplaces, cornices, architraves, etc);
- Plans to show Proposed Elevations and Floor Plans MUST clearly distinguish between existing and new works, and identify quite clearly any structural alterations or changes. In addition these plans need to show details such as new rainwater goods, new ventilation and extraction details, positions of new meter boxes, any new ducting, security alarms and security lighting. Details of how sound and thermal installation, including new damp proofing to be installed must also be illustrated.

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<sup>8</sup> [www.legislation.gov.uk/ukpga/1990/9](http://www.legislation.gov.uk/ukpga/1990/9)

- A Listed Building Statement will be required with each application in addition to the above plans and drawings. See Appendix B for details;
- A Structural Survey, either partial or complete if there are to be significant structural works, repair or maintenance (e.g. underpinning, partial demolition or internal removal of walls and new internal openings). See Appendix B for details. If the building is a timber framed building, then a Structural Survey MUST be submitted so as to identify the function of each timber member. Alternatives to structural alterations need to be evaluated within the Statement described below, in order to establish whether there are other less intrusive measures that can be taken;
- A Detailed Schedule of Work or Repairs. Works that involve timber framed buildings and/or involve structural alterations need to be cross-referenced to the structural survey as outlined above. See Appendix B for details.

- 6.4 It is advised that detailed plans, preferably at 1:2, 1:10 or 1:20 scale, are submitted which clearly show the detail of new fixtures and fittings, new doors, windows, shop fronts, panelling, fireplaces, plaster moulding and other decorative detail. This is in order to assist in the smooth determination of the application and negate the need for attaching conditions to any approval.
- 6.5 Particular care needs to be taken with works to Listed Buildings where there might be a conflict between the requirements of the Building Regulations and the fabric of a Listed Building. This usually relates to the provision of fire safety, access, drainage and insulation measures. Early discussion with Council Officers is essential prior to submission of any application in these circumstances
- 6.6 Further advice on Listed Building applications, the accompanying Statements and the level of details required can be found in PPS5<sup>9</sup>, and also in publications by English Heritage.
- 6.7 It is always advisable to contact Development Control prior to the submission of any Listed Building application in order to establish the level and nature of the supporting information required.

### **Policy Drivers**

- 6.10 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 3 and 11 (Saved), and Saved Policies ENV15 and ENV16 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs, particularly PPS5<sup>9</sup>.

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<sup>9</sup> [www.communities.gov.uk/publications/planningandbuilding/pps5](http://www.communities.gov.uk/publications/planningandbuilding/pps5)

## 7. Applications for Consent for Demolition in a Conservation Area

7.1 We shall require the following:

### a) National Requirements

- The completed form, including the completed Ownership Certificate (A, B C or D as applicable) and the Agricultural Holdings Certificate;
- A Site Location Plan;
- Survey drawings of the buildings to be demolished;
- The appropriate Notices where Certificates B, C or D have been submitted;
- A Design and Access Statement.

### b) Local Requirements

- A Demolition Statement justifying the proposed demolition. See Appendix B for further detail.

7.2 Further advice on Conservation Area Consent applications and the accompanying Statements, and the level of details required can be found in PPS5<sup>10</sup>, and also in publications by English Heritage.

### Policy Drivers

7.4 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 3 and 11 (Saved), and Saved Policies ENV11 and ENV15 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs, particularly PPS5<sup>10</sup>.

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<sup>10</sup> [www.communities.gov.uk/publications/planningandbuilding/pps5](http://www.communities.gov.uk/publications/planningandbuilding/pps5)

## 8. Applications for Advertisement Consent

8.1 Applications for this Consent are determined under the 2007 Advertisement Regulations.

8.2 We shall require the following:

### a) National Requirements

- The completed form;
  - A Site Location Plan;
  - A block plan where proposed advertisements are not upon building elevations;
  - Existing and proposed elevations where proposed advertisements are upon building elevations, showing all existing and proposed advertisements;
  - The appropriate fee
- Appendix B provides more detailed descriptions of these requirements.

### b) Local Requirements

- Advertisement drawings at a scale of 1:50 or 1:100, showing lettering and any images, materials and colours to be used, extent of projection and details of the method and colour(s) of illumination (if applicable).
  - If the proposal involves the removal or replacement of existing signage then those to be removed need to be identified.
  - In the case of applications that involve illuminated advertisements, a lighting assessment MUST be included. This will identify any adverse light impacts, and mitigating measures proposed.
  - In the case of applications within or adjacent to a Conservation Area, a brief Conservation Area Statement is required.
  - Additional information that may be required depending on the nature and type of proposal, or the nature or character of the area involved, could include any of the items included within Appendix B.
- Appendix B provides more detailed descriptions of these requirements.

### Policy Drivers

8.3 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 3 and 11 (Saved), and Saved Policies ENV1, ENV2, ENV11 to ENV13, ENV15, ENV16 and TPT1 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs. Additional guidance on this type of application and how the Authority will look at each proposal is to be found in the Council's Supplementary Planning Guidance entitled, "A Guide for Shop Front Design" and "A Guide for the Design of Lighting Schemes", both dated September 2003.

## 9. Applications for works to trees subject to a Tree Preservation Order (TPO)

9.1 Applications for this Consent are determined under the Town and Country Planning Act 1990 and Town and Country Planning (Trees) Regulations 1999.

9.2 We shall require the following:

### a) National Requirements

- The completed form\*;
- A Site Location plan showing the location of all trees subject of the application;
- A clear and full Specification of Works proposed;
- A Statement of Reasons for the proposed work.

➤ Appendix B provides more detailed descriptions of these requirements.

\* This will be mandatory if and from the date The Town and Country Planning (Tree Preservation) Regulations 2011 take effect. Prior to this, it is acceptable to make the application in writing, although the form is strongly recommended

### b) Local Requirements

- Evidence in support of the above Statement of Reasons. In particular you should provide: a report by a tree professional if your reasons relate to the health and/or safety of the tree(s), and/or a report by an engineer or surveyor together with one from a tree professional if you alleging subsidence damage;
- Where the proposed works are in conjunction with an application for operational development, a method statement illustrating compliance with BS 5837:2005 (Trees in Relation to Construction) is necessary.

➤ Appendix B provides more detailed descriptions of these requirements.

9.3 The reports referred to above should avoid such general statements, and be completed and signed by qualified professionals. Photographs may help illustrate the proposed works.

9.4 The Specification of Works needs to be precise and detailed. Stating that the application is for “the removal of branches” is insufficient. Please refer to the ‘Works to Trees and Hedgerows’ pages of [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning) for advice on correctly describing the proposed works.

### Policy Drivers

9.5 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policy 3 (Saved), and Saved Policies ENV4 and ENV15 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs.

## 10. Notification of Proposed works to trees in Conservation Areas (Section 211 Notice)

10.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to these applications.

10.2 We shall require the following:

### a) National Requirements

- Written notification of the intent to undertake works (preferably on the standard application form);
  - A Site Location plan showing the location of all trees subject of the application;
  - A clear and full Specification of Works proposed;
- Appendix B provides more detailed descriptions of these requirements.

10.3 The Specification of Works needs to be precise and detailed. Stating that the application is for “the removal of branches” is insufficient. Please refer to the ‘Works to Trees and Hedgerows’ pages of [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning) for advice on correctly describing the proposed works.

### Policy Drivers

10.4 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policy 3 (Saved), Saved Policies ENV4 and ENV15 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs.

## 11. Prior Notification of Proposed Developments (under the General Permitted Development Order 1995, as amended)

11.1 These are submitted to enable the Council to decide whether it requires further detail to be provided in respect of the siting, design and appearance of certain types of development (i.e.- telecommunications developments and agricultural buildings/engineering operations), or how certain developments are to proceed (i.e. demolition works).

11.2 We shall require the following:

### a) National Requirements

- The completed form OR written description of the proposed development (including details of the materials to be used in the case of agricultural buildings/engineering operations);
- A Site Location Plan clearly indicating the location of the proposed structure or works, or, in the case of Demolition Notifications, the building to be demolished;
- In the case of Agricultural Notifications for buildings and/or structures, elevational plans clearly showing the appearance of the proposal;
- The appropriate fee.

In the case of proposed development by telecommunications code system operators, the following additional information is required:

- Evidence that the developer has given notice of the proposed development to those landowners affected by it in accordance with paragraph A3(1) of Part 24 of Schedule 2 to the General Permitted Development Order 1995 (as amended);
- Where the proposed development consists of the installation of a mast within three kilometres of the perimeter of an aerodrome, evidence that the developer has notified the Civil Aviation Authority, the Secretary of Defence or the aerodrome operator in accordance with paragraph A3(2) of Part 24 of Schedule 2 to the General Permitted Development Order 1995 (as amended).

In the case of a proposed demolition, the following additional information is required:

- Details of the proposed method of demolition and any proposed restoration of the site.
  - Appendix B provides more detailed descriptions of these requirements.

11.3 In the case of agricultural determinations, it may be necessary to determine whether the proposal is 'reasonably necessary for the purposes of agriculture', and why other buildings or arrangements could not be used, as, should it be found not to be reasonably necessary, the Prior Notification procedure cannot be used. In such cases, the Council shall make a request for such evidence as soon as reasonably practicable after the Notification is received.

11.4 Further information concerning location, elevations and appearance, together with the intended use(s) is welcomed. Landscaping proposals can also be submitted.

- 11.5 In the case of telecommunications development, the following should be provided:
- the area of search, details of alternative sites rejected with a justification for that rejection, an explanation if no alternatives have been considered;
  - a map showing the application site's relationship to existing Schools and other educational establishments;
  - a Planning Statement;
  - a ICNIRP Certificate;
  - a Technical Justification to establish the evidence for the site, together with appropriate information concerning the proposed site in respect of the existing network;
  - a statement setting out the reasons for the choice of design;
  - any other additional information as set out in Appendix F of the Code of Best Practice on Mobile Phone Network Development.

### **Policy Drivers**

- 11.6 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 3 and 11 (Saved), and Saved Policies ENV1, ENV2, ENV3, ENV4, ENV6, ENV8, ENV9, ENV10, ENV11, ENV12, ENV13, ENV15, ENV16 and ENV17; ECON7 and ECON8 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs. Additional guidance on how the Authority will look at Telecommunications proposals is to be found in the Council's Best Practice Note entitled, "Telecommunications Development", dated May 2005.

## 12. Lawful Development Certificate Applications (Sections 191 and 192 of the 1990 Act)

12.1 These are particular applications designed for a specific purpose. The detail required will thus be prescribed by the actual application.

12.2 We shall require the following:

### a) National Requirements

- The completed form
  - A Site Location Plan.
  - The appropriate fee
  - Evidence verifying or supporting the proposed or existing use or operation or activity.
- Appendix B provides more detailed descriptions of these requirements.

### b) Local Requirements

- In the case of an application for a proposed operation (i.e. operational development), Site layout, Elevational and Floor Plans, drawn to scale, MUST be provided;
  - Any other information as is considered to be relevant to the application (see 11.3 & 11.4).
- Appendix B provides more detailed descriptions of these requirements.

12.3 For Certificates of Lawfulness for an Existing Use or Operation or Activity including those in breach of a Planning Condition (Section 191 of the Act), it is important that the description of the existing use or operation is fully detailed and precise, as well as the exact extent of the site being demarcated. The onus is on the applicant to provide the evidence to substantiate their claim for a Certificate. It is also very important from the outset, before submission if possible, that the applicant establishes which time period is to be used – ten or four years. The information that should accompany the application needs to be evidential in nature, and cover the complete time period. Sworn affidavits should relate to the site applied for and relate to a full description of the use, or the built development. Audited accounts and reports are very useful if provided over a ten year period, but they should relate to the actual application site, not to a general address. Similarly Council tax records, utilities bills or receipts of work undertaken on the property are all informative. Aerial photographs and other photographic material are useful if dated and signed. Circumstantial and hearsay evidence should be avoided at all times. If plans are to be submitted they must be properly scaled.

12.4 For Certificates for a Proposed Use or Development (Section 192 of the Act), then full descriptions of existing uses and buildings are necessary together with evidence supporting them. The proposed development needs to be described in detail. All descriptions of proposed uses should include information on all of the processes and uses to be undertaken, working hours, number of employees, the nature and operation of the use, details of vehicle licences if appropriate, and traffic generation figures. For a proposed built development accurate dimensions and distances of the proposal from other buildings are crucial together with relationships to existing buildings. As a consequence properly scaled drawings are needed showing both the existing and the proposed situations. Historical information, particularly if related to the site's planning history is also very useful.

### 13. Applications to Vary a or Non-Compliance with a Condition, and applications for Material Minor Amendments (Section 73 of the 1990 Act)

13.1 This type of application seeks variation or non-compliance with a condition, or conditions, of an extant or implemented planning permission. It is also used to seek material minor-amendments to planning permissions, where an appropriate condition exists.

13.2 We shall require the following:

#### a) National Requirements

- The completed form, including the completed Ownership Certificate (A, B C or D as applicable) and the Agricultural Holdings Certificate;
- Where Ownership Certificates B, C or D have been completed, the corresponding appropriate Notices;
- The appropriate fee.

#### b) Local Requirements

- Applications to vary or to remove a condition (including, where relevant, applications to seek material minor-amendments) MUST provide a full and reasoned justification for the applicant's case. It may be necessary for additional information to be provided particularly, if there has been a change in circumstances, or if that justification has to address potential or likely impacts arising from an approval. The Council may require additional information from Appendix B, or other sections in this document, dependent upon the nature of the case and the condition (e.g. the removal of a condition about working hours could involve a Noise Impact Report due to extended hours late at night).
- Applications to seek material minor-amendments MUST provide relevant Block, Elevational, Floor and Site Level plans drawings and plans where the amendments relate to the site layout and/or buildings and structures. However, this is not an exhaustive list and the Council may ask for the submission of additional detail as set out in Appendix B and elsewhere in this Report.

13.3 There is no statutory definition of a material minor amendment. As such it is for the Council to make this decision. Consequently, you are advised to approach the Development Control team informally ahead of submitting your application to ascertain as to whether you are required to make a fresh application altogether. Further guidance is available in the 'Greater Flexibility for Planning Permissions' guidance<sup>11</sup>, published in 2009.

#### Policy Drivers

13.4 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 1, 2, 3, 5, 6, 8, 10 and 11 (Saved); and Saved Policies ENV1 to ENV17, HSG1 to HSG5, ECON1 to ECON12, COM1 to COM3, and TPT1 to TPT6 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs. Additional guidance on this type of application and how the Authority will look at each proposal is to be found in the Council's Supplementary Planning Guidance available at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).

<sup>11</sup> [www.communities.gov.uk/publications/planningandbuilding/greaterflexibilityguidance](http://www.communities.gov.uk/publications/planningandbuilding/greaterflexibilityguidance)

## 14. Applications for a Hedgerow Removal Notice (under the Hedgerow Regulations 1997)

14.1 These Regulations require notice of removal to be given to the Council in certain circumstances. There is a prescribed form for this.

14.2 We shall require the following:

### a) National Requirements

- The completed form, or a written application set out in the manner indicated at Schedule 4 of the Hedgerow Regulations<sup>12</sup>;
- Where a written application is made instead of using the form, reasons for the removal of the hedgerow must be supplied;
- An up to date Site Location Plan, illustrating clearly the location and length of the hedgerow(s) to be removed;
- Evidence of the date of planting of the hedgerow.

### b) Local Requirements

- Dependent upon the circumstances, an Arboricultural Implications Assessment of the proposed removal, and/or an Ecological Survey of the existing hedgerow and potentially a report on the historical significance of that hedgerow.
  - Appendix B provides more detailed descriptions of these requirements.

### Policy Drivers

14.4 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 3 and 10 (Saved); and Saved Policies ENV1, ENV3 and ENV4 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs.

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<sup>12</sup> [www.legislation.gov.uk/uksi/1997/1160/contents/made](http://www.legislation.gov.uk/uksi/1997/1160/contents/made)

## 15. Application for Approval of Details reserved by Condition

15.1 This process is used to discharge the requirements of a condition, or conditions, of an extant or implemented planning permission. It is also used where written confirmation of compliance with conditions attached to a permission is sought.

15.2 We shall require the following:

### a) National Requirements

- The completed form, or a written application clearly setting out the conditions to be discharged and sufficient information to identify the permission to which the conditions are attached;
- The appropriate fee.

### b) Local Requirements

- Reports and information, elevational, block, levels plans and other plans or drawings as relevant to discharge the condition(s). These are often dependent upon the details required by the condition.
  - Appendix B provides more detailed descriptions of these requirements and other likely reports/information required.

15.3 Early discussion with the Council can assist in identifying the nature and scope of the detail required. This may involve the submission of additional detail as set out in Appendix B and elsewhere in this Report.

15.4 The need for conditions can be avoided by providing the information “up front” with the initial application.

### Policy Drivers

15.5 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 1, 2, 3, 5, 6, 8, 10 and 11 (Saved); and Saved Policies ENV1 to ENV17, HSG1 to HSG5, ECON1 to ECON12, COM1 to COM3, and TPT1 to TPT6 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs. Additional guidance on this type of application and how the Authority will look at each proposal is to be found in the Council's Supplementary Planning Guidance available at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).

## 16. Applications for non-material minor amendments (under Section 96A)

16.1 This type of application is used to seek non-material minor-amendments to planning permissions, where an appropriate condition exists.

16.2 We shall require the following:

### a) National Requirements

- The completed form;
- The appropriate fee.

### b) Local Requirements

- Applications to seek non-material minor-amendments MUST provide relevant drawings and plans where the amendments relate to the site layout and/or buildings and structures. Block, Elevational, Floor and Site Level plans are common examples of the types of drawings necessary, however, this is not an exhaustive list and the Council may ask for the submission of additional detail as set out in Appendix B and elsewhere in this Report.

16.3 There is no statutory definition of a non-material minor amendment. As such it is for the Council to make this decision. Consequently, you are advised to approach the Development Control team informally ahead of submitting your application to ascertain as to whether you are required to make an application under Section 73 instead (see section 13) or make a fresh application altogether. Further guidance is available in the Department for Communities and Local Government's 'Greater flexibility for Planning Permissions' guidance document, published in 2009.

### Policy Drivers

16.4 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 1, 2, 3, 5, 6, 8, 10 and 11 (Saved); and Saved Policies ENV1 to ENV17, HSG1 to HSG5, ECON1 to ECON12, COM1 to COM3, and TPT1 to TPT6 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs. Additional guidance on this type of application and how the Authority will look at each proposal is to be found in the Council's Supplementary Planning Guidance available at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).

## 17. Application to extend the time limit for implementation of a planning permission, Conservation Area consent or Listed Building consent

17.1 This type of application is used to allow developers further time to implement an extant planning permission, Conservation Area or Listed Building Consent. It was introduced under amendments to the General Development Procedure Order in 2009, and at the time of adoption of this document, only applies to permissions granted on or before 1 October 2009.

17.2 We shall require the following:

### a) National Requirements

- The completed form;
- The appropriate fee.

### b) Local Requirements

- Applications to seek such a time extension MUST provide updated reports, information and drawings where the circumstances have altered since the time of the original application. Ecological and Bat surveys, Flood Risk Assessments and Energy Statements are common examples of the types of reports necessary, however, this is not an exhaustive list and the Council may ask for the submission of additional detail as set out in Appendix B and elsewhere in this Report.

17.3 There are certain eligibility criteria for this type of application. You are advised to check the guidance at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning) or speak to a member of the Development Control team before submitting your application.

### Policy Drivers

17.4 These requirements are based on the need to establish whether the proposal accords with Development Plan Policy as set out in Core Policies 1, 2, 3, 5, 6, 8, 10 and 11 (Saved); and Saved Policies ENV1 to ENV17, HSG1 to HSG5, ECON1 to ECON12, COM1 to COM3, and TPT1 to TPT6 of the North Warwickshire Local Plan 2006, and relevant PPGs and PPSs. Additional guidance on this type of application and how the Authority will look at each proposal is to be found in the Council's Supplementary Planning Guidance available at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).

## **18. Applications to Retain Works under Section 63 of the Planning Act**

- 18.1 These are commonly known as applications to seek retrospective planning permission.
- 18.2 There are no special forms for this type of application. In all cases the requirements will be those for the type of planning permission being sought retrospectively (e.g. householder permission or Advertisement Consent). Hence, reference needs to be made to the appropriate section in this document. Dependent upon the nature of the development concerned, photographs might be acceptable.



	Page	Relevant Fee <sup>1</sup>	Relevant Application Form(s)	Agricultural Certificates/Notices	Ownership Certificates/Notices	Agricultural Holdings Certificate	Site Location Plan	Block/Site layout plan (existing)	Block/Site layout plan (proposed)	Elevations (existing where relevant)	Elevations (proposed)	Floor plans (existing where relevant)	Floor plans (proposed)	Existing levels/contours plan	Design and Access Statement	Planning or Other Statement	Conservation Area Statement	Listed Building Appraisal/Statement	Arboricultural Assessment	Biodiversity/Ecology survey	Affordable Housing Statement	Flood Risk Assessment	Phase 1 Contamination Report	Coal Mining Risk Assessment	Lighting Assessment	Noise Impact Assessment	Energy Statement	Transport Assessment/Green Travel Plan	Draft Legal/Section 106 Agreement		
Householder Application	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓																		
Householder Application in a Conservation Area	3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓														
Householder Application with Listed Building Consent	3 & 9	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓													
Full application	4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆	◆	◆			✓	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
Full application in a Conservation Area	4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆	◆	◆	✓	✓	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
Full application with Listed Building Consent	4 & 9	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆	◆	◆	✓	✓	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
Full application with Advertisement Consent	4 & 12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
Outline planning application (all or some Matters Reserved)	6	✓	✓	✓	✓	✓		◆		◆		◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
Reserved Matters application	8	✓	◆	✓	✓	✓	✓	✓	✓	✓	✓	✓	◆		◆	◆	◆	◆		◆	◆				◆	◆					
Listed Building Consent	9		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		◆		◆	✓												◆	
Listed Building Consent with Advertisement Consent	9 & 12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		◆		◆	✓							◆					◆	
Conservation Area Consent for Demolition	11		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓													◆	
Advertisement Consent	12	✓	✓				✓	✓	✓	✓	✓						◆	◆							◆						
Works to Tree(s) subject to a Tree Preservation Order (TPO)	13		✓				✓									✓			✓											◆	
Notification of Works to Tree(s) in Conservation Areas	14		◆				✓									✓															
Prior Notification (Agricultural Buildings/Structures)	15	✓	◆				✓				✓																				
Prior Notification (Agricultural Surface Development/Other Works)	15	✓	◆				✓																								
Prior Notification (Demolition)	15	✓	◆				✓									✓															
Prior Notification (Telecommunications)	15	✓	◆				✓									✓															
Lawful Development Certificate (Existing Structure or Use)	17	✓	✓				✓									✓															
Lawful Development Certificate (Proposed Structure or Use)	17	✓	✓				✓		◆		◆		◆	◆																	
Vary/non-compliance with condition(s)/Material Minor Amendment	18	✓	✓	✓	✓	✓		◆		◆		◆	◆			◆	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Hedgerow removal notice	19		✓				✓									✓			◆												
Approval of details reserved by condition	20	✓						Submit information sufficient to discharge the relevant condition(s)																							
Non-material Minor Amendment	21	✓	✓				✓	◆		◆		◆	◆																		
Extension to Time Limit for Implementation	22	✓	✓	✓	✓	✓									◆	◆			◆	◆		◆	◆	◆	◆	◆	◆	◆	◆	◆	

✓ Required    ◆ See relevant page number to ascertain whether this is required

<sup>1</sup> The Town and Country Planning Fees Regulations 1989 (as amended) apply here. Where appropriate, the 'free-go' or exemptions apply.



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## National Requirements

### A) The Application Form, or a written application

This is mandatory for all applications. Whether a written application is acceptable in lieu of the standard 1App Application Form will depend on the type of application made. This is stated in each of the application types outlined in this document.

When completing the form, you are required to complete all sections of it as appropriate. When completing the form at the Planning Portal, it will tailor the remaining questions depending on your responses. For both methods of completion, you should note where it requires supplementary reports or information as a result of your answer(s) to that section.

### B) Site Location Plan

This is an up to date Location Plan that identifies the land to which the application relates, drawn to an identified scale and showing the direction of North. This plan is preferred to be on an Ordnance Survey Base at a 1:1250 scale (or 1:2500 if necessary). It must be large enough to show surrounding property and roads.

The application site **MUST** be marked with a red line, and include all land necessary to carry out the proposed development (e.g. land required for access, visibility splays, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

### C) Design and Access Statement

Design and Access Statements are documents that explain the design thinking behind a planning application. In other words how the proposal has “grown” out of the individual site itself; how the context of that site has informed the design and how the proposal reflects the local setting. They also describe how everyone can use and access the “place” that is being created.

Design and Access Statement must cover the following points:

- Design
- Access
- Layout
- Use
- Landscaping

- More specific guidance can be found in Section 6.7 of Guidance on Information Requirements and Validation (March 2010)<sup>14</sup>, and summarised in Appendix C.

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<sup>14</sup> <http://www.communities.gov.uk/publications/planningandbuilding/validationguidance>

### a) Other Plans and Drawings

What are these?

- **Block Plan**
  - This should be at 1:200 or 1:500 scale;
  - It should illustrate the site boundaries in more detail, and particularly in relation to neighbouring buildings, dwellings and land.
  - This MUST include existing extensions and other structures within the application site as well as those at immediate neighbouring properties;
  - Where they influence or would be affected by the proposal, all roads and public rights of way, trees, hard surfacing and boundary treatments MUST be shown;
  - For Householder applications, it MUST also identify the location of windows on neighbouring properties.
  
- **Existing Elevations, Existing Floor Plans, Existing Roof Plans, Existing Site Sections and Existing Ground Levels**
  - These should be at 1:50 or 1:100 scale;
  - The plan(s) MUST include all existing buildings, extensions and areas of hardstanding;
  - The plan(s) MUST illustrate fences, hedgerows and trees, together with drainage infrastructure where existing;
  - For Householder applications, neighbouring property MUST also be identified.
  
- **Proposed Elevations, Proposed Floor Plans, Proposed Roof Plans, Proposed Site Sections and Finished Floor Levels**
  - These should be at 1:50 or 1:100 scale;
  - The plan(s) MUST identify the full proposal in layout and in elevation detail;
  - Any alterations to fences, hedgerows, walls, access arrangements, parking layout, drainage arrangements, and ground levels MUST be identified;
  - All sides of the proposal MUST be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors in order to reduce the need for attaching conditions to any approval;
  - Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings and detail the positions of the openings on each property;
  - For Householder applications, the plan MUST illustrate the 45-degree line from windows on adjoining property;
  - Where proposals include the use of roof space, cross sections clearly indicating the position of any openings and the finished floor heights MUST be included.

When are they required?

Where there are physical changes proposed to the application site and/or buildings upon it, as outlined in this document, in order to meet the requirements of saved policies ENV4, ENV10 to ENV17, ECON9 and TPT6 of the North Warwickshire Local Plan 2006. Visual examples of the above can be found at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).

## b) Supporting Planning Statement

What is this?

This Statement identifies the context and need for a proposed development. In particular it is expected to provide information and argument to show how the applicant considers that his proposed development accords with relevant National and Development Plan Policies, Supplementary Planning Documents and Development Briefs. It should also include the details of any consultation with Statutory Consultations undertaken prior to submission.

When may it be required?

- With all “major” applications.
- With all applications that are for “inappropriate” development in the Green Belt, setting out the applicant’s “very special circumstances” of his case.
- With all applications that will be assessed against the following saved policies ENV5, ENV7, ENV17, HSG3, ECON3, ECON7, ECON8, ECON9, ECON10, ECON12, COM2 and COM3 of the North Warwickshire Local Plan 2006.
- With all applications which concern the loss of existing tourist accommodation. Particular reference should be made to the Council’s Economic Development and Tourism Action Plan and the Framework for Rural Action.

## c) Conservation Area Appraisal

What is this?

An appraisal which firstly describes the significance, special character and appearance of the Conservation Area, drawing on the appropriate Designation Report<sup>15</sup> and the existing local situation on the ground within the Area. The importance of the application site and its contribution to that Area will be identified. Secondly, the Appraisal will evaluate the impact of the proposal on the character and appearance of that Area, with special attention to the immediate, as well as to the wider, setting. It is essential that the Appraisal explicitly identifies how the proposal preserves or enhances this local character and appearance. The principles of how the proposed built form, scale, mass and appearance have been arrived at will also be identified. It will be necessary to show how alternatives have been dismissed. Thirdly the Appraisal will identify any adverse impacts and explain how these might be mitigated. Attention should also be paid to any change in the ambience of the Area. If the proposals r adverse, then full reasons need to be supplied to demonstrate why the proposal should be allowed.

Further advice can be particularly found within Government Guidance within its PPS5<sup>16</sup>.

When may it be required?

- With all applications that adjoin or include land within a Designated Conservation Area, or where the character and appearance of a Conservation Area might be affected by a new development, in order to meet the requirements of saved policy ENV15 of the North Warwickshire Local Plan 2006.

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<sup>15</sup> Available on the Heritage and Conservation pages of [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning)

<sup>16</sup> [www.communities.gov.uk/publications/planningandbuilding/pps5](http://www.communities.gov.uk/publications/planningandbuilding/pps5)

#### **d) Listed Building Statement**

What is this?

This Statement will firstly describe the existing historic and architectural features of the building, cross referencing with the plans and drawings. Particular features or significant detail will be identified. In some cases, an outline of the historical evolution of the building will also be necessary. Secondly, the Statement will identify the impact of the proposals upon these historic and architectural features. This shall include impacts on the built form, existing layout and external elevations, and on the internal detail of the building. This assessment will cross reference with the plans, drawings and particularly to the Schedule of Works<sup>17</sup>, paying especial attention to new works. This assessment will also evaluate alternative solutions and options to the works proposed, in order to establish if there is any other less intrusive or invasive proposals. Finally, the Statement will also evaluate the impact of the proposals on the setting of the Listed Building, the significance of the heritage asset(s) affected and the contribution of its/their setting to that significance (in line with HE6.1 of PPS5<sup>18</sup>) by looking at each individual alteration and cumulatively at their combined impact, together with their impact, if appropriate, on a streetscene.

As with Conservation Areas, further advice can be particularly found within Government Guidance within its PPS5<sup>18</sup>.

When will it be required?

- With all development proposals affecting the setting or curtilage of a Listed Building or Structure, in order to meet the requirements of saved policy ENV16 of the North Warwickshire Local Plan 2006 and PPS5<sup>18</sup>.

#### **e) Structural Survey**

What is this?

A technical structural survey of an existing building undertaken by a Qualified Building Surveyor, identifying its condition, and the likely impact of the development proposals on that structure. In particular the survey will identify a Detailed Schedule of Works/Repairs needed to undertake the proposal including measures such as underpinning, structural support, demolition, partial removal, rebuilding, repair and maintenance. This survey will include an internal and external photographic record of the existing building

Where a Detailed Schedule of Work/Repairs is necessary, this will describe how, where and why certain work is to be undertaken. For instance how dry and wet rot is to be treated, how joinery, brick or stone repairs are to be carried out, how new brickwork is to be installed including details of bonding and mortar mixes, as well as methods of adding a damp proof course or any form of underpinning. All full or partial demolition work detail will be identified within the Schedule, together with full details of how propping and shoring is to be installed.

*(e) is continued over...*

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<sup>17</sup> See (e) of this Appendix

<sup>18</sup> [www.communities.gov.uk/publications/planningandbuilding/pps5](http://www.communities.gov.uk/publications/planningandbuilding/pps5)

If the building is a Listed Building of timber frame construction, then the Structural Survey MUST identify the function of each timber member. Alternatives to structural alterations need to be evaluated within the Schedule of Works described below, in order to establish whether there are other less intrusive measures that can be taken.

When may it be required?

- With all applications involving a rural building that will be assessed against Policy ECON9 of the North Warwickshire Local Plan 2006;
- With all applications, where appropriate, involving proposals for a Listed Building or a building within a Conservation Area in order to allow it to be assessed against saved policies ENV15 and/or ENV16 of the North Warwickshire Local Plan 2006, and PPS5<sup>19</sup>.

## f) Heritage Statement

What is this?

Supporting information, including plans, that describes historic and archaeological features that may exist on or adjacent to the application site. These features could include Listed Buildings and Structures, Historic Parks, Gardens, and Battle sites as well as Scheduled Ancient Monument Sites. Additional guidance is available from PPS5<sup>19</sup>, and from English Heritage and the Warwickshire Museum<sup>20</sup>. Where a development proposal affects or impacts upon a recognised historic site, an Assessment report will need to be commissioned that identifies the scope and scale of the impacts of the proposal on that site, including mitigation and recording measures.

Discussion at pre-application stage will identify potential sites that will require either a desktop study, or a site survey and assessment to be undertaken prior to submission, the findings of which will need to be submitted with the application. In the case of sites identified at the consultation stage, such information will still be required before determination.

When may it be required?

- With all applications that are adjacent to, or include a Scheduled Ancient Monument Site, a recognised Historic Park, Garden or Battle Site; and with some applications that affect the curtilage or the setting of a Listed Building (see Section 6) in order to allow it to be assessed against saved policies ENV15 and/or ENV16 of the North Warwickshire Local Plan 2006, and PPS5.

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<sup>19</sup> [www.communities.gov.uk/publications/planningandbuilding/pps5](http://www.communities.gov.uk/publications/planningandbuilding/pps5)

<sup>20</sup> [www.warwickshire.gov.uk/museum](http://www.warwickshire.gov.uk/museum)

## **g) Demolition Statement**

What is this?

A visual and written architectural and historic record of the building(s) concerned. It will include an analysis of the contribution that the building(s) and their site makes to the character and appearance of the relevant Conservation Area. This will need to refer to the respective Conservation Area Designation Report<sup>21</sup>. Thirdly it will assess the loss of the building and evaluate whether any replacement is of greater value to the heritage of the area than the existing situation. Finally, this exercise must also address and evaluate the historical value in retaining the existing situation, and any change in the ambience of the Area.

When may it be required?

- With all proposals to demolish a building or protected structure within a Conservation Area in order to allow assessment under saved policy ENV15 of the North Warwickshire Local Plan 2006, and PPS5<sup>22</sup>.

## **h) Transport Assessment**

What is this?

Where developments will have significant transport implications, Transport Assessments must be prepared. The content and detail of these should reflect the scale of the development proposal and, the extent of the transport implications. In particular for major proposals the assessment should illustrate the accessibility of the site by all modes of transport and the likely split of types of journey to and from the site. It should give details of the proposed measures to improve access by public transport, walking and cycling, to reduce the need for car parking provision and to mitigate transport impacts. Advice on the content and scope of these Assessments is best agreed at pre-application stage with the Borough Council and the appropriate Highway Authority. PPG13<sup>23</sup> advocates the need for these Assessments, and further guidance is to be found in the Department of Transport's Guidance on Transport Assessment<sup>24</sup>.

When may it be required?

- With all applications that exceed the triggers outlined in saved policy TPT1 of the North Warwickshire Local Plan 2006;
- In cases where the proposed traffic generation from the site could have an impact under the criteria of saved policy ENV14 of the North Warwickshire Local Plan 2006, particularly if they are for "major" applications.

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<sup>21</sup> Available on the Heritage and Conservation pages of [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning)

<sup>22</sup> [www.communities.gov.uk/publications/planningandbuilding/pps5](http://www.communities.gov.uk/publications/planningandbuilding/pps5)

<sup>23</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/ppg13/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/ppg13/)

<sup>24</sup> [www.dft.gov.uk/pgr/regional/transportassessments/guidanceonta](http://www.dft.gov.uk/pgr/regional/transportassessments/guidanceonta)

**i) Draft Green Travel Plan**

What is this?

These are plans that outline the way in which the transport implications of a proposal are going to be managed in order to ensure that the proposal will reduce dependence on the car, and enhance other modes of transportation. They should also have measurable targets, arrangements for monitoring and enforcement, and include a strategy for marketing and promoting the Plan to occupiers, users, visitors and residents of the site. This accords with Government Policy as set out in PPS1 and PPG13 along with its accompanying Best Practice Guide. Additional guidance is available from the Department of Transport's Making Residential Travel Plans Work<sup>25</sup>. Warwickshire County Council has guidance and advice including a draft "template" for such a Plan.

When may it be required?

- With all applications that exceed the triggers outlined in saved policy TPT1 of the North Warwickshire Local Plan 2006;
- With all major applications, otherwise not included in TPT1.

**j) Local Services/Community Facilities Statement**

What is this?

This is an evidence based Statement that describes an existing local service or community facility; how it is presently used, and it's contribution to the local community, assessing the likely impact on that community if the service or facility is lost. The Statement should also include evidence and conclusions of search for any alternative service or facility that might make use of the site to be lost. Such a search should be in liaison with local community groups, businesses and other relevant bodies. Additionally, the Statement will include mitigation or compensatory measures so as not to reduce the value of the facility/service to the community.

When may it be required?

- With any proposal that will be assessed against saved policies ECON12, COM2 and COM3 of the North Warwickshire Local Plan 2006.

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<sup>25</sup> [www.dft.gov.uk/pgr/sustainable/travelplans/rpt/](http://www.dft.gov.uk/pgr/sustainable/travelplans/rpt/)

## **k) Retail Assessment**

What is this?

This will assess the need for the development, whether it is of an appropriate scale, location and whether it would have any adverse impacts on existing service centres. Advice on these Assessments is to be found in PPS4<sup>26</sup>.

When may it be required?

- With all retail planning applications that trigger an assessment under PPS4;
- With all retail planning applications that are affected by saved policies ECON5 and ECON12 of the North Warwickshire Local Plan 2006.

## **l) Agricultural/Equestrian/Rural Economy Statement**

What is this?

When a new dwelling is being proposed outside of a defined development boundary, and it is being argued that it is essential to have permanent residential accommodation on that site, a full functional and financial statement is to be provided. This will be evidence based and attempt to show that that building, including its size, is essential rather than being desirable. Alternative options must be evaluated, such as making use of the applicant's existing accommodation, acquiring, renting or building that accommodation within a settlement, the potential of converting existing buildings on site, and temporary or seasonal on site residential accommodation. The Statement shall include a full Business Plan. The Statement MUST follow the framework as set in Annex A of PPS7<sup>27</sup>.

When a new agricultural building (other than a dwelling) is proposed, a Statement will be required to show, with an evidential base, why that building, and one of that size, is necessary for the agricultural operations at that holding. Alternatives must be assessed, particularly the adaptation of existing buildings.

When the proposal involves Farm Diversification, a full Business Plan must be submitted to demonstrate how the venture will contribute towards sustaining the long term operation and viability of the farm holding.

When may it be required?

- With all applications for residential accommodation that are outside of a development boundary and which are to be assessed against saved policy HSG3 of the North Warwickshire Local Plan 2006;
- With all applications where saved policies ECON7 and ECON8 will be relevant.

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<sup>26</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps4/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps4/)

<sup>27</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps7/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps7/)

## **m) Affordable Housing Statement**

What is this?

An outline of how locally affordable housing is to be provided and managed in line with Development Plan policy. This will set out the numbers of the units, the tenure mix of the units and their size and specification, their location within the development, how they are to be “locally affordable”, how that affordability is to be continued in perpetuity, and how local people will benefit. The Statement will outline how need has been assessed, how numbers have been arrived at, how “affordability” has been defined and how these units will be managed in perpetuity. The Statement should include details of any Registered Social Landlord acting as partners in any development proposals.

If the required provision, as defined by Local Plan Policy, is not being proposed, the Statement will set out the precise reasons for not doing so, supporting that argument with factual evidence.

Further advice on these Statements is available in the Council's Affordable Housing Supplementary Planning Document (2008)<sup>28</sup>.

When may it be required?

- With all planning applications where locally affordable housing is required under Core Policy 8 (Saved), saved policies HSG1, HSG2 and HSG5 of the North Warwickshire Local Plan 2006, and the Affordable Housing SPD 2008.

## **n) Open Space Statement**

What is this?

A statement, or information, identifying areas of existing and proposed open space within or adjoining the application site. This should identify how they are presently used, how they are to be managed in the future and how they can be enhanced or integrated into the proposal. As planning consent is not normally given for development of existing open spaces that local communities need, a full justification will be necessary. An audit was undertaken in 2008 and is relevant to preparing this Statement<sup>28</sup>. Where an up to date Local Authority audit and assessment of Open Space provision is unavailable, the applicant will be required to undertake their own audit. This will identify existing open space, its use, purpose, quality and its contribution to the community. The audit will then identify whether its loss can be sustained or whether compensatory or other mitigation measures are needed. This audit will involve consultation with the community undertaken by the applicant, and follow the advice set out in PPG17<sup>29</sup>, which also defines what constitutes “open space”.

When may it be required?

- With all applications involving saved policies ENV5, COM2, and COM3 of the North Warwickshire Local Plan 2006, and the Green Space Strategy SPD (Draft) 2008.

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<sup>28</sup> Affordable Housing SPD and Green Space Strategy SPD (Draft) available at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning)

<sup>29</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/ppg17/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/ppg17/)

## **o) Landscape Appraisal**

What is this?

A survey which outlines the character of the landscape in which the application site is located. This will include the immediate setting and identify the outer limit of the study<sup>30</sup>. This will depend upon the landscape itself, the nature of the proposal, the degree of public accessibility and any indirect impacts arising from the development (e.g. lighting).

An Appraisal will then be undertaken by a qualified Landscape Architect in order to assess the impact of the development proposal on the character of the existing landscape at the site, its environs and to the outer limit of the visual envelope as justified by the survey. The Appraisal will also include measures that are needed to mitigate against adverse visual impacts, both on and off site, as well as take the opportunity to outline measures that could as a consequence of the development, enhance a landscape character, particularly when identified by the survey.

When may it be required?

- With all major applications outside, or to the edge, of settlements with a Development Boundary.
- With all applications where saved policies ENV1 and ENV2 of the North Warwickshire Local Plan 2006 will be critical to determination.

## **p) Landscaping Maintenance Statement**

What is this?

A Statement outlining in full, the landscaping proposals for the development showing how they have been arrived at as an integral part of the built form, and how they are to be maintained and managed in the future. The Statement will identify the reasoning behind the selection of species and the planting specification. For the purposes of this requirement, landscaping includes soft as well as hard landscaping.

When may it be required?

- With all applications where the proposals create areas of public open space, involve inappropriate development within the Green Belt, and/or that are departures from the Development Plan in order to allow assessment under ENV1, ENV2, ENV4 and ENV5 of the North Warwickshire Local Plan 2006.

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<sup>30</sup> The Forward Planning department may be able to assist here: 01827 715341 or [planningpolicy@northwarks.gov.uk](mailto:planningpolicy@northwarks.gov.uk)

**q) Arboricultural Implications Assessment (also referred to as a Tree Survey)**

What is this?

A survey, undertaken in accordance with BS 5837:2005, of the existing tree and hedgerow cover on site and on adjoining land. This will include identification of the species, spread, roots, and position of these trees and hedgerows. It will include a professional judgment on the condition and amenity value of each tree and length of hedgerow. It must indicate any trees to be felled and those affected by the development. The survey shall if necessary be extended to include trees and hedgerows in adjoining sites if they might be affected by the proposal.

Where relevant, the Assessment should justify how the built form has been arrived at so as to retain existing trees and hedgerows, and identify why alternative built forms could not be proposed. The Assessment will include the measures to be adopted during construction works to protect trees and hedgerows that are to be retained.

When may it be required?

- With all applications involving works to, or land carrying, trees protected by a Tree Preservation Order; all major applications where there is existing tree and hedgerow cover; and other applications where there is a need for the survey, in order to allow assessment under ENV1, ENV2 and ENV4 of the North Warwickshire Local Plan 2006.

**r) Nature Conservation/Biodiversity Assessment (including Bat Survey & Ecology Report)**

What is this?

This will identify the location of any areas statutorily designated, or otherwise recognised for their local, regional or National ecological interest. The Assessment will explain the significance of the site, and then evaluate the various impacts of the proposed development upon the site. These will include analysis during the construction phase as well as longer term impacts. Measures will be recommended to compensate or mitigate adverse impacts, including loss of habitat and reductions in bio-diversity. Such measures will include long term site maintenance and management, together with possible off-site measures. Each development proposal will also need to show how the biodiversity of the site can be enhanced as a consequence of the proposal.

Where sites are not recognised, but there are likely to be significant wildlife habitats or features that might impact on species protected under the Wildlife and Countryside Act 1981, The Conservation (Natural Habitats) Regulations 1994, or other animals protected under their own legislation (e.g. Badgers), then survey work will be necessary together with recommendations for measures to be incorporated into the proposed development in order to compensate for, or mitigate against the adverse impacts of that proposal. Enhancement measures to encourage habitat diversity will also be expected.

Advice on dealing with impacts can be found in PPS9<sup>31</sup> and its accompanying Government Circular and Good Practice Guide. The Warwickshire Museum<sup>32</sup> will also assist in the identification of sites, and likely recognised habitats.

*(r) is continued over...*

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<sup>31</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps9/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps9/)

<sup>32</sup> [www.warwickshire.gov.uk/museum](http://www.warwickshire.gov.uk/museum)

When may it be required?

- With all applications where an ecological interest is identified at pre-application or at consultation stage;
- With all major applications affected by, and other applications identified to be affected by, saved policy ENV3 of the North Warwickshire Local Plan 2006;

## **s) Noise Impact Assessment**

What is this?

Application proposals that raise issues of noise disturbance, are considered to be a noise sensitive development, or are to be proposed adjacent to a noise sensitive site will need to be supported by a Noise Impact Assessment prepared by a qualified Acoustician. Assessments will need not only to assess the impacts arising from new proposals on the existing environment, but also to assess the impacts on the occupiers of new developments arising from neighbouring uses. The Assessment will outline the existing noise environment and then assess the impacts arising from the new development, or the impacts upon that development. Recommendations will include mitigation measures that can be incorporated into the development proposals. Such sites will be identified at pre-application stage, but where there is no such discussion, the Assessment will be required at consultation stage and prior to determination. Advice and guidance is available in PPG24 and from the Council's Environmental Health Section.

When may it be required?

- With all applications involving noise sensitive development proposals; new development adjoining a noise sensitive site; and where noise disturbance could impact on residential amenity of existing and/or future occupants, in order to allow assessment under saved policies ENV9 and ENV11 of the North Warwickshire Local Plan 2006.

## **t) Air Quality Assessment**

What is this?

A full technical report outlining existing conditions, and predicting likely impacts on air quality arising from new development proposals. Further advice and guidance is available within PPS23<sup>33</sup> and from the Council's Environmental Health Section.

When may it be required?

- With all applications where development is proposed inside, or adjacent to an Air Quality Management Area (AQMA) as defined on the Local Plan Proposals Map;
- With all applications that could in themselves result in the designation of an AQMA;
- With all applications where the grant of a planning permission might render the Council's Air Quality Action Plan unworkable;
- With any application that would have the scope for affecting air quality in the immediate or adjoining area, in accordance with saved policy ENV9 of the North Warwickshire Local Plan 2006.

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<sup>33</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/)

## u) Lighting Assessment

What is this?

A technical assessment to identify the existing lighting levels, spillage and glow at a site, adjoining the site and at a distance, in order to identify adverse impacts that might arise from any proposed lights, both internal but particularly external, on the locality. The Assessment will identify measures that should be undertaken to reduce adverse impacts that can be incorporated into the development proposal, or that can be undertaken off site.

Further advice is available within the Government's "Lighting in the Countryside: Towards Good Practice" (1997)<sup>34</sup>.

When may it be required?

- With all applications where lighting proposals form an essential or significant part of the proposal, especially proposals in the open countryside or Green Belt, in respect of saved policies ENV1 and ENV2 of the North Warwickshire Local Plan 2006.
- With any application that is identified at consultation stage, where lighting becomes a recognised issue, particularly in respect of saved policy ENV11.
- With applications involving illumination either from advertisements or external lights, of Listed Buildings and in Conservation Areas, and in respect of saved policies ENV15 and ENV16.

## v) Flood Risk Assessment

What is this?

This will assess the risks to all forms of flooding to and from the development, and demonstrate how these flood risks will be managed, taking climate change into account. It should also show how sustainable drainage methods have been introduced into the development proposal.

Given the current impact of climate change, and the known historic nature of much of the existing infrastructure throughout the Borough, there will be an increasing requirement to provide such Statements even when the development might be minor in scale.

When may it be required?

- With all applications for development proposals of 1 hectare or more in Flood Zone 1, for some development proposals that are located within Flood Zones 2 and 3, or other areas where the Environment Agency or other bodies have indicated that there may be drainage problems. These Flood Zones are prepared and published by the Environment Agency, who also define where a Flood Risk Assessment is necessary. Relevant advice is given in PPG25<sup>35</sup> and on the Environment Agency's website<sup>36</sup>.
- With all applications where saved policy ENV8 of the North Warwickshire Local Plan 2006 applies.

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<sup>34</sup> [www.communities.gov.uk/archived/publications/planningandbuilding/lighting](http://www.communities.gov.uk/archived/publications/planningandbuilding/lighting)

<sup>35</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pp25/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pp25/)

<sup>36</sup> [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

## w) Land Contamination/Stability Report

What is this?

A full technical summary of the state of a site in respect of its ground conditions. This can include the structural stability of a site, particularly where there is a difference of levels, or where there is known to be past or current landfill, surface or subterranean coal workings, or “made” land operations. Surveys can include desktop studies or full ground surveys involving trial bore holes and pits. It will certainly include situations where there is likely to be site contamination. The reports will identify measures needed to remediate, or mitigate against the survey findings.

Advice and Guidance on Phase I and Phase II Contamination Reports is available in PPS23<sup>37</sup> and from the Council’s Environmental Health section. Advice and Guidance on Coal Mining Risk Assessments is available on the Coal Authority’s website<sup>38</sup>. In particular the scope and content of survey work will be identified as a consequence of discussion with the Council’s officers.

When may it be required?

- With all applications that involve any site, or land adjoining any site, that is recognised in the Council’s Land Contamination Register and Records, to allow assessment under saved policy ENV6 of the North Warwickshire Local Plan 2006.
- With all applications that involve a site, or land adjoining a site that is identified by the Coal Authority, or by local knowledge, as being one with potential stability or gas migration concerns, in accordance with saved policy ENV6.

## x) Photographs and Photomontages

What is this?

A simple photographic record of the existing situation in respect of the application site and its setting. This can then be supplemented to include the development proposal surmounted on the photographic record, in order to give a visual interpretation of the proposal.

These records will be particularly useful in support of proposals where saved policies ENV1, ENV2, ENV11, ENV12, ENV13, ENV15 and ENV16 will be critical. This will be identified at pre-application stage.

When may it be required?

- With all major applications;
- With all applications where a street scene is required, particularly with “infill” sites;
- With all applications that will impact on the character of the landscape, in accordance with saved policies of the North Warwickshire Local Plan 2006 as outlined above.

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<sup>37</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/)

<sup>38</sup> [www.coal.gov.uk](http://www.coal.gov.uk)

## **y) Site Waste Management Plan**

What is this?

Proposed new development should be supported by site waste management plans of the type encouraged by the Department of Trade and Industry's Code of Practice published in 2004. These identify the volume and type of material to be demolished and/or excavated; opportunities for the reuse and recovery of materials, and to demonstrate how off-site disposal of waste can be minimized and managed.

When may it be required?

- With all major applications, in accordance with PPS23<sup>39</sup>

## **z) Sustainability Statement**

What is this?

These outline how the proposal addresses sustainable development issues, particularly in respect of its location and scale. It will identify the environmental, social and economic implications of the proposal both in terms of benefits and disbenefits. Sequential testing will be undertaken in order to assess these issues as described in PPS1<sup>40</sup> and PPS4<sup>41</sup>. This testing will also address alternative quantum of development at the site as well as alternative locations for the proposal.

When may it be required?

- With all applications that are departures from the Development Plan;
- With all applications where an Environmental Statement is required (see (bb));
- With all applications involving saved policy ECON2 of the North Warwickshire Local Plan 2006.

## **aa) Draft Community Infrastructure Levy (CIL) or Section 106 Agreement**

What is this?

This sets out the compensatory and mitigation measures that might arise from the impacts of the proposal, both on and off site. Dependent on the relevant impacts and Development Plan policy, CIL or Section 106, or a combination of both, will be used. They will include as a minimum, the draft terms of the Agreement or the Unilateral Undertaking together with Proof of Title. The draft terms should have been clarified before an application is submitted, and should arise directly from the development itself.

*(aa) is continued over...*

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<sup>39</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps23/)

<sup>40</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps1/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps1/)

<sup>41</sup> [www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps4/](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps4/)

A standard template should be used where available. Further advice on these Agreements can be found in Circular 5/2005<sup>42</sup> and the accompanying Best Practice Note, and Community Infrastructure Levy Guidance<sup>43</sup>.

When may they be required?

- With all applications that are accompanied by an Environmental Statement (see below) that identifies impacts that need to be compensated or mitigated;
- With all major applications, unless otherwise agreed by the Council;
- With all applications requiring the provision of, “locally affordable housing” in accordance with Core Policy 8 (Saved) and saved policies HSG2 and HSG5 of the North Warwickshire Local Plan 2006.
- With all applications being dealt with as departures from the Development Plan;
- With all applications involving a Green Travel Plan;
- With applications involving saved policies COM3 and ECON4 of the North Warwickshire Local Plan 2006;
- With all applications that involve the loss of Open Space in accordance with saved policy ENV5 of the North Warwickshire Local Plan 2006.

## **bb) Environmental Statement**

What is this and when is it required?

This arises from a statutory obligation invested in The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999<sup>44</sup>. It requires a developer to prepare an Environmental Statement (required for Schedule 1 projects and for some Schedule 2 projects as defined by the above regulations) to enable the Council to give proper consideration to the likely environmental effects of a proposed development. Where an EIA is required, an Environmental Statement in the form set out in Schedule 4 to the regulations must be provided. Where EIA is not required, the local planning authority may still require environmental information to be provided.

If you are in doubt as to whether your proposal would require the submission of an EIA, you may seek a ‘Screening Opinion’ from the Council prior to submitting your application. The Council will then set out whether an EIA is necessary, and if so, for what reasons. Where an EIA is deemed necessary, you may also request a ‘Scoping Opinion’, which will set out what the Environmental Statement should address.

Where an Environmental Statement is required, and a prior Screening Opinion from the Council does not indicate otherwise, your application will not be validated until such a time where the necessary Statement has been provided.

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<sup>42</sup> [www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations](http://www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations)

<sup>43</sup> [www.communities.gov.uk/publications/planningandbuilding/cilguidance](http://www.communities.gov.uk/publications/planningandbuilding/cilguidance)

<sup>44</sup> [www.legislation.gov.uk/uksi/1999/293/contents/made](http://www.legislation.gov.uk/uksi/1999/293/contents/made)

## Design and Access Statements

These must accompany many types of applications for planning permission: Since their introduction in 2006, the requirements for such Statements have been relaxed under Statutory Instrument 2010 No. 567<sup>45</sup>. Currently, Design and access statements are required as set out below:

Type/location of application	Previous status	Current Status
Householder development in World Heritage sites, Conservation Areas or requiring Listed Building consent	<b>DAS required</b>	<b>DAS required</b>
Householder development in National Parks, AONBs, the Broads or SSSIs	<b>DAS required</b>	DAS not required
Householder development outside of the areas listed above	DAS not required	DAS not required
Certain non-residential development* in World Heritage sites, Conservation Areas or requiring Listed Building consent	<b>DAS required</b>	<b>DAS required</b>
Certain non-residential development* in National Parks, AONBs, the Broads or SSSIs	<b>DAS required</b>	DAS not required
Certain minor non-residential development* outside of the designations listed above	<b>DAS required</b>	DAS not required
Applications for the removal or variation of conditions on existing permissions (s.73)	<b>DAS required</b>	DAS not required
Walls, gates, fences and other means of enclosure up to 2m in height in a World Heritage Site, Conservation Area or requiring Listed Building consent	<b>DAS required</b>	<b>DAS required</b>
Walls, gates, fences and other means of enclosure up to 2m in height, outside of the designations listed above	<b>DAS required</b>	DAS not required
On operational land, the erection of certain buildings or structures* provided these are not in a World Heritage Site or Conservation Area or affecting a Listed Building	<b>DAS required</b>	DAS not required
On operational land, the erection of buildings or structures* which are in a World Heritage Site or Conservation Area or affecting a Listed Building, or larger than the restrictions listed <sup>23</sup>	<b>DAS required</b>	<b>DAS required</b>
Erection, alteration or replacement of certain plant or machinery* provided this is not in a World Heritage Site or Conservation Area or affecting a Listed Building	<b>DAS required</b>	DAS not required
Erection, alteration or replacement of plant or machinery* which is in a World Heritage Site, Conservation Area or affecting a Listed Building, or larger than the restrictions listed in the SI	<b>DAS required</b>	<b>DAS required</b>

\* In these circumstances, Design and Access Statements are required except in the following circumstances:

<sup>45</sup> [http://www.legislation.gov.uk/ukSI/2010/567/pdfs/ukSI\\_20100567\\_en.pdf](http://www.legislation.gov.uk/ukSI/2010/567/pdfs/ukSI_20100567_en.pdf)

## APPENDIX C

- i. engineering or mining operations
- ii. development of an existing dwellinghouse, or development within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, where no part of that dwellinghouse or curtilage is within a designated area
- iii. a material change in the use of land or buildings, unless it also involves operational development
- iv. extensions to the time limits for implementing existing planning permissions
- v. development of an existing flat for any purpose incidental to the enjoyment of the flat as such, where no part of that flat is within a designated area
- vi. the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 100m<sup>2</sup> and where no part of the building or the development is within a designated area
- vii. the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure, up to 2m high or the height of the existing means of enclosure, whichever is the higher, where no part of the building or the development is within a designated area or the curtilage of a listed building
- viii. development on operational land consisting of the erection of a building or structure up to 100m<sup>3</sup> in volume and 15m in height and where no part of the development is within a designated area
- ix. the alteration of an existing building where the alteration does not increase the size of the building and where no part of the building or the development is within a designated area
- x. the erection, alteration or replacement of plant or machinery where, as a result of the development, the height of the plant or machinery would not exceed the greater of 15m above ground level, or the height of the original plant or machinery, and where no part of the development is within a designated area
- xi. development of land pursuant to section 73 (determination of applications to develop land without conditions previously attached) of the Town and Country Planning Act 1990
- xii. applications relating to advertisement control, tree preservation orders or storage of hazardous substances
- xiii. applications for prior approval for proposed development, or non-material amendments to existing planning permissions.

Design and access statements are required for applications for listed building consent, and these statements differ slightly in content, as discussed in more detail in paragraph 6.9 of <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1505220.pdf>

More information can be found at [www.northwarks.gov.uk/planning](http://www.northwarks.gov.uk/planning).



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**Agenda Item No 7**

**Planning and Development Board**

**18 October 2010**

**Report of the  
Head of Development Control**

**Draft Tree Preservation  
Regulations**

**1 Summary**

- 1.1 The Government has published draft revisions to the Regulations governing Tree Preservation Orders for consultation purposes. These are reported for the Board to consider making any representations.

**Recommendation to the Board**

**That the draft Regulations be noted.**

**2 Background**

- 2.1 These draft revisions follow on from the “streamlining” agenda that the previous Government was engaged in. Because of amendments and variations that past administrations have made to these Regulations, each TPO is based on the wording of the Order applicable at the time the respective Order was made. Hence the rules governing trees protected by Orders made in 1971 are not the same as those protecting trees made in 2001. So as to overcome these issues, these draft Regulations aim to consolidate the provisions and to simplify procedures. They would come into effect in April 2011.

**3 Proposals**

- 3.1 The first proposal is to bring all existing TPO’s onto the same legal footing at the time the new Regulations take effect – probably April 2011. The 1999 and 2008 Regulations would thus be cancelled. No changes would be made to the scope of existing Orders or to the trees actually protected. Basically the regulations governing their protection would change so as to accord with the 2011 rules. This is a common sense move and one that is to be welcomed.
- 3.2 Secondly, the current position is that the TPO only comes into force following a period of consultation, and the Council actually then confirming the Order - no longer than six months is allowed. However in practice, and usually because of the need to have immediate protection, the draft Order is accompanied by a Direction stating the Order has immediate effect. This may or may not then be confirmed after the six month consultation period. In

practice almost every Order now contains this Direction. It is proposed that all new TPO's would come into immediate force on the date that they are made, but would lapse after six months if not confirmed following a consultation period. This again is welcomed.

- 3.3 Thirdly, the consultation required presently has to include occupiers and owners of adjoining land. This is fine, but in certain circumstances in urban areas it can mean that all residents in a block of flats are consulted if there is an Order made on a tree on land adjoining those flats. It is proposed that the consultation would now only be to occupiers of adjoining land where the tree actually overhangs that land. This is welcomed.
- 3.4 The exemptions from seeking formal Consent to remove a tree protected by a TPO, include trees which "are dead, dying or dangerous". There has always been some ambiguity over the definition of "dying" because it is often taken to mean "diseased". A tree can be diseased but that might not be fatal. It is thus proposed to remove the adjective "dying" from the exemptions. This is welcome as the scope for exemptions is reduced to trees that are either actually dead or have become dangerous. The latter is determined following inspection by the Tree Officer.
- 3.5 Annual works to trees, eg pruning, which are protected by Orders made before 1999, require a fresh Consent each year. This does not apply after 1999, because programmes of work can be consented – eg for estate parklands. It is proposed to continue this "programmed" work and to enable an Authority twelve months to agree programmes where appropriate for trees protected before 1999.
- 3.6 Replanting protected trees that are removed is to continue, but there are proposed amendments where woodlands are involved – eg it may no longer be appropriate to replace the whole woodland.
- 3.7 Compensation may be payable by Authorities for loss or damage caused or incurred as a result of a refusal to consent to works to a protected tree. For TPO's granted before 1999, an Authority could remove its liability to pay compensation if the tree was of outstanding or special amenity value having duly considered good forestry practice. The 1999 Regulations removed this ability. The proposals would introduce a uniform compensation system. The liability would be for claims over £500, not for loss of development value and not for loss or damage that was not reasonably foreseeable when the authority decided on the application.

## **4 Report Implications**

### **4.1 Finance and Value for Money Implications**

- 4.1.1 None in terms of the alterations to the procedures, but Members are asked to note that compensation may be paid in certain circumstances where consent is refused for works to protected trees. These will be identified if and when they arise dependant upon each case.

## 4.2 Links to Council's Priorities

- 4.2.1 The continuing protection for trees achieves the Council's priority of preserving the rural character of the Borough.

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