

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

**(Councillors Simpson, Reilly, Bell, L Dirveiks,
Hayfield, Henney, D Humphreys, Jarvis, Lewis,
Morson, Phillips, Smitten, Sweet, Symonds and
A Wright)**

For the information of other Members of the Council

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PLANNING AND DEVELOPMENT BOARD AGENDA

4 MARCH 2019

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 4 March 2019 at 6.30 pm.

AGENDA

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Disclosable Pecuniary and Non-Pecuniary Interests**

- 4 Minutes of the meetings of the Board held on 10 December 2018, 14 January and 4 February 2019, copies herewith, to be approved as a correct record and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

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

Summary

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

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

- 6 **Appeal Update** - Report of the Head of Development Control

Summary

Recent appeal decisions are reported to Members for information.

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

- 7 **Tree Preservation Order – Baddesley Ensor** - Report of the Head of Development Control

Summary

The board is asked to confirm action taken in the making of an Emergency Tree Preservation Order.

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

- 8 **Neighbouring Local Plan Consultation – Solihull and Lichfield**

Summary

Both Solihull MBC and Lichfield DC have published for consultation Local Plan documents as part of the review of their Local Plan.

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

- 9 **Corporate Plan Targets** – Report of the Head of Development Control.

Summary

The report describes the actions taken on a number of targets as set out in the 2018/2019 Corporate Plan.

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

- 10 **Building Control Partnership**

Summary

The report outlines progress on moving towards the new Building Control Partnership.

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

10 December 2018

Present: Councillor Simpson in the Chair.

Councillors Bell, Chambers, Clews, L Dirveiks, Hayfield, Henney, Jarvis, Jenns, Morson, Phillips, Reilly, Smitten, Sweet and Symonds

Apologies for absence were received from Councillors D Humphreys (substitute Councillor Jenns), Lewis (substitute Councillor Chambers) and A Wright (substitute Councillor Clews).

Councillor Moss was also in attendance.

50 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Simpson declared a non-pecuniary interest in Minute No 52 – Planning Applications (Application No 2016/0280 – Land Opposite 84-104 Orton Road, Warton) by virtue of having engaged the planning agent.

Councillors Bell and Reilly declared a non-pecuniary interest in Minute No 56 – Warwickshire Minerals Plan - by virtue of their roles as County Councillors and took no part in the discussion or voting thereon.

Councillor Simpson declared a non-pecuniary interest in Minute No 52 – Planning Applications (Application No 2018/0663 – Moor Farm Stables, Wall Hill Road, Corley) by virtue of knowing the applicant, left the meeting and took no part in the discussion or voting thereon.

Councillor Hayfield declared a non-pecuniary interest in Minute No 52 – Planning Applications (Application No CON/2018/0032) - by virtue of his role as a County Councillor and took no part in the discussion or voting thereon.

Councillor Bell declared non-pecuniary interests in Minutes No 52 – Applications numbers 1-4 – by virtue of her membership of the County Council's Regulatory Committee and took no part in the discussion or voting thereon.

Councillors Bell, Hayfield, Jenns and Reilly declared a non-pecuniary interest in Minute No 52 – Planning Applications (Application No 2016/0280 – Land Opposite 84-104 Orton Road, Warton) by virtue of being County Councillors and took no part in the discussion or voting thereon.

Councillor Hayfield declared a non-pecuniary interest in Minute No 52 - Application No 2018/0686 (Kingsbury Hall, Coventry Road, Kingsbury) by virtue of having undertaken some work for the applicant ten years ago.

51 **Minutes**

The minutes of the meetings of the Board held on 8 October and 5 November 2018, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

52 **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 2018/0032 (Coleshill School, Coventry Road, Coleshill, B46 3EX) the County Council be informed that this Council raises a holding objection to the proposal on the grounds that there is no mitigation or betterment proposed to the issue of alleviating on-street parking in Packington Lane;**
- b **That Application No 2018/0033 (Hartshill Quarry (formerly known as Jeas and Boons Quarry, Nuneaton Road, Hartshill) the County Council be advised that the Borough Council can confirm that there has not been a ten year continuous use of this land and that the County should therefore take legal advice on the argument put forward by the applicant before consenting to the Certificate.**
- c **That in respect of Application No 2018/0036 (Land at northern side of Plank Lane, Water Orton) the Council raises no objection to the proposal;**
- d **That in respect of Application No 2018/0037 (Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU) the County Council be informed that this Council raises no objection to the proposal for the reasons outlined in the report of the Head of Development Control, with the additional comment that any restoration condition on the new permission be as comprehensive as the condition on the current permission;**
- e **That in respect of Application No 2016/0280 (Land Opposite 84 To 104, Orton Road, Warton, B79 0HU):**

- i) outline planning permission be approved with site access as per the second scheme, subject to the completion of a Section 106 Agreement as set out in earlier reports of the Head of Development Control and the conditions as set out therein, with the addition of a condition requiring car parking on site;**
- ii) that the Council takes whatever action it can to ensure the County Council reviews the road safety in this location, including the speed limit and signage.**

Speakers Andy Newton, Heather Sears and Ian Ritchie

- f That Application No 2017/0440 (Storage Land - Hams Hall National Distribution Park, Edison Road, Coleshill) be approved subject to the conditions and notes set out in the report of the Head of Development Control;**

Speaker Mark Jackson

- g That Application No 2018/0239 (Caldecote Hall Estate, Caldecote Hall Drive, Caldecote, CV10 0TW) be deferred for a site visit;**
- h That Application No 2018/0525 (Cooperative Supermarket, Station Street, Atherstone, CV9 1BZ) be approved subject to the conditions set out in the report of the Head of Development Control, including the clarification that each unit is to be either A1 or D1 and not a mix of both;**

Speaker David Pritchard

- i That the Council is minded to refuse the application, but that prior to the determination of Application No 2018/0538 (1 Yew Tree Cottages, Coton Road, Whitacre Heath, B46 2HD), the applicant be invited to meet appropriate Members of the Board (Councillors Simpson, Reilly, Sweet and another local Member) with a view to understanding more fully the potential consequences here of a refusal of planning permission and the subsequent issue of an Enforcement Notice, that a site visit be undertaken and that the matter be reported to the January meeting of this Board.**

Speakers Paul Walmsley and Deborah Grant

- j That, subject to the satisfactory completion of the Unilateral Undertaking and provided no objections are received before the expiry of the consultation period that cannot be resolved through planning conditions and in consultation with the Vice-Chairman, the Council is minded to approve Application No 2018/0663 (Moor Farm Stables, Wall Hill Road, Corley,**

CV7 8AP) subject to the conditions set out in the report of the Head of Development Control;

Speaker Neal Kennedy

- k That subject to there being no objection from the County Council as Lead Local Flood Authority, Application No 2018/0668 (Land South Of Dairy House Farm, Spon Lane, Grendon) be approved subject to the conditions set out in the report of the Head of Development Control with the addition of a no return flap/valve to the Penmire Brook, to seek an explanation from the Lead Local Flood Authority as to whether the 100 year event basis is appropriate, that the Board be advised at the next meeting of the measures agreed' and that a report on the effectiveness of the measures be brought back to this Board when implemented;**

Speaker – Dave Hughes

- l That the receipt of Application No 2018/0686 (Kingsbury Hall, Coventry Road, Kingsbury) be noted and a site visit undertaken prior to determination.**

Speaker – Michael Davies

53 Buildings at Risk

The Head of Development Control reported that Historic England had recently published its annual Buildings at Risk Register and provided some background for the Member's information.

Resolved:

- i) That the list be noted and treats inclusion as a material planning consideration when appropriate; and**
ii) That Historic England be invited to make a presentation to provide further details

54 Brownfield Land Register (2018)

The Corporate Director – Environment presented the Brownfield Land Register for North Warwickshire Borough Council and sought for it to be published, pursuant to the Town and Country Planning (Brownfield Land Register) Regulations 2017.

Resolved:

That the Brownfield Land Register (2018) be published in accordance with Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

55 **Draft Air Quality SPD**

The Corporate Director – Environment sought approval for consultation on the Draft Supplementary Planning Guidance on Air Quality.

Resolved:

That the Draft Air Quality SPD attached as an Appendix to the report of the Corporate Director – Environment be discussed at the Council’s Health and Wellbeing Board and that a presentation be made to all Councillors, before a further report is brought back to this Board.

56 **Warwickshire Minerals Plan – Second Consultation Publication Version**

The Corporate Director - Environment reported on a proposed response to the consultation on the Warwickshire County Council’s Minerals Plan and the Board was asked to agree a suggested course of action.

Resolved:

That the recommendations and responses contained within the report of the Corporate Director - Environment as well as any additional comments by Members be forwarded to WCC as the Council’s response to the Warwickshire Minerals Publication Plan Regulation 19 Consultation ending on Wednesday 12 December 2018 at 5pm.

Mark Simpson
Chairman

**Planning and Development Board
10 December 2018
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5	PAP/2017/0440	WCC	Consultation	10/12/18
5	PAP/2018/0525	WCC Applicant	Consultation E-mail	10/12/18 3/12/18
5	PAP/2018/0663	Environmental Health Officer Representation Representation	Consultation E-mail E-mail	7/12/18 10/12/18 10/12/18
5	PAP/2018/0668	STW	Consultation	4/12/18

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

14 January 2019

Present: Councillor Simpson in the Chair.

Councillors Bell, L Dirveiks, N Dirveiks, Hayfield, Jarvis, Lewis, Morson, Phillips, Reilly, Smith, Smitten, Sweet, Symonds and A Wright

Apologies for absence were received from Councillors D Humphreys (substitute Councillor Smith), Henney (substitute Councillor N Dirveiks).

Councillors Clews and D Wright were also in attendance and with the permission of the Chairman spoke on agenda items 7 and Planning Application 7 – PAP/2018/0645 respectively.

57 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Sweet declared a non-pecuniary interest in Minute No 58 – Planning Applications (Applications No 2018/0209 – Land to the rear of 6 to 20 Spon Lane, Grendon and No 2018/0216 – 5 Willows Lane, Grendon) by virtue of his previous involvement in the case, left the meeting and took no part in the discussion or voting thereon.

58 **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 Application No 2018/0209 (Land to the rear of 6 to 20, Spon Lane, Grendon) be refused for the reasons set out in the report of the Head of Development Control;**

Speaker Clare Marshall and Paul Silcock

- b **That Application No 2018/0216 (5 Willows Lane, Grendon, CV9 2QG) be refused for the reasons set out in the report of the Head of Development Control and in addition as the loss of the pond would adversely affect local amenity in breach of policy NW12;**

- c** That Application No 2018/0239 (Caldecote Hall Estate, Caldecote Hall Drive, Caldecote, CV10 0TW) be deferred for further consideration of the revised elevation plans;
- d** That Application No 2018/0312 (Dunton Wharf, Lichfield Road, Curdworth, B76 9EN) be approved subject to the conditions set out in the report of the Head of Development Control;
- e** That consideration of Application No 2018/0538 (1 Yew Tree Cottages, Coton Road, Whitacre Heath, B46 2HD) be deferred for a site visit;

Speakers Deborah Grant and Paul Walmsley

- f** That Application No 2018/0626 (Crida House, Kingsbury Road, Curdworth, B76 9DS) be approved subject to the conditions set out in the report of the Head of Development Control;
- g** That Application No 2018/0645 (Holmfield, Bennetts Road North, Corley, CV7 8BG) be approved subject to conditions to be approved by the Head of Development Control, for the following reasons:
 - i)** The proposal was in keeping with the local area
 - ii)** The proposed development was compatible with the size and scale of neighbouring development
 - iii)** The proposal presented the opportunity to remove an eyesore in the area and
 - iv)** Overall therefore it was considered that these matters should be given greater weight in the final balance and that as a result they do clearly outweigh the harm caused;

Speaker Dereck Beverley

- h** That in respect of Application No 2018/0681 (61, School Hill, Hartshill, CV10 0NF)
 - i)** planning permission be refused for the reasons set out in the report of the Head of Development Control; and
 - ii)** authority be granted to the Corporate Director – Environment to issue an Enforcement Notice requiring the unauthorised building to be completely demolished and that all resultant materials are removed from the site with a compliance period of 6 months, for the reasons set out in the report.

Speaker Arshdeep Singh

59 Planning Performance

The Head of Development Control reported that on the current performance of the Council as measured against the newly introduced national designation thresholds.

Resolved:

That the report be noted.

60 Consultation on Birmingham Airport Masterplan

The Corporate Director – Environment reported on the Birmingham Airport Masterplan consultation and the Board was asked to agree a suggested response.

Resolved:

- a That the consultation be noted;**
- b That the observations set out in the report of the Corporate Director – Environment be agreed with the additional comments made at the meeting; and**
- c That delegated power be given to the Corporate Director – Environment to finalise the consultation, in consultation with Members of the Board.**

61 Article 4 Direction, Wathen Grange Special School, Mancetter

The Board was invited to confirm the action taken by the Chief Executive, in consultation with the Chairman of the Board, in the issue of an Article Four Direction in respect of Wathen Grange Special School, Mancetter.

Resolved:

- a That the action be confirmed; and**
- b That the applicant be invited to meet Members (including the Ward Members) to discuss the future of the site.**

Mark Simpson
Chairman

**Planning and Development Board
14 January 2019
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/4	PAP/2018/0209	P Silcock	Representation	11/1/19
4/25	PAP/2018/0216	D Swift	Representation	3/1/19
4/37	PAP/2018/0239	Applicant	Amended plan	11/1/19
4/58	PAP/2018/0312	Curdworth Parish Council	Objection	14/1/19
4/98	PAP/2018/0626	Curdworth Parish Council	Objection	14/1/19

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

4 February 2019

Present: Councillor Simpson in the Chair.

Councillors Bell, L Dirveiks, Hayfield, Henney, Jarvis, Lewis, Morson, Phillips, Reilly, Smith, Smitten, Sweet, Symonds and A Wright

Councillor Clews was also in attendance.

62 **Disclosable Pecuniary and Non-Pecuniary Interests**

The Solicitor to the Council reminded Members of his decision to give a dispensation to Members in respect of the applications by Members of this Board, in order to allow the Council to discharge its function in determining planning applications.

Councillor Simpson declared a pecuniary interest in Minute No 66 – Planning Applications (Applications No 2018/0756 – Hubbards Cottage, Bentley Lane, Maxstoke) by virtue of being the applicant, left the meeting and took no part in the discussion or voting thereon.

Councillor Bell declared a pecuniary interest in Minute No 66 – Planning Applications (Applications No 2018/0748 – Abbey Field, Castle Road, Nuneaton) by virtue of being the applicant, left the meeting and took no part in the discussion or voting thereon.

63 **Corporate Plan 2019 – 2020**

The Chief Executive sought the Board's approval for the Corporate Plan Targets for which it was responsible and the 2019/20 Service Plans for the Development Control and Forward Planning Sections.

Recommended to the Executive Board:

- a The Chairman, Deputy Chairman and Opposition Spokesman meet to agree comments to be passed onto the Executive Board;**
- b That those Corporate Plan Key Actions as set out in Appendix A to the report of the Chief Executive, for which the Board is responsible, be agreed; and**

- c That the Service Plans as set out in Appendix B to the report be agreed.**

64 General Fund Fees and Charges 2019/2020

The Board was asked to consider the fees and charges for 2018/2019 and the proposed fees and charges for 2019/2020.

Resolved:

That the schedule of fees and charges for 2019/2020 as set out in the report be accepted.

65 General Fund Revenue Estimates 2019/2020

The Corporate Director – Resources detailed the revised budget for 2018/19 and an estimate of expenditure for 2019/20, together with forward commitments for 2020/2021, 2021/22 and 2022/23.

Resolved:

- a That the revised budgets for 2018/2019 be accepted; and**
- b That the Estimates of Expenditure for 2019/2020, as submitted in the report of the Corporate Director – Resources be accepted, and included in the budget to be brought before the meeting of the Executive Board on 11 February 2019.**

66 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 2019/0004 (Peddimore, Land north of Minworth, East of A38 and west of Wiggins Hill Road, Sutton Coldfield) the Borough Council objects to the planning application until the matters set out in the report of the Head of Development Control are adequately addressed, and that a meeting is**

requested with Birmingham City Council and the developer;

- b That in respect of Application No 2019/0005 (Land at Fivefield Road and Tamworth Road, Coventry) Coventry City Council be advised of the comments set out in the report of the Head of Development Control, and that a meeting is requested with Birmingham City Council and the developer;
- c That Application No 2018/0030 (Coleshill Leisure Centre, Park Road, Coleshill) be approved subject to the conditions set out in the report of the Head of Development Control;

Speaker: Richard Cobb

- d That Application No 2018/0239 (Caldecote Hall Estate, Caldecote Hall Drive, Caldecote) be approved subject to the conditions set out in the report of the Head of Development Control, and subject to the additional plans received on 4th February, as presented to the Board;
- e That consideration of Applications Nos 2018/0533 and 2018/0534 (United Reform Church, Coleshill Road, Chapel End) be approved subject to the conditions set out in the report of the Head of Development Control;
- f That Application No 2018/0738 (3 Atherstone Road, Hartshill) be approved subject to the conditions set out in the report of the Head of Development Control;

Speakers: Shaun Major and Leanne Beardmore

- g That in respect of Application No 2018/0748 (Abbey Field, Castle Road, Nuneaton) the Certificate be approved as set out in the report of the Head of Development Control;
- h That Application No 2018/0755 (Land to east of the Former Golf Ground, North of Tamworth Road- B5000 and west of M42, Alvecote) be noted and that officers, in collaboration with colleagues in the Tamworth Borough

Council, be requested to provide progress reports, that the applicant be invited to meet representatives of the Board and Tamworth Members as the application proceeds, and that a working group be established to monitor progress;

- i That Application No 2018/0756 (Hubbards Cottage, Bentley Lane, Maxstoke) be approved subject to the conditions set out in the report of the Head of Development Control; and**
- j That Application No 2018/0762 (Land East of Isington Farm, Tamworth Road, Wood End) be noted and that the Board undertakes a visit to the site in order to better understand its setting.**

67 Confirmation of Tree Preservation Order – Applegarth, Austrey

The Board was invited to confirm or otherwise a Tree Preservation Order made in respect of Applegarth, Austrey.

Resolved:

That the Tree Preservation Order made in respect of Applegarth, Austrey be confirmed without modification.

68 Confirmation of Tree Preservation Order – Polesworth

The Board was invited to confirm, with modification, a Tree Preservation Order made in respect of this address.

Resolved:

That the Tree Preservation Order made in respect of this address, as detailed in the report of the Head of Development Control, be modified and confirmed.

69 Local List of Heritage Assets

The Corporate Director – Environment sought the Board's approval to establish a local list of heritage assets in North Warwickshire that are non-designated.

Resolved:

- a That the draft selection criteria and nomination forms, set out in Appendix A and B to the report of the Corporate Director – Environment, with the addition of views, be agreed; and**
- b That a consultation on the draft selection criteria be agreed; and**
- c That nominations to the Local Heritage Listings via nomination forms for a minimum of six weeks be requested.**

70 Hinckley and Bosworth New Directions for Growth Consultation

The Corporate Director – Environment informed the Board that Hinckley and Bosworth Borough Council (HBBC) have published, for consultation, a document setting out new directions for future growth as part of the review of their Local Plan.

Resolved:

- a That the report of the Corporate Director – Environment be supported; and**
- b That the observations set out in the report of the Corporate Director – Environment, be forwarded to HBBC by 3 March 2019 together with a request for a meeting.**

71 Reforming Developer Contributions

The Corporate Director – Environment described a recent Government Consultation Paper proposing changes to the Community Infrastructure Levy and recommendations are made to the Board in response.

Resolved:

That the comments for referral to the MCLG as highlighted in the report of the Corporate Director – Environment be agreed

72 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2018 – March 2019**

The Chief Executive reported on the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2018 to April 2019.

Resolved:

That the report be noted.

M Simpson
CHAIRMAN

Planning and Development Board

4 February 2019

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
7/88	PAP/2018/0239	Applicant	Amended plan	4/2/19

Agenda Item No 6

Planning and Development Board

4 March 2019

Report of the Head of Development Control

Appeal Update

1 Summary

- 1.1 Recent appeal decisions are reported to Members for information.

Recommendation to the Board

That the report be noted.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Appeal Decisions

3.1 a) Delves Farm, Wood End

- 3.1.1 This was a proposal for a further 14 dwellings as an extension to a recent appeal approval for 14 off Boulters Lane. This dismissal of the appeal is very welcome as the Inspector clearly found that this “extension” would conflict with the character and appearance of the area. This is important as this particular site had no relationship or connections with the village or its community. In this respect the weight given to Core Strategy policy was significant. To a degree too this reflects the wording of the new NPPF in which quality of the built form has been given added emphasis. The decision letter is at Appendix A.
- ...

3.2 b) Flavel Farm Bungalow, Austrey

- 3.2.1 This was a proposal for the use of land for a Gypsy and Traveller site which was dismissed. This is an important decision as the Inspector gave full weight to the Council’s Policy NW8 which outlines the criteria for looking at such sites (para 6) and also to progress being made by the Council in providing for this community (para 19). The dismissal is very much based on the road safety issues which are included in the NW8 criteria. The personal circumstances of the family were given significant weight, but this did not outweigh the level of harm caused by the road safety issue. Members too

... should note that weight was given to the Austrey Neighbourhood Plan (para 14). The decision letter is at Appendix B.

4 Report Implications

4.1 Environment, Sustainability and Health Implications

4.1.1 The decision supports the weight to be given to the importance given to the Council's Development Plan.

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



Appeal Decision

Site visit made on 23 October 2018

by **Andrew Owen BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th November 2018

Appeal Ref: **APP/R3705/W/18/3207348**

Delves Farm, Boulters Lane, Wood End CV9 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ken Simmons against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2017/0599, dated 9 November 2017, was refused by notice dated 13 February 2018.
 - The development proposed is erection of up to 14 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters except access reserved for later consideration. I have determined the appeal on the same basis.
3. During the appeal process it was brought to my attention that one of the owners of the appeal site had not been formally notified of the application and the appeal. The appellant has now formally notified that owner and they have had the opportunity to comment on the proposals. I was also alerted to the fact that this landowner is not a signatory to the submitted unilateral undertaking and I have considered the effect of that below.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether it is necessary to provide contributions to affordable housing and healthcare facilities and if so whether an appropriate mechanism for securing these has been provided.

Reasons

Character and appearance

5. The appeal site forms the northern half of a field used for grazing. The southern half has outline planning permission, granted on appeal¹, for 14

¹ Ref APP/R3705/W/17/3171093

houses. In that case the Inspector found that the development would harm the character and appearance of the area but that this did not significantly and demonstrably outweigh the benefits of the development. The conclusion he reached on character and appearance was consistent with an Inspector's view on that specific issue on a previous appeal² for 14 dwellings on that same site.

6. Though the site in this case is different to that adjacent site, it is very similar in terms of its visibility in the wider context. The development would be visible from Boulters Lane along the access road, from the rear of the houses fronting Boulters Lane and, albeit from a greater distance, from those dwellings fronting Tamworth Road to the west. A limited view, through hedgerows, would be possible from public footpaths AE67 and AE68 to the east.
7. Furthermore, the development would be detached from the dwellings fronting Boulters Lane, more so than any development on the adjacent site, and would conflict with the generally linear pattern of development locally. Indeed it is not certain that aforementioned outline planning permission would be implemented, leaving the development on this site surrounded by fields.
8. The proposal would therefore conflict with the character and appearance of the area and would fail to accord with policy NW12 of the North Warwickshire Core Strategy (NWCS) which aims to ensure that development positively improves a settlement's character.

Planning obligation

9. A unilateral undertaking has been provided which includes an obligation to make a financial contribution to the provision of affordable housing elsewhere within the borough. I consider this contribution is necessary, is directly related to the development and is reasonably related in kind and scale to the development and so would meet the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and paragraph 56 of the National Planning Policy Framework (the 'Framework').
10. The undertaking also includes an obligation to make a financial contribution towards additional healthcare facilities by the George Eliot Hospital NHS trust. I am satisfied that this contribution would also meet the tests in Regulation 122 and paragraph 56. Regulation 123 states that, where a CIL charging schedule is not in place, only five contributions to each project can be collected. In this case, as the contribution would relate to the running costs of the Trust, not an infrastructure project, it is not limited by this pooling restriction.
11. However, as referred to in paragraph 3 above, an owner of the land on which there would be a deed relating to financial obligations is not a party to that deed. This gives me concerns in respect of its execution and enforceability and therefore I am not satisfied that the Council could rely on it to secure the contributions. I have therefore not taken the undertaking into account in my decision.
12. Without these contributions the proposal would fail to accord with policy NW6 of the NWCS which seeks to secure appropriate levels of affordable housing through development, and NWCS policy NW22 which generally seeks contributions to infrastructure.

² Ref APP/R3705/W/16/3150188

13. The Council's comments on the undertaking are set out in their letter of 10 October 2018. However this only relates to the justification for the obligations and confirms that they do not object to the content of the undertaking. It does not demonstrate that the Council consider the document to be valid and enforceable. Moreover the Council's letter of 1 November 2018 also does not comment on the validity of the undertaking, and the emails from the Council in April 2018 pre-date by some months the revelations regarding the ownership of the site. My conclusion that the undertaking is flawed is not, therefore, inconsistent with the Council's correspondence.

Other Matters

14. Policies NW2 and NW5 of the NWCS are concerned with the distribution of housing across the settlements in the borough. I understand the target housing figure for Wood End, as set out in policy NW5, has already been reached and so any more housing could be considered disproportionate and hence would conflict with this policy. However the Council have stated that they have a 4.8 years supply of housing. Their policies relating to housing supply, such as NW2 and NW5, should therefore not be considered up to date. Indeed this view is consistent with the Inspectors into the appeals at Ansley³ and Daw Mill⁴ who attribute little weight to policy NW2. I recognise the supply of housing has increased recently (from 4.5 years in the appeal for the adjacent site and 3.5 years in the Ansley decision) and that housing completions over the past 3 years have exceeded their target, which illustrates good progress is being made. Nonetheless, I do not consider this justifies reaching a different view to the previous Inspectors with regard to policy NW2, and therefore NW5.

15. The emerging Local Plan is, I understand, currently being examined. As such whilst the submission version of the plan has been through public consultation, and in many respects it closely reflects the existing NWCS policies, it still cannot be given significant weight, and indeed the Council do not rely on it.

Planning balance & Conclusion

16. Part d) of paragraph 11 of the Framework advises that where relevant development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

17. The proposal causes harm to the character and appearance of the area, but I consider the weight to be given to that harm would not be considerable. This is consistent with the Inspector of the appeal proposal for the adjacent site.

18. In its favour, the proposal would provide 14 houses to contribute to the Council's supply, and I recognise the support given in the Framework to small sites such as this. However the mechanism for securing a contribution to affordable housing is flawed and so this limits the weight I give to the benefit of the houses.

19. The contribution to healthcare would have mitigated the additional use of healthcare facilities generated by the occupiers of the development so would not have carried positive weight. Therefore the absence of an appropriate mechanism to secure it does not lend negative weight.

³ Ref APP/R3705/W/17/3189584

⁴ Ref APP/R3705/W/16/3149827

20. Overall I consider the adverse effect on the character and appearance of the area, whilst not considerable, does significantly and demonstrably outweigh the benefits of the development. Consequently the development would conflict with NWCS policy NW1 which says that in these circumstances permission will not be granted.

21. Consequently, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR



Appeal Decision

Hearing Held on 9 January 2019

Site visit made on 9 January 2019

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2019

Appeal Ref: APP/R3705/W/18/3199987

Land south of Flavel Farm Bungalow, Warton Lane, Austrey CV9 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Connors against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2017/0519, dated 20 September 2017, was refused by notice dated 6 February 2018.
 - The development proposed is permission is sought for change of use of land to a mixed use site, to continue the equestrian use and add residential use for three Romany Gypsy families. Site to contain two static caravans, two touring caravans, parking for four vehicles with associated hardstanding and water treatment plant.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. Since the Council made its decision on the planning application the appellant submitted details to satisfy the Council that an acceptable visibility splay could be achieved on site. As such the Council withdrew its second reason for refusal. My Decision, therefore, relates to reason for refusal 1, as identified in the main issues below.
3. A revised version of the National Planning Policy Framework (the Framework)¹ has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework and any comments received in reaching my decision.

Main Issues

4. These are:
 - (i) whether the proposal would be in a suitable location with particular regard to its effect on highway safety and the safety of pedestrians; and,

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government (July 2018)

- (ii) whether the harm arising from the proposal would be outweighed by other considerations.

Reasons

Highway safety

5. The Council is not relying on the saved policies within the North Warwickshire Local Plan 2006². Furthermore, the new Local Plan is undergoing Examination. With the relevant policies in this plan unadopted but very similar to those in the Core Strategy, I consider the main relevant policies to be NW2 and NW8 of the Core Strategy³.
6. Policies NW2 and NW8 accord with the Framework and the Planning Policy for Traveller Sites (PPTS)⁴ respectively which together require development plan policies to plan positively for gypsy and traveller accommodation and adopt a criteria based approach where a need for such accommodation has not been identified. As such I attach full weight to these policies.
7. Policy NW2 sets out a settlement hierarchy where the appeal site would lie outside a Category 4 settlement. In this policy category, development is restricted unless provided for in another policy or is a use that requires a rural location. Policy NW8 permits gypsy and traveller sites within a reasonable safe walking distance of a settlement development boundary. A development should also meet the criteria listed, one criterion being 'within a safe, reasonable walking distance of a public transport service, with access to a range of services including school and health services.'
8. The access to the appeal site adjoins Warton Lane which is a classified C road which reflects its local importance as a primary route between Austrey and Warton. The road has the character of a lane in that it has grass verges either side and at the point of the appeal site is narrower than in other areas.
9. The site is within approximately 500 metres and therefore a reasonable walking distance of Austrey which has a number of local services and facilities including a school and a shop. However, Warton Lane is devoid of a pavement. Consequently pedestrians would have to walk at the side of the road or along the grass verge. The latter makes walking difficult and impossible for those with pushchairs. The restricted width of the road means that whilst two vehicles can pass safely, the space between them is limited. This put pedestrians walking in the road at significant risk of being hit by a car.
10. The road is used by vehicles of varying size including buses and HGV's which occupy more road space than cars. Furthermore the appeal site is between two bends in the road which severely restricts driver's visibility. Both matters increase the risk of a collision with pedestrians, exacerbated further by the notable volume of vehicles that use the road each day.
11. The appeal site is on a bus route. The hail and ride service enables passengers to disembark at a convenient point. A bus stopping to pick up passengers close to the appeal site would restrict the flow of vehicles, which, given the restricted width of the road, would prohibit vehicles on both sides of the road. The

² North Warwickshire Borough Council, North Warwickshire Local Plan, Adopted Plan – July 2006

³ North Warwickshire Local Plan, Core Strategy, forming part of the Local Plan for North Warwickshire (adopted 9th October 2014).

⁴ Department for Communities and Local Government, Planning Policy for Traveller Sites, August 2015

restricted visibility described earlier would risk vehicles colliding with a stopped bus. This in turn would be harmful to the safety of pedestrians.

12. A passenger disembarking from a southbound bus close to the appeal site would be forced to step into the grass verge and cross the road without advanced and clear visibility of oncoming vehicles. The appellant suggests that a bus could stop on a straighter stretch of road and within proximity of the site. However, having driven the length of Warton Lane I am not aware of any position where this could be done safely.
13. Since 2002 there have been no reported collisions within the vicinity of the appeal site. Furthermore the highways authority raised no objection to the proposal on highway safety grounds. Nonetheless, not all accidents are reported and I heard that there had been accidents, albeit this was not testified with any specific or substantive evidence. Nonetheless, when taking into account the nature of the road and the activities along it, for the reasons given, the danger to pedestrians is a justifiable concern.
14. Policy AP8 of the Neighbourhood Plan⁵ promotes a five minute walkable neighbourhood to ensure no adverse impact on the character and appearance of an area, on highway safety and on the general quality of life. Whilst the development would be within approximately five minutes walking distance of Austrey, the development would be contrary to policy AP8 with regards to highway safety.
15. I have had regard to a number of appeal decisions presented by the appellant which have given permission for developments in locations where walking and other modes of sustainable travel would not be possible. However, on the basis of the excerpts before me, it is not evident that highway safety was a matter within the decisions that was weighed in the balance. This is not the same as for the appeal proposal.
16. The appellant makes specific reference to an appeal⁶ which considered a route safe despite there being no footway. I have no details of the site to know if the road and the position of the site in relation to it makes a fair comparison with the appeal site.
17. I recognise that the appellant and his extended family may drive to Austrey. These journeys would be short and shorter than the journeys the family currently make. The Framework makes some allowance for sites within rural areas that are less accessible than urban sites. The appellant has provided evidence of appeal decisions which reinforce this point. Nevertheless, paragraph 109 of the Framework states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety. I have found discernible harm in this regard which the benefit of access to Austrey does not outweigh.
18. Therefore, whilst within a reasonable distance of Austrey, the development would have a harmful effect on highway safety, particularly with regard to the safety of pedestrians. As such the proposal would not be within a safe distance of a settlement development boundary or a public transport service and as a result would be contrary to policies NW2 and NW8 of the Core Strategy, policy AP8 of the Neighbourhood Plan and the Framework.

⁵ Austrey Neighbourhood Plan 2014-2029

⁶ APP/R3705/W/17/3188036

Other considerations

Need and supply of sites

19. The Gypsy and Traveller Accommodation Assessment⁷ indicates that 9 residential and 5 transit pitches for gypsies and travellers between 2011 and 2028 should be provided. This reflects the identified need for this type of accommodation. The Council do not have a detailed supply analysis, nor do they intend to produce one in the forthcoming Local Plan. However, planning permission has been granted for 12 pitches. The level of provision has therefore exceeded the identified need. On this basis I am satisfied that the requirements of policy B of the PPTS are currently being met by the Council.
20. Whilst the appellant had no specific or substantive evidence on levels of in-migration, the number of permissions granted for gypsy and traveller sites above the level of identified need suggests that there is a greater need for sites than the Council advocates. This matter carries significant weight.

Alternative sites

21. There is one existing public site which is full. Nonetheless I heard that pitches on public sites become available incrementally which would not meet the needs of the appellant and his family who are seeking a site sufficient in size for all of them to live together. I heard that the appellant had liaised with the Council to find a suitable site but to no avail. On the basis of the evidence before me and what I heard at the hearing, I am satisfied that there are no suitable alternative sites available for the appellant and his extended family.
22. The large percentage of the borough designated as Green Belt may restrict the search for a suitable site but it does not prohibit gypsy and traveller sites altogether. Notwithstanding this, the matter of alternative sites carries important weight in support of the appeal proposal.

Personal need and circumstances

23. At the date of the hearing the appellant, James Connors was living with his wife, children and extended family on a site in Doncaster. The three households comprise James and Rebecca Connor and their children Rebecca, Derralina, Joseph and Felix; James and Josie Connors and their newborn child James Connors; and Michael and Natalie Connors. James Connors, James Connors and Michael Connors travel around the country carrying out manual work including gardening and property maintenance.
24. The Council does not dispute traveller status and having regard to the definition in Annex 1 of the PPTS, I am satisfied that the occupants of the appeal site are travellers for the purpose of planning policy.
25. I heard that the family have moved from site to site for many years, stopping at the side of the road and on land offered by friends for limited periods of time. The site in Doncaster where the family is currently residing is a car park that is available until the owner returns from his holiday at the end of the month. At this point the family will renew their search for a site.
26. The appellant is seeking a settled base that is private and can accommodate his extended family. I heard how some members of the family travel long

⁷ Gypsy and Traveller Accommodation Assessment 2013

distances to the site to feed and take care of existing livestock. Living at the appeal site would be more convenient and would minimise the time and cost of travel.

27. At the time of the hearing three of the five children were of school age, two of them would attend the local primary school. One of the children, Rebecca Connors has a heart condition which means she needs to attend a hospital once a year. James Connors currently drives her to this hospital which is some distance from and unrelated to the appeal site and would continue to do so if they resided at the appeal site. No special requirements for Rebecca Connors were advanced. Furthermore it does not appear necessary for Rebecca to reside at the appeal site to continue her appointments. Nonetheless Josie Connors, having recently given birth, requires the permanency of a GP to help monitor the health of her newborn son. The availability of settled base to facilitate access to education and healthcare services is an important factor in support of the appeal proposal.

Presumption in favour of sustainable development

28. Those who meet the definition of 'traveller' under the PPTS cannot rely on the lack of a five year supply of deliverable housing sites under the Framework to show that relevant policies for the supply of housing are not up-to-date. The proposal does not, therefore, benefit from the presumption in favour of sustainable development. This is a matter which counts significantly against the proposal.

Brownfield land

29. The main parties agree that the appeal site is brownfield land and in light of the definition of previously developed land in the Framework I concur. The PPTS requires weight to be given to the development of previously developed land. The nature of the land, therefore, carries weight in favour of the appeal.

Sustainability

30. The appellant and his family would contribute to the local economy, supporting local services and facilities within Austrey and provide a local service including gardening and local maintenance. The development would also help realise social and environmental benefits related to legal encampment. These matters carry favourable weight.

Conclusion

31. The development would not be in a suitable location given the harm identified to highway safety. As such there would be conflict with the development plan and the Framework. I give significant weight to this matter.
32. There are several considerations which support the appeal. The need for additional gypsy and traveller accommodation carries moderate weight, as does the personal need of the appellants' extended family for accommodation. The lack of alternative sites and the avoidance of itinerant roadside camping which the proposal would facilitate, as well as personal circumstances relating to education and healthcare are important considerations in favour of the appeal.

33. The harm arising from the proposal would clearly outweigh the considerations which support the appeal proposal. In this consideration I have taken into account the human rights of the appellant and his extended family. Dismissal of the appeal would result in the family continuing to travel with no settled base for their caravans. This would represent an interference with their rights under Article 8 of the European Convention on Human Rights.
34. However, taking into account all material considerations, I am satisfied that the aim of avoiding harm to pedestrians on rural exception sites can only be adequately addressed by dismissal of the appeal. Interference with the human rights of the occupants is therefore necessary.
35. I have considered the option of granting a temporary permission but this would not address the harm to highway safety. Furthermore, with no reasonable expectation of a change in circumstances, in the availability of sites in the borough or in the personal circumstances of the appellant and his extended family, a temporary permission would not be appropriate.
36. I turn now to proportionality. The appellant and his extended family have a need for a settled base and at present there is no suitable alternative accommodation available. At the date of the hearing there were two children eligible for primary school. The best interests of the children would include living on a settled and secure site which would facilitate access to education and healthcare. Safety, though, is an equally important consideration. The proposal poses a risk to the children living on the site, particularly to the children who are eligible for the primary school in Austrey. The avoidance of harm to highway safety is also in the public interest and in this case is of direct relevance to all of the occupants of the appeal site.
37. Accordingly, I attach greater weight to the public interest, and to the interests of the site occupants as members of the local community, than to the occupants' rights for respect for their homes. Dismissal of the appeal is therefore necessary and proportionate and it would not result in a violation of the human rights of the site occupants.
38. None of the suggested conditions would overcome my objection to the appeal proposal. For the reasons given above, and having regard to all matters raised, I conclude that the appeal is dismissed.

R Walmsley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Eleanor Overton Resolve Planning

FOR THE LOCAL PLANNING AUTHORITY:

Jeff Brown North Warwickshire Borough Council

INTERESTED PERSONS:

Robert Davies The Farming Community Network

Debbie Jenkins Austrey Parish Council

David Rowse Austrey Parish Council

DOCUMENTS SUBMITTED DURING THE HEARING:

Document 1 – List confirming planning permissions for gypsy and traveller accommodation in North Warwickshire.

Agenda Item No 7

Planning and Development Board

4 March 2019

**Report of the Head of
Development Control**

**Tree Preservation Order
Baddesley Ensor**

1 Summary

- 1.1 The Board is asked to confirm action taken in the making of an Emergency Tree Preservation Order.

Recommendation to the Board

That the Board confirms the making of an Emergency Tree Preservation Order at this address for the reasons set out in this report.

2 Consultation

- 2.1 The Chairman of the Board was consulted prior to the making of the Order.

3 Background

- 3.1 The Planning Division was notified of the sale by auction, of the residential property known as Yew Tree Cottage at Newlands Road in Baddesley Ensor. There is a yew tree within the garden quite close to the cottage and concern had been expressed that any prospective purchaser could seek to redevelop the site seeking demolition of the building and removal of the tree.

- 3.2 As the auction was to take place at short notice, the tree was inspected by a representative of the County Forestry team and that assessment resulted in a recommendation that an Order be made.

- 3.3 As a consequence, with the agreement of the Chairman an Emergency Order was made and this was served prior to the auction. The Auctioneer was also notified of the Order.

- ... 3.4 A copy of the Order is at Appendix A and the Assessment is at Appendix B.

4 **Observations**

- 4.1 Members are aware that Orders may be placed on trees if “it is expedient in the interests of amenity”. In this case the tree is considered to be seen from public viewpoints and that it contributes to the general ambience of the area being mature and a good and healthy condition. Given that the tree could be considered to be under threat because of the imminent sale of the land with redevelopment potential, the need for making an Order quickly was agreed and thus the Order was made under emergency powers agreed by the Chairman.
- 4.2 The Board is recommended to confirm this action.
- 4.3 There will now be a period of consultation and any representations will be reported back to the Board when it takes a decision whether to confirm the Order or not.

5 **Report Implications**

5.1 **Finance and Value for Money Implications**

- 5.1.1 Members are aware that in certain circumstances, compensation can be sought following a refusal by the Local Planning Authority to agree to works to protected trees.

5.2 **Legal, Data Protection and Human Rights Implications**

- 5.2.1 Persons with an interest in the land will have the opportunity to make representations which will then be considered by the Board

5.3 **Environment, Sustainability and Health Implications**

- 5.3.1 The protection of trees accords with the Council’s objectives of protecting the Borough’s rural character.

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



Town and Country Planning Act 1990

North Warwickshire Borough Council

(Yew Tree Cottage, Newlands Road, Baddesley Ensor)

Tree Preservation Order, 2019

The North Warwickshire Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the North Warwickshire Borough Council (Yew Tree Cottage, Newlands Road, Baddesley Ensor) Tree Preservation Order, 2019.

Interpretation

2.—(1) In this Order “the authority” means the North Warwickshire Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2011.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 13 day of February 2019

The Common Seal of the North Warwickshire Borough Council
was affixed to this deed in the presence of -



Steve Maxey
.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council



CONFIRMATION OF ORDER

This Order was confirmed by the North Warwickshire Borough Council without modification on
the day of
OR

This Order was confirmed by the North Warwickshire Borough Council, subject to the modifications
indicated by , on the day of

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by North Warwickshire Borough Council on
the day of

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

VARIATION OF ORDER

This Order was varied by the North Warwickshire Borough Council on
the day of
by a variation order under the reference number
a copy of which is attached

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

REVOCATION OF ORDER

This Order was revoked by the North Warwickshire Borough Council on
the day of

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

Schedule 1, Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Yew	T1 is situated within the curtilage of land known as Yew Tree Cottage, Newlands Road, Baddesley Ensor as marked on the Map

Trees specified by reference to an are

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Groups of trees

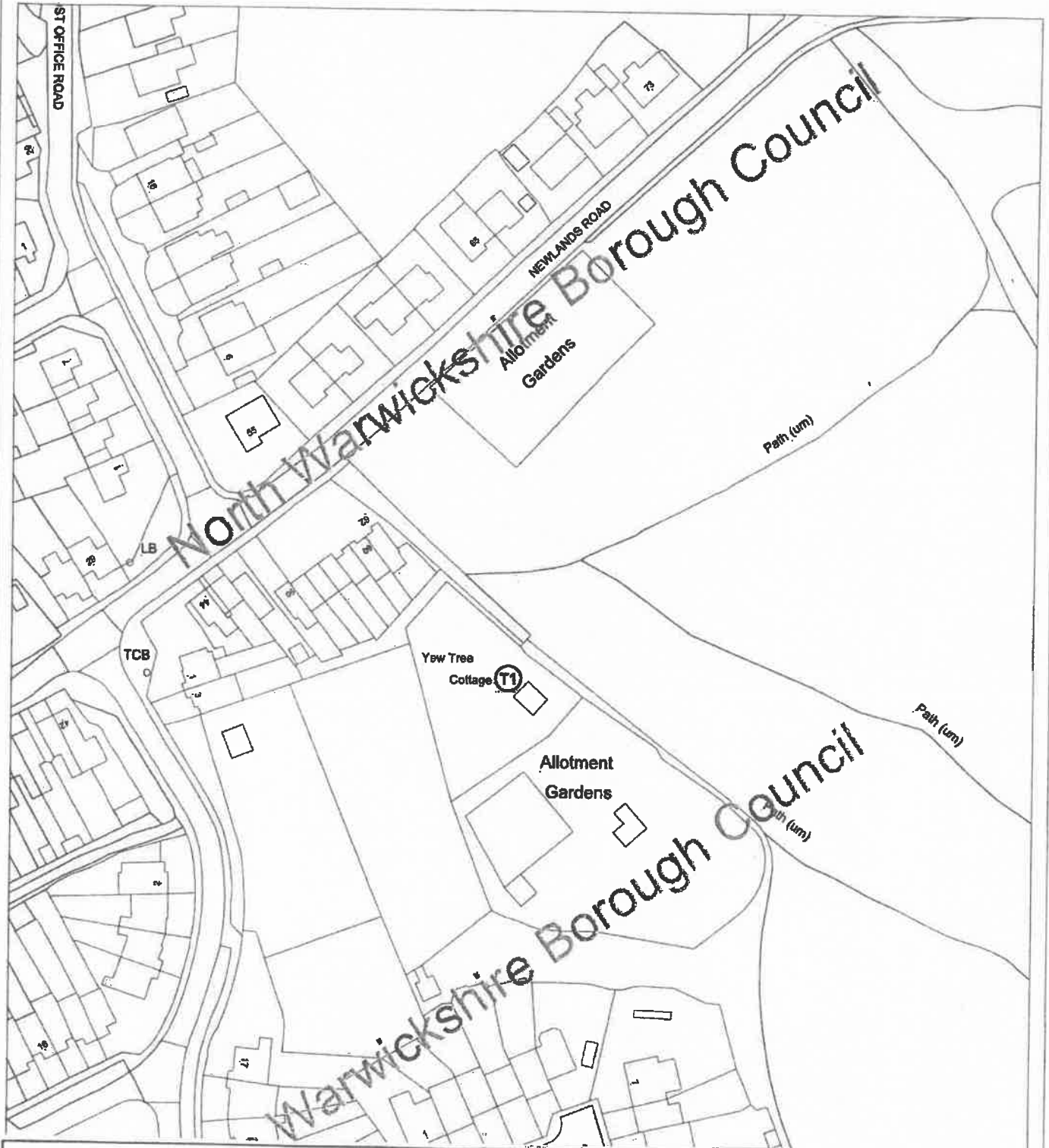
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
NONE		

Woodlands

(within a continuous black line on the map)

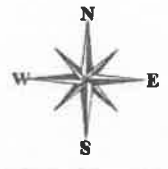
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		



**Tree Preservation Order: Land at Yew Tree Cottage
Newlands Road
Baddesley Ensor**

T1- Yew

Scale: 1:1250	Date: 13.02.19	File No: 713.012/4	Drawn By: J.S.
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Ordnance Survey 100017910



North Warwickshire Borough Council
Office of The Chief Executive

The Council House
South Street
Atherstone
Warwickshire CV9 1DE

Telephone (01827) 715341



Development Control



IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES PRESERVATION) (ENGLAND)
REGULATIONS 2012**

**NORTH WARWICKSHIRE BOROUGH COUNCIL
(Yew Tree Cottage, Newlands Road, Baddesley Ensor)
TREE PRESERVATION ORDER 2019**

THIS IS A FORMAL NOTICE to let you know that on 13th February 2019 we made the above tree preservation order. A copy of the order is enclosed. In simple terms, no one is allowed to cut down, top or lop without our permission the trees described in the 1st Schedule of the order and shown on the map.

The order came into force, on a temporary basis, on 13th February 2019, and will remain in force for six months. During this time we will decide whether the order should be given permanent status.

This Order has being made to protect a Yew tree described as T1 in the 1st Schedule of the order and shown on the map. The new TPO relating to the tree T1 which is situated at Yew Tree Cottage, Newlands Road, Baddesley Ensor, has been made as a result of an inspection by the County Forestry Officer after North Warwickshire Borough Council became aware that enquiries had been made about possible redevelopment of the site and the felling of the tree following sale of the land as a potential development site for auction. The TEMPO assessment indicates that the tree T1, is under immediate threat of felling by the new owner of Yew Tree Cottage. It is considered that the tree is mature and in a good condition. It can be viewed by the public and contributes to the ambiance of the area providing maturity. The tree identified for retention is worthy of protection through a Tree Preservation Order in the interests of public amenity for its current value within the site and significant future value.


People affected by the order have a right to object or make comments on the tree covered before we decide whether the order should be made permanent.

If you would like to make any objections or comments, please make sure we receive them in writing by 22nd March 2018.

Your comments must meet regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (a copy is attached). Please send your comments to the Solicitor to the Council at the address detailed below. We will carefully consider all objections and comments before deciding whether to make the order permanent.

We will write to you again when we have made our decision. In the meantime, if you would like any more information or have any questions about this letter, please contact Christina Fortune, North Warwickshire Borough Council, The Council House, South Street, Atherstone, North Warwickshire, CV9 1DE, telephone 01827 719481.

Dated: 13th February 2019

Signed: 
Council's authorised officer

on behalf of North Warwickshire Borough Council, The Council House, South Street, Atherstone, North Warwickshire, CV9 1DE

**COPY OF REGULATION 6 OF THE
TOWN AND COUNTRY PLANNING (TREES PRESERVATION) (ENGLAND)
REGULATIONS 2012**

Objections and representations

- 6(1) Subject to paragraph (2), objections and representations:
- (a) shall be made in writing and:
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
 - (c) in the case of an objection, shall state the reasons for the objection.
- 6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:12.02.2019	Surveyor: Clint Parker
Tree details	
TPO Ref (if applicable) NA	Tree/Group No: 1 Species: Yew
Owner (if known) NA	Location: Yew Tree Cottage

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 5 Good condition and highly suitable for a TPO
--

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

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

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

Score & Notes 5 Very long lived species

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes 3

d) Other factors

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

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

Score & Notes 3 Part of Yew tree cottage.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 3

Part 3: Decision guide

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

Add Scores for Total: 19

Decision: Consider TPO

Agenda Item No 8

Planning and Development Board

4 March 2019

Report of the Corporate Director - Environment

Neighbouring Local Plan Consultation – Solihull and Lichfield

1 Summary

- 1.1 Both Solihull MBC and Lichfield DC have published for consultation Local Plan documents as part of the review of their Local Plan.

Recommendations to the Board:

- a The report be supported; and**
- b These observations and any further comments by Members be sent to the respective Councils by the closing date for comments**

2 Consultation

- 2.1 A copy of the report has been sent to Councillors Simpson, Reilly and Sweet. Any comments received will be reported at the meeting.

3 Solihull Local Plan Review

- 3.1 Solihull MBC is consulting on a Draft Local Plan (DLP) Supplementary Consultation (January 2019). The consultation on a supplementary update to the Draft Local Plan commenced at the end of January 2019 and will be open for the submission of comments until Friday 15 March 2019. It is seeking to:
- provide an update on local housing need now that national planning policy has changed through the introduction of a standard methodology
 - assess the 70+ additional call-for-sites submissions that have been submitted since the DLP was published
 - refine the site selection process for assessing which sites should be included in the plan and reassess all sites (c 320) to ensure that the preferred sites are the most appropriate when considered against the spatial strategy, and existing/new or updated evidence
 - publishing concept masterplans for the principal allocations
 - exploring a different approach to calculating how affordable housing provision should be calculated on an individual site
 - setting out the role of the main settlements in the future and seeking views on the existing pressures and future requirements for infrastructure provision

- 3.2 The consultation is not however seeking to:
- revise the contribution that the Council is making towards the Greater Birmingham Housing Market Area (GB HMA) shortfall, this will be considered through the draft submission version of the plan
 - amend the overall spatial strategy set out in the DLP
 - revisit the non-housing related parts of the DLP
- 3.3 There are a number of documents that have been prepared. These include the following:
- Draft Local Plan Supplementary Consultation
 - Solihull Local Plan Review – Draft Concept Masterplans
 - Draft Local Plan Supplementary Consultation: Amber Sites
 - Draft Local Plan Supplementary Consultation: Site Assessments
 - Draft Local Plan Supplementary Consultation: Site Assessments Key Plan

These can be viewed at <http://www.solihull.gov.uk/lpr>.

4 Lichfield Local Plan Review: preferred options and policy directions

- 4.1 LDC is consulting on the next stage of its local plan review – the preferred options & policy directions. The consultation is taking place between 28 January and 18 March 2019. The consultation can be viewed at <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Local-plan/Local-plan-review.aspx>.
- 4.2 The document provides a framework to guide and promote development as well as protect the quality of the district's unique historic, natural and build environment. It sets out the levels of growth and seeks views on a number of theme based directions including sustainable communities, homes for the future, economic growth, enterprise and tourism, creating healthy and safe communities, protecting, conserving and enhancing our natural resources and protecting and improving the built environment.
- 4.3 Lichfield has looked at 7 options in terms of the contribution it could make to the GB HMA shortfall. An extract from the consultation document is attached in Appendix A. It sets out the 7 options making from no contribution to over 19,000 dwellings contribution to the GB HMA shortfall. They have looked at past delivery over the last 20 years to see what has been achieved over that period and the percentage figures in the table are in relation to a comparison with this average past delivery figure.

5 Observations

Solihull

- 5.1 The supplementary consultation has not considered a further contribution towards the GB HMA shortfall. It remains at 2,000 dwellings. The consultation documents do state that there is still the potential for this to be revised as part of the Submission Draft Plan (to be published in summer 2019). However it is disappointing that this has not been explored further

considering the number of sites that have been considered as part of this consultation and the functional relationship that Solihull has with Birmingham. The Submission Draft Plan is awaited and a further report will be brought back to Members when this consultation takes place.

Lichfield

- 5.2 Lichfield has previously looked at options for growth and this has included new settlements as well as extensions to existing settlements. The current consultation suggests that an additional amount of between 3,000 to 4,500 dwellings would be a significant contribution to assist with the shortfall from GB HMA (para 14.26 of consultation document). These figures are referred to in options 4 and 5.
- 5.3 The additional growth is welcomed and it is understandable the concern over actual delivery. However, if a new settlement or major strategic urban extensions are pursued these potentially could deliver much more housing within and beyond the proposed plan period of 2018 to 2036. Also there should be more sites allocated which would mean in practice that where the market allows additional housing could come forward.
- 5.4 LDC should not discount at this time providing for a higher figure at this stage of the Local Plan process especially as further work is being carried out on the local housing need. The overall housing target should not be reduced if the local element is lower than expected. The contribution to the wider GB HMA shortfall may potentially be more if the local housing needs are less than currently envisaged.

6 Report Implications

6.1 Environment, Sustainability and Health Implications

- 6.1.1 As part of the Local Plan Review both Councils will need to prepare a Sustainability Appraisal (SA) of the various options.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	SMBC	Consultation document	January 2019
2	LDC	Consultation document	January 2019

Table 14.2 Housing requirement options*(Extract from Lichfield District Local Plan Review: Preferred Options & Policy Directions)*

<i>Growth Option</i>	Annual requirement	Plan period requirement (2016-2036)
<i>Option 1: Local housing need only</i>	333	6,660
This option would provide only for the local housing need for the district with no contribution to the unmet need from within the housing market area. The local housing need is established using the standard methodology as described above. Not meeting a proportion of the need arising in the housing market area would mean we would not be complying with the commitment made in our current local plan or in agreements with neighbouring authorities.		
<i>Option 2: Local housing need plus 1,000 home contribution</i>	383	7,660
Such an option would provide for the local housing need established using the standard methodology plus a further 1,000 new homes to assist in meeting the unmet need from within the housing market area. This option utilises the same approach as the current local plan which included provision of 1,000 dwellings to meet the needs arising from within the housing market area (specifically Cannock Chase and Tamworth). The average annual requirement under this option is equivalent to the average annual level of new home completions which has been achieved in the last twenty years.		
<i>Option 3: Local housing need plus 2,000 home contribution</i>	433	8,660
This option provides a modest contribution to the unmet need on top of the local housing need established using the standard methodology. Such an approach provides an annual requirement which is consistent with the current objectively assessed need for the district incorporated into the current local plan (excluding the cross boundary provision noted above). This approach would require a small upward lift in the average annual delivery of homes of around 14%.		
<i>Option 4: Local housing need plus 3,000 home contribution</i>	483	9,660
This option would provide for the local housing need established using the standard methodology plus an additional 3,000 dwellings to assist in meet the unmet need from within the housing market area. This option provides a reasonably significant contribution towards the unmet need and gives an annual requirement which is consistent with the current local plan's requirement of 478 dwellings per year. Such an approach would require a significant uplift of 26% above the average level of housing delivery within the last twenty years.		
<i>Option 5: Local housing need plus 4,500 home contribution</i>	558	11,160
This option would provide for local housing need established using the standard methodology plus an additional 4,500 dwellings. This addition is the mid-point for the range given in the strategic growth study for the sustainable urban extension options. Such an approach would mean Lichfield providing a significant contribution to the unmet need equating to almost 10% of the overall need (including the density assumptions within the strategic growth study). This would be require an uplift of 46% in annual new home completions above the average annual delivery.		

Option 6: Local housing need plus 10,000 home contribution	833	16,660
<p>This option would provide for local housing need established using the standard methodology plus a further 10,000 dwellings which related to the new settlement option identified within the strategic growth study. This would mean an average annual requirement some 29% higher than the highest single year of new homes completions and 118% greater than the average annual deliver of homes within the district. Such an approach would clearly not be realistic and as such should be discounted.</p>		
Option 7: Local housing need plus 19,000 home contribution	1,283	25,660
<p>This option would provide for local housing need established using the standard methodology plus a further 19,000 dwellings which is the total of the three options within the strategic growth study; 10,000 for a new settlement and two 4,500 sustainable urban extensions using the mid point between the range set out for urban extensions within the growth study. Such an approach would require an uplift of 98% in annual completions when compared to the highest ever annual delivery within the district and 236% more than the average annual delivery. It is clear that such an approach would not be deliverable or realistic and as such must be discounted.</p>		

Agenda Item No 9

Planning and Development Board

4 March 2019

Report of the Head of Development Control

Corporate Plan Targets 2018/19

1 Summary

- 1.1 The report describes the actions taken on a number of targets as set out in the 2018/19 Corporate Plan.

Recommendation to the Board

That the Board notes the report and be invited to make any observations.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Introduction

- 3.1 There are a number of on-going targets set out in the current Corporate Plan which require an annual report to this Board.
- 3.2 Members will be aware of the substantial and constant change in the planning environment within which the Board is now determining applications. This impact has been seen this year with the publication of the revised National Planning Policy Framework (the "NPPF") as well as the new Housing Delivery Test, both of which emphasise the need to deliver substantial new housing development. The Council submitted its new Local Plan for North Warwickshire during the year and that is currently working its way through the Examination process. This will be the most significant document that the Council has in responding to this changing background.

4 Development Management

- 4.1 There are several targets under the Council's priority to protect the Borough's countryside and heritage in times of growth. The first is to manage development so as to deliver the priorities of the Corporate Plan and the Sustainable Community Strategy. The determination of applications and the management of development seeks to meet this target through "adding value" to submitted proposals. This is done in several ways – pre-application discussions; early involvement of the community and Members in pre-application presentations and events, seeking amendments to plans, the use of planning conditions and particularly and more importantly in the use of Section 106 Agreements. That being said, Members should always continue to decide to refuse planning permission where there is clear significant and demonstrable harm, or in the final balance they do not consider that a proposal accords with the Development Plan when taken as a whole.
- 4.2 With the larger applications now being submitted, Members will have increasingly been aware of the involvement of a number of infrastructure providers in seeking contributions towards expansion of their services and facilities. This is for external Agencies such as education and health as well as internally, so as to trigger affordable housing provision or enhancement of recreation and open space facilities. The scope of these contributions and their value has steadily been increasing as the larger applications have been submitted. This has led to a significant response by the Board in that its focus is increasingly being directed to how to deliver new infrastructure in a timely and effective way so as to mitigate many of the adverse impacts of new growth that would otherwise arise. This is now manifested in the new Section 106 Working Group. Apart from understanding the legislative background to these Agreements, its Members have identified the need to explore how to prioritise when there are competing requests for contributions; how to understand the impact of these contributions on the viability of the proposal and how the contributions might be more focussed. These matters will be resolved through the Development Plan as well as the Sustainable Community Strategy.
- 4.3 During the year the Board has therefore taken a significant step towards better managing new development with an increased emphasis on the delivery of associated infrastructure.

5 Design Champions

- 5.1 The second target is to use the role of Design Champions in achieving better design and appearance of new development. This is now a very active and on-going arrangement either directly with officers at an informal level, even for small and minor developments, but also critically with developers themselves on the larger schemes. There too has been greater involvement of local Members in these meetings.

6 Rural and Built Heritage

- 6.1 The third target is to secure the protection of the Borough's built and rural environment. There have been significant changes this year to better enable achievement of this target - the appointment of a Heritage Officer; regular meetings with the local Heritage Forum and the instigation of a Local Listing application process. Members too have had a formative role in looking at applications affecting heritage assets – the Chapel at Hartshill and the development at Polesworth Learning Centre are two noteworthy cases. Additionally the Board took the unusual step of making an immediate Article Four Direction to prevent the demolition of the former Mancetter Primary School.
- 6.2 In terms of protecting rural heritage, then Members, especially the Design Champions, have been significantly involved either with officers or most notably with developers, in reviewing new housing developments in some of the Borough's villages during the year – Ansley, Warton, Wood End, Caldecote and Grendon. The objectives behind these meetings are to ensure that the development better connects and integrates with the existing built form and that its layout and appearance reflects its rural setting rather than appear as an urban housing estate. This involvement has resulted in changed layouts; increased open and amenity space and better relationships with existing surrounding buildings.
- 6.3 There are five Neighbourhood Plans adopted in the Borough and a sixth – that for Fillongley – made significant progress this year. These Plans can assist the development process by identifying important local features; views and characteristics that can be then be incorporated into the development management process.
- 6.4 The Board continues to take enforcement action to protect rural appearance when appropriate and it makes Tree Preservation Orders when important trees are under threat.

7 Green Belt

- 7.1 The final target under this priority is to protect the Green Belt. The Government is continually stressing the significance of the Green Belt and has maintained that approach in the revised NPPF in that inappropriate development is still deemed to be harmful to the Green Belt. However Members know that this does not mean an automatic or blanket ban on development in the Green Belt. The balancing exercise involved in these cases can lead to different decisions being made by the Board and the Planning Inspectorate – the Corley Motorway Services area springs to mind here. As the growth agenda continues, even with an adopted Local Plan, there will still be these differences and this target is thus one that will be difficult to achieve in all cases

8 Supporting Business and Employment

- 8.1 Members will be aware that development proposals for employment provision also have to be dealt with. These too can be the subject of Section 106 Agreements. These are likely to recognise two different types of contribution – assistance with public transport connections and the enhancement of opportunities for the local community through better access to training and other openings. Both of the two recent permissions for new employment provision have included these matters – St Modwen’s and Prologis. The Section 106 Working Group has looked at this matter again to see if the focus of these contributions can be widened. In particular there is likely to be a greater emphasis on responding to increased AI involvement in the Borough’s logistics portfolio; the need to widen the skills base in the Borough consequent to the expansion of the MIRA campus, expansion of better broadband to support rural business and how to better support small and medium businesses.

9 Report Implications

9.1 Finance and Value for Money Implications

- 9.1.1 These actions are all taken within existing budgets and the outcomes are very often the consequence of developer contributions. These are becoming more extensive and will increasingly benefit the Borough.

9.2 Legal, Data Protection and Human Rights Implications

- 9.2.1 Planning decisions are all based on an assessment of the weights to be given to competing policies. These are made explicit in Board reports and are open to challenge. Section 106 Agreements are too subject to strict statutory requirements and are all publically available

9.3 Environment, Sustainability and Health Implications

- 9.3.1 The Board works with applicants to secure developments that improve the social, economic, well-being and environmental conditions of the Borough as set out in its Development Plan.

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

Agenda Item No 10

Planning and Development Board

4 March 2019

**Report of the Head of
Development Control**

Building Control Partnership

1 Summary

- 1.1 The report outlines progress on moving towards the new Building Control Partnership.

Recommendation to Council

That the Board agrees the measures as outlined in the report and requests the Solicitor to the Council to make the appropriate changes to the Constitution.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members who have attended meetings with Nuneaton and Bedworth and they concur with the recommendations in this report.

3 Background

- 3.1 As Members are aware the Council's Building Control function is moving to a new enlarged Local Authority Partnership from the 1st April and the Council has already delegated its Building Control function to the partnership, effective from this date. The project has moved forward to the extent that the Agreement will soon be signed and completed. An Officer Steering Group has been progressing the operational details. In order to take matters forward the Board is asked to confirm a couple of procedural matters.
- 3.2 As indicated above, the Partnership would have an officer Steering Group, but there would additionally be the Partnership Group which would be made up of one Member from each constituent Authority.
- 3.3 A recent Steering Group meeting discussed what its remit should cover apart from day-to-day operational matters. One such area was to do with recruitment. The general view was that the Group should be able to undertake this function provided that matters remained within agreed budgets and to agreed HR procedures. It is suggested therefore the delegated power be given to the Corporate Director – Environment to this extent.

- 3.4 In respect of the Partnership Group, which would probably meet twice yearly, it was suggested that that Group should be able to set the fees to be charged to customers using the Partnership, rather than each Member having to refer the matter back to its own constituent Authority for agreement. If a Member disagreed then he/she could vote against the change. In other words fee - setting would be delegated to the Partnership Group.
- 3.5 As indicated above, the two Members who have been most involved in the present Partnership agree with these measures. The report therefore seeks formal delegation and that will require an alteration to the Council's constitution. However, given the Council's current structure it is unable to delegate matters to individual Members. It is suggested therefore that delegated power be formally given to the Corporate Director – Environment, in consultation with the Chairman of the Planning and Development Board and the Opposition Spokesperson.
- 3.6 In respect of all other matters, the suggested scheme of delegation is set out in the Appendix and Members are asked to agree these.

4 Report Implications

4.1 Finance and Value for Money Implications

- 4.1.1 There would be no implications provided any changes were made within already agreed budgets

4.2 Human Resources Implications

- 4.2.1 The arrangement provides the ability to provide a quick and flexible response if required

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

CORPORATE DIRECTOR - ENVIRONMENT

Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to the Southern Staffordshire Building Control Partnership ("the Partnership")

The following specific decisions and duties are hereby delegated to the Partnership's Building Control Partnership Manager and further delegated to officers as specified:

1. To create a Charging Scheme to determine the relevant charge for all types of Building Regulation applications and Local Land Charges related search requests having regard to the Local Authority Charges Regulations or any subsequent amendments – in consultation with the Head of Development Services*.
2. To take action under section 35 of the Building Act 1984 against a person contravening the Building Regulations.
3. To take action under section 36 to 38 of the Building Act 1984 to secure the removal of works contravening the Building Regulations and where necessary recover expenses.
4. To create, maintain, amend and update the Local Land Charges Register as set out in Local Land Charges Act of 1975
5. Duties delegated by other councils to Lichfield District Council as the 'Host Authority' as set out in 'Schedule 16: Host Council's Building Control Manager' and 'Schedule 4: Service Specification' to the Building Control Collaboration Agreement as amended.

Delegation to Principal Building Control Officers.

1. To determine fees for all projects under the right to request an individual quote calculated as set out in the Charging Scheme.

Delegations to Building Control Officers, Senior Building Control Officers and Principal Building Control Officers:

1. To determine full plans applications made under the Building Regulations and to agree where necessary to the employment of the services of a consultant structural engineer in connection with the Building Regulations.
2. To approve all building work on site which has been undertaken:
 - Under a notice given in accordance with Regulation 11(1)(a) of the Building Regulations 1991 or,
 - Carried out in accordance with full plans applications.
5. To take action to secure the removal of dangerous structures and ruinous and dilapidated buildings and neglected sites and where necessary recover expenses under sections 77, 78 and 79 of the Building Act 1984.
6. To enter into premises under section 95 of the Building Act 1984.
7. Control and administer the raising of a chimney as detailed in Section 73 of the Building Act 1984.

8. To investigate enforcement action in accordance with Approved Inspectors Regulations 1985 where an Approved Inspector notifies the Council that he/she is unable to issue a completion notice as required by the Regulations.
9. The service of notices under the Building Act 1984 relating to dangerous buildings, but not the service of notices for the execution of works in relation to demolition resulting from a demolition order or clearance order under the Housing Acts.
10. Authority under sections 25 and 26 of the Local Government (Miscellaneous Provisions) Act 1976 to serve Notices of Intention to carry out Works to remove danger to the public arising from excavations unenclosed or inadequately enclosed.
11. To carry out statutory consultations with the Fire Authority on matters relating to means of escape.
12. To determine the acceptability of initial notices submitted under the Approved Inspectors Regulations 1985 and record and monitor commencement and completion notices received in relation to work carried out under such notices.
13. Control and administer the demolitions legislation as detailed in Sections 80 to 83 of the Building Act 1984

Delegations to Assistant Building Control Officers in consultation with the Principal Building Control Officer

1. To determine full plans applications made under the Building Regulations
2. To approve all building work on site which has been undertaken:
 - Under a notice given in accordance with Regulation 11(1) (a) of the Building Regulations as amended or,
 - Carried out in accordance with full plans applications.

Delegations to Land Charges Team Leader

1. To create, maintain, amend and update the Local Land Charges Register as set out in Local Land Charges Act of 1975
2. Authorise despatch of the Local Authority searches.

Delegations to Land Charges technical Support Officers

- Authorise despatch of the Local Authority searches.