

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

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

19 MAY 2014

The Planning and Development Board will meet at the The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 19 May 2015 at 6.30 pm.

AGENDA

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

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

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

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

5 Works to Trees in a Conservation Area – Birmingham Road Coleshill - Report of the Assistant Director (Leisure and Community Development)

Summary

This report advises the Board of proposals for works to trees at Birmingham Road in Coleshill, which is within a conservation area.

The Contact Officer for this report is Alethea Wilson (719212).

6 Management of Trees within the Atherstone CCTV Surveillance Area - Report of the Assistant Director (Leisure and Community Development)

Summary

This report sets out a proposed approach to the management of trees within the Atherstone CCTV surveillance area.

The Contact Officer for this report is Alethea Wilson (719212).

7 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - March 2014 - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2013 to March 2014.

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

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

8 Exclusion of the Public and Press

Recommendation:

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

9 Breaches of Planning Control – Report of the Head of Development Control

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

19 May 2014

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 16 June 2014 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	CON/2014/0008	5	The Former Shale Tip, Merevale Lane, Atherstone, Minor alterations to site reception together with related amendments to the layout of the permitted Anaerobic Digestion Facility approved under Planning Permission NWB/10CM033	General
2	PAP/2013/0496	10	Grendon Boarding Kennels, Grendon Boarding Kennels, Watling Street, Grendon, Atherstone, Conversion of existing Kitchen Outbuilding and Kennels to 5 residential accommodation and associated extensions.	General
3	PAP/2013/0592	22	The Workshop, Middleton Lane, Middleton, Change of use from transport yard a mixed use of car sales and transport yard	General
4	PAP/2014/0043	37	Hill House, 217 Long Street, Atherstone, Retrospective application for triple garage/store/workshop	General
5	PAP/2014/0084	40	Units 9 & 10 (formerly buildings at Heathland Farm), Barnes Wood Lane, Nether Whitacre, Warwickshire, Change of use from gymnasium and garage to two independent dwellinghouses	General
6	PAP/2014/0113	48	Barclay House, Kingsbury Road, Curdworth, Display of internally illuminated signage	General
7	PAP/2014/0179	54	Land South Of Dairy House Farm, Spon Lane, Grendon, Variation of condition no:6 of appeal APP/R3705/A/13/2203973 dated 27 March 2014 (planning permission PAP/2013/0224) relating from "No elevation of any house hereby approval shall be less than 40 metres from the western boundary of the site as shown on the approved plan" to "Houses shall not be less than 10 metres from the western	General

			boundary of the site between points X and Y shown on plan reference SLG-001; houses with non-habitable windows in their western elevations shall be no less than 2 metres from the western boundary between points Y and Z shown on the plan reference SLG-001"; in respect of outline application for the erection of up to 85 dwellings, access and associated works, all other matters reserved	
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8	PAP/2014/0181	63	Land North of, Overwoods Road, Hockley, Erection of 88 no. dwellings and associated works (Outline)	General
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Application No: CON/2014/0008

The Former Shale Tip, Merevale Lane, Atherstone,

Minor alterations to site reception together with related amendments to the layout of the permitted Anaerobic Digestion Facility approved under NWB/10CM033 for

Warwickshire County Council

Introduction

This application has been submitted to the County Council as Waste Planning Authority. The Borough Council has been invited to submit representations in order to assist in that determination.

Background

Planning permission was granted in early 2011 by the Secretary of State following a Public Inquiry for a new Anaerobic Digestion facility on the site of the former Merevale shale tip opposite the former Baxterley coal mine at the junction of Merevale Lane and The Common. The first phase of this development commenced in late 2012 involving the initial earth works and construction of the development plateau. The second phase for the construction of the plant itself will commence shortly.

The Proposal

The applicant is proposing to amend the approved plans involving the main waste reception building. This is for operational reasons and involves an internal re-configuration of this building. In effect the staff welfare area in the building is to be relocated and enlarged – a footprint increase of 32 square metres (a 2% increase) with consequential amendments for an adjoining tank area.

The proposals involve no changes to the overall design and appearance of the building; no increase in the overall height of the main building, no changes to the overall layout, no changes to the chimneys, no changes to the throughput of the building and no change to vehicle movements. A plan illustrating the proposed layout is at Appendix A and the elevations are at Appendix B.

Development Plan

Warwickshire Waste Core Strategy 2013 - Policy DM1 (Protection and Enhancement of the Natural and Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV11 (Neighbour Amenities) and ENV13 (Building Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

These proposals are minor amendments. They will be unlikely to be discernable even within the site itself given the range and scope of the buildings already permitted and less unlikely to be visible from the public's perspective from outside of the site. There are no impacts on any neighbouring residential amenity.

Recommendation

That the Council has no objection to these proposed amendments.

BACKGROUND PAPERS

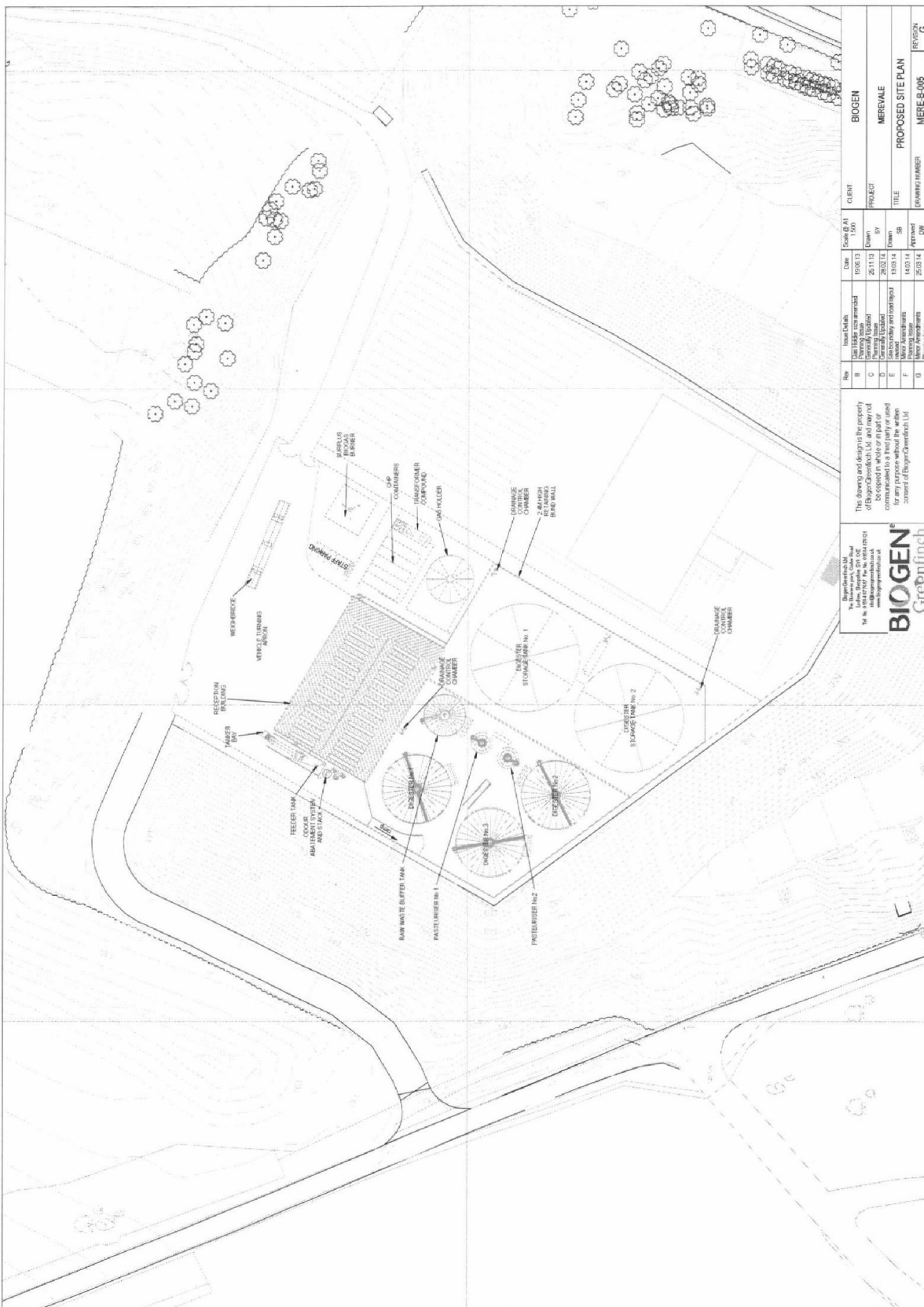
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2014/0008

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	The Applicant	Letter	30/04/2014

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

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



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B	Issue Details	10/05/13	1:100	BIOGEN
C	Issue Details	25/11/13	1:100	BIOGEN
D	Issue Details	25/02/14	1:100	BIOGEN
E	Issue Details	14/03/14	1:100	BIOGEN
F	Issue Details	14/03/14	1:100	BIOGEN
G	Issue Details	25/03/14	1:100	BIOGEN

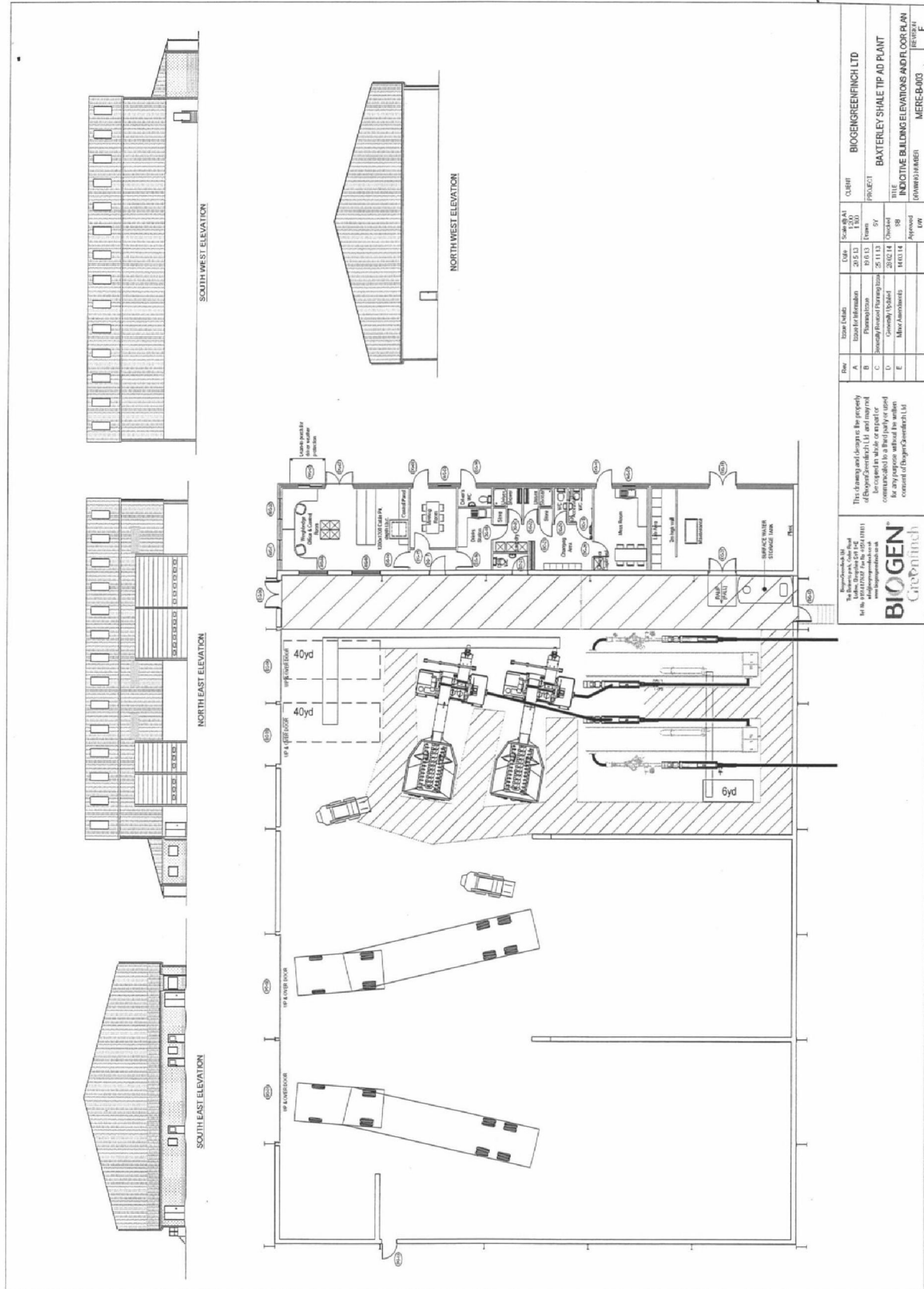
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Appendix B



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<p>BIOGEN Greenfinch</p>	
Client	BIOGEN GREENFINCH LTD
Project	BAXTERLEY SHALE TIP AD PLANT
Drawn	INDICATIVE BUILDING ELEVATIONS AND FLOOR PLAN
Scale	1:200
Date	20.03.14
Issue	01
Author	01
Checked	01
Approved	01

Application No: PAP/2013/0496

Grendon Boarding Kennels, Grendon Boarding Kennels, Watling Street, Grendon, Atherstone, CV9 2PW

Conversion of Existing Kitchen Outbuilding and Kennels to 5 dwellings and associated extensions, for

Mrs Julia Wheeldon

Introduction

The application is reported to Board because it is accompanied by a Section106 legal agreement relating to the provision of affordable housing.

The Site

The site is in open countryside on the north side of the A5, in Grendon Parish, to the west of the town of Atherstone. The access to the A5 is not directly onto the A5 carriageway as it is accessed at the position off a large lay-by. Two other dwellings lie in the near vicinity. One (Hill Crest Lodge) is situated alongside the site's access route close to the lay-by and is outside the application site. Another is situated to the rear of Hill Crest Lodge and lies within the application site.

The Proposal

The proposal seeks to change the use of a former kennels building and associated outbuilding to 5 dwellings (mix of 2, 3 and 4 bedrooms).

The proposed floor plans and front and rear elevations of the main building are shown in the plan extracts below.



EXISTING FRONT ELEVATION



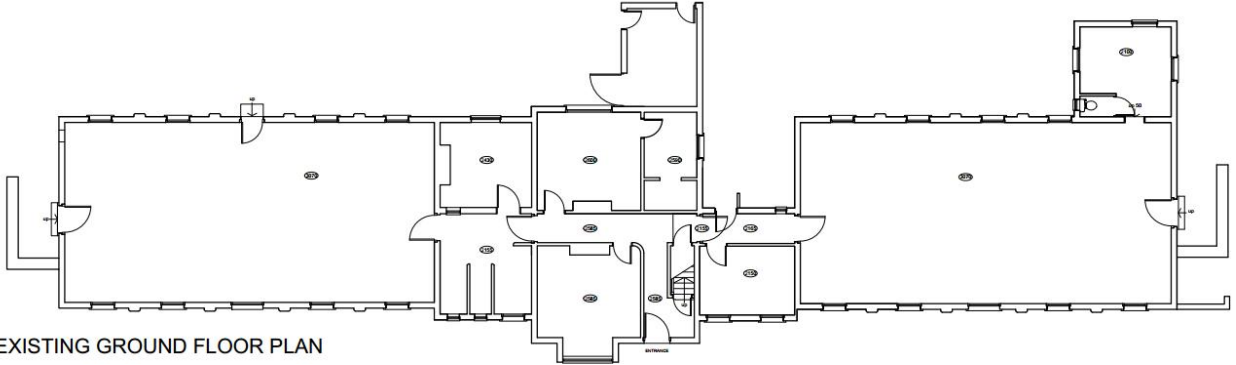
Proposed Front Elevation



EXISTING REAR ELEVATION



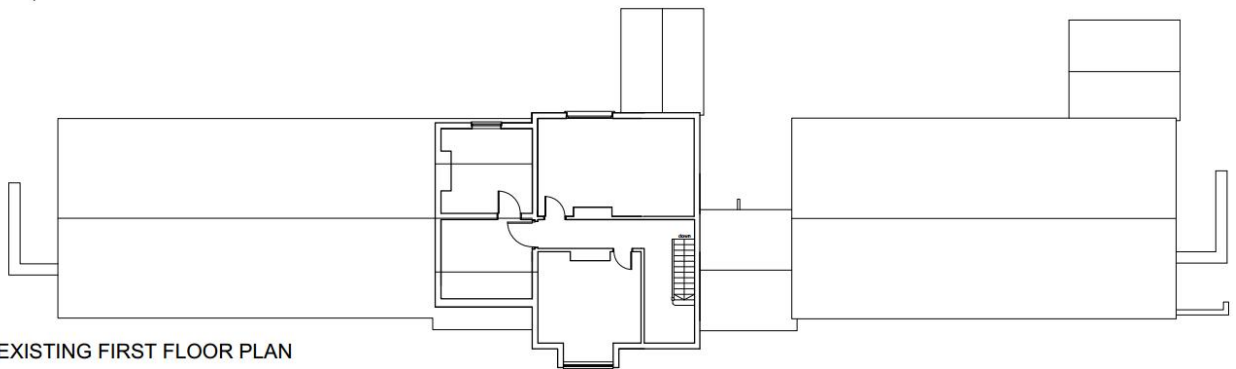
Proposed Rear Elevation



EXISTING GROUND FLOOR PLAN



Proposed Ground Floor Plan



EXISTING FIRST FLOOR PLAN



Proposed First Floor Plan

The plans for the conversion of the outbuilding incorporate the demolition of small flat roof additions and the erection of small, pitched roof extensions. They are shown below:



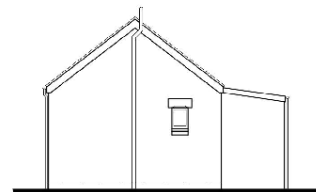
Existing Front Elevation



Existing Side Elevation



Existing Rear Elevation



Existing Side Elevation



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

The proposed site layout will incorporate two small parking areas and an on-site turning area and is shown below:



The conversion will largely maintain the current external appearance of the buildings, though dormers and roof lights will be incorporated to facilitate the introduction of a first floor.

The residential curtilages for the proposed dwellings will be less extensive than the whole of the land owned by the applicant. The remainder of the land will be retained as paddock.

Background

A residential flat at the centre of the kennels building was the subject of a Certificate of Lawfulness in 2013.

The use of the site as a kennels business ceased four years ago. Prior to this the applicant made enquiries about the sale of the site as a going concern with an agent who specialised in the sale/marketing of kennels businesses 'The Kennel Agency'. The agency advised that the use would not sell as a going concern, given the state of the

market and the condition of the building, and has since provided a viability report to substantiate this opinion.

Planning permission for the conversion of the kennels to a single dwelling was refused permission in 2011 for the following reasons:

1. The proposed development fails to comply with the requirements of Policy ECON9 of the North Warwickshire Local Plan 2006 (Saved Policies), in that it does not effectively demonstrate whether the building can be put to more preferable uses in the sequential hierarchy of uses set out in that policy, nor that it cannot be retained in its current, more preferable, use.
2. The change of use of an extensive area of land to residential use would result in the encroachment of inappropriate development into open countryside contrary to the principles of development distribution set out in Core Policy 2 of the Local Plan (North Warwickshire Local Plan 2006 - Saved Policies) and the principles of landscape protection set out in Policy ENV1 of the Local Plan.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): Core Policy 1 (Social and Economic Regeneration); Core Policy 2 (Development Distribution), Core Policy 8 (Affordable Housing), Core Policy 11 (Quality of Development), Core Policy 12 (Implementation), ENV11 (Neighbour Amenities), ENV12 (Urban Design) ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing Outside Development Boundaries, ECON9 (Re-Use of Rural Buildings) and TPT1 (Transport Considerations in New Development).

Other Relevant Material Considerations

Submitted Version of the WBC Core Strategy February 2013 – Policies NW1 (Settlement Hierarchy), NW3 (Housing Development), NW4 (Split of Housing Numbers), NW5 (Affordable Housing), NW8 (Sustainable Development), NW10 (Quality of Development), NW14 (Economic Regeneration) and NW19 (Infrastructure).

The National Planning Policy Framework 2012 (“the NPPF”) - Achieving sustainable development; Supporting a prosperous rural economy, Delivering a wide choice of high quality homes and Requiring good design.

Consultations

The Highway Agency – No objection

Warwickshire County Highways Authority – No objection

Environmental Health Officer – initially queried the potential of the site for sources of contamination, however, upon receipt of information about the condition and former use of the site, now has no comments.

Representations

None Received

Observations

The site lies in open countryside and outside of any settlement boundary, this is not a location where the Council's Planning Policy directs new housing development.

The proposal falls to be considered against guidance in the National Planning Policy Framework and the saved policies of the North Warwickshire Local Plan 2006 particularly policy ECON9 on the re-use of rural buildings.

a) Re-use of Existing Buildings

It is agreed that the building is capable of conversion without major reconstruction, alteration or enlargement and that it is in a relatively sustainable location, having direct access to the main road network and being on a bus route. The re-use of the building is desirable, being of substantial construction, reasonably attractive and having local historic association as a former hospital. The main consideration therefore relates to whether the proposed re-use is appropriate in the context of national planning guidance and local planning policy.

Since planning permission was refused for the conversion of the kennels as a single dwelling the NPPF has been published. It is a key material consideration which post-dates the adopted Local Plan and therefore carries substantial weight. It encourages the reuse of existing resources, including conversion of existing buildings, as a core principle. It introduced encouragement for buildings to be brought into residential use from commercial buildings (in B use class). Though, the kennels use is not a B class use, the proposal should nevertheless be viewed in the context of this more relaxed approach to the re-use of commercial buildings for residential purposes.

Paragraph 55 of the NPPF indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It continues by saying that whilst Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances these can be supported. These exceptions include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

The approach of Policy ECON9 (Re-Use of Rural Buildings) of the North Warwickshire Local Plan 2006 (Saved Policies) remains generally consistent with the NPPF guidance, in that it seeks to encourage sustainable re-use of buildings in terms of their location and preference for economic re-use (meeting sustainability criteria and the desire to support a prosperous rural economy), however, there has been a considerable relaxation in terms of the introduction of permitted development rights for the re-use of former agricultural buildings, and the degree to which Policy ECON 9 is fully up to date could be questioned.

Given the newly presented evidence that continued use as a kennels is not a viable proposition; that use for another commercial use is likely to be inappropriate by virtue of disturbance to existing residential properties or traffic generation, and that it is acknowledged that the Council does not have a five year housing supply it is considered that re-use for residential purposes can be acceptable in principle.

b) Affordable Housing

It is acknowledged that this is not an ideal location for the provision of on-site affordable housing, given its location beyond a settlement. However, the approach to the provision of affordable housing set out in emerging policy, takes a more flexible approach to achieving the provision of affordable housing from development, and this has been explored, primarily through consideration of whether there is sufficient value in the scheme to be able to offer a financial contribution for the off-site provision of affordable housing.

No affordable housing is proposed on site, however, the applicant has undertaken an appraisal of the viability of the scheme and a sum of £15,000 is offered for the provision of affordable housing elsewhere in the area. Whilst this does not equate to 40% of the units on the site, it will nevertheless contribute to the achievement of 40% delivery of affordable housing across the plan period. Given the viability appraisal, it is not considered that undersupply of affordable housing could reasonably be a reason for refusal.

c) Design

The design of the conversion of both buildings is good, retaining the original scale and appearance of the buildings. Although it involves some small extension, it is limited to that which is necessary to facilitate the conversions and is in keeping. Some inappropriately designed later additions are to be removed.

It will be important that the original character and appearance of the buildings is retained. For that reason, and to protect the rural character of the area, it would be appropriate to withdraw permitted development rights to extend or alter the properties or construct garden buildings, if permission is given.

d) Highways

Though the Highway Agency, at pre-application phase, expressed concern about the traffic generation, it accepts the applicant's argument about the level of traffic that could be created by the lawful use of the site, or other alternative uses, could have more of an impact than the proposed use. It now offers no objection. Traffic generation will be relatively low, of a scale and will not have any adverse impact on highway safety, particularly as the traffic exits to a layby rather than directly on to the A5 carriageway.

The proposal incorporates adequate land for car parking in a manner that will not be obtrusive.

e) Amenity

The proposed dwellings will be of reasonable sized accommodation with appropriately proportioned gardens. No overlooking or loss of privacy issues would result for any occupiers of new dwellings or occupiers of existing dwellings.

f) Conclusion

It is considered that there are no adverse impacts of the development that would significantly and demonstrably outweigh the benefits of this proposal. These are that it will contribute to the Council's five year supply of housing land; provide an off-site affordable housing contribution and meet the desirable objective of bringing an existing building back into use. Planning permission should therefore be granted.

Recommendation

That subject to the signing of a Section 106 Agreement relating to the provision of affordable housing as outlined in this report, the application be granted planning permission subject to the following conditions:

1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2 The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 7111.01, 7111.270A, 7111.450B 7111.200 and 7111.260B received by the Local Planning Authority on 4 October 2013 and the plan numbered 7111.150B received by the Local Planning Authority on 27 January 2014.

REASON

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

3 The approved access, car parking and manoeuvring areas shall be permanently retained for the purpose of the parking and manoeuvring of vehicles only.

REASON

In the interests of safety on the public highway.

4 The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

5 For the avoidance of doubt, this permission is for conversion of the existing buildings as indicated upon the approved plans, along with the insertion of windows and doors in the positions shown, removal of the parts of the building indicated on the approved plans only and the blocking up of existing openings where indicated. It specifically does not grant permission for demolition and reconstruction of the building.

REASON

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

6 All alterations to external elevations and extensions shall be made good or constructed using matching and, wherever possible, salvaged materials.

REASON

To maintain the character of the building and to ensure satisfactory visual relationship of the new development to the existing

7 No works shall take place on site until details of the new or replacement windows and door joinery, including glazing bar details have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

REASON

In the interests of maintaining the character and appearance of the existing building.

8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls or fences to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained.

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of the amenities of the area.

10 The scheme referred to in Condition No 9 shall be implemented within six calendar months of the date of occupation of the first house approved under reference PAP/2013/0071 for domestic purposes. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of the amenities of the area and to maintain the character and appearance of the existing buildings.

Notes

1 In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0496

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/04/2013 04/10/2013 10/01/2014
2	Highways Agency	Consultation Reply	18/02/2014
3	Warwickshire County Highways Authority	Consultation Reply	29/01/2014
4	Environmental Health Officer	Consultation Reply	19/02/2014 25/02/2014
5	Applicant	Draft S106	01/05/2014

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

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



Application No: PAP/2013/0592

The Workshop, Middleton Lane, Middleton, B78 2BN

Change of use from transport yard a mixed use of car sales and transport yard, for

Mr Keith Whalley

Introduction

This application is reported to the Board at the request of a local Member, concerned about the impact of the proposal on the Green Belt and the environment.

The Site

The site lies on the north side of Middleton Lane, approximately 900 metres east of its junction with the London Road / A446. It consists of a yard and buildings formerly fully in use by a haulage business. The buildings include a former HGV workshop consisting of two halves, a container and a caravan. Within the yard there is a range of vehicles. The easternmost half of the main building is already in use for the storage of cars in connection with the car sales the subject of this application. The adjoining western half is retained in connection with the haulage business.

There are four residential properties close to the site. Madeira lies immediately to the west of the haulage yard, approximately 40 metres from the application building. The applicant's own dwelling, The Old Cottage, lies immediately to the east of the application site. Hope Cottage lies immediately to the east of the applicant's dwelling, at a position approximately 30 metres from the application building. The White House lies on the opposite side of the road, to the south, and is at a position approximately 60 metres from the application building.

Background

The use as a transport depot dates back over 80 years and the earliest applications include permissions for commercial buildings, diesel tanks and their replacements. The use is therefore lawful by virtue of the grant of planning permission and the passage of time. The Operators Licence allows the applicant to park 12 HGV's at the site.

The most recent permission in this respect was in 2008 for a replacement workshop. This enabled some planning conditions to be attached to control working hours in particular. The workshop has been constructed and is the western half of the building as described above. The permitted working hours for repairs and maintenance are 0600 to 2200 hours on Monday to Friday; 0800 to 1800 hours on Saturdays and 1000 to 1600 hours on Sundays and Bank Holidays.

Other planning permissions here have included the operation of a limousine hire business and car repairs. These have now ceased.

Reports were made to the Council that a car sales business was in operation at the site and the subsequent investigation has led to the submission of this application to retain the mixed use of the site.

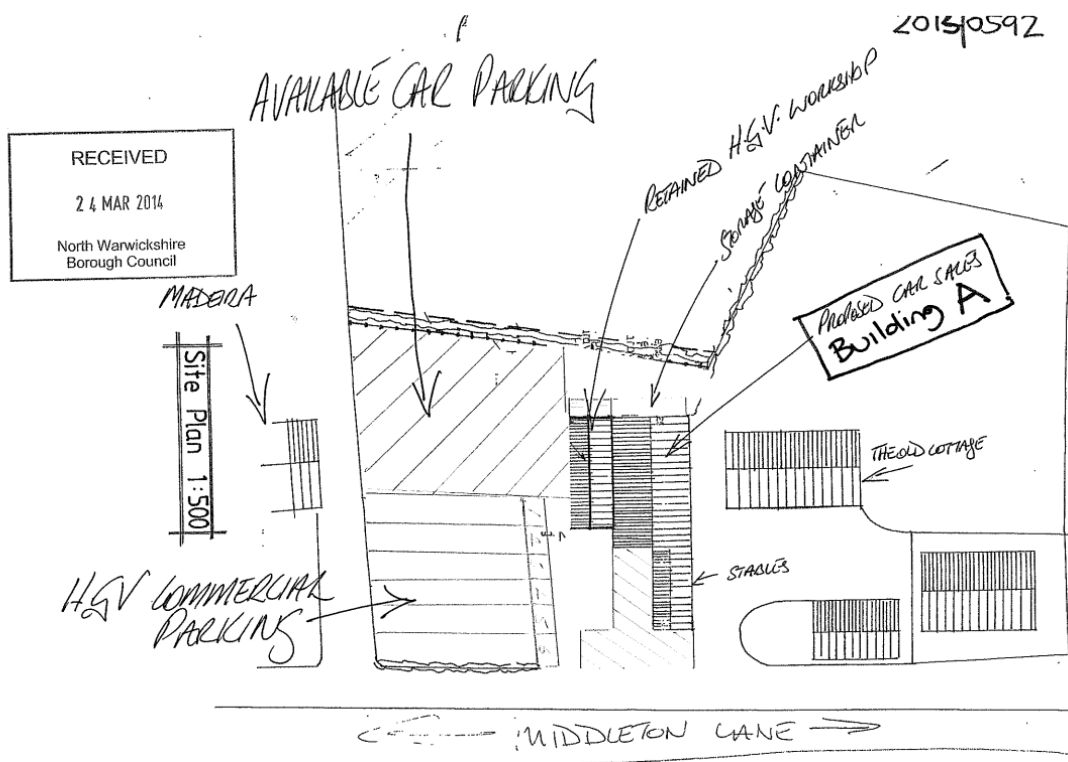
The Proposals

It is proposed to a change of use from a transport yard to a mixed use of transport yard and car sales.

The opening hours of the car sales operation are proposed to be 0700 to 1900 hours on Mondays to Saturdays and 0800 to 1800 hours on Sundays and Bank Holidays. The applicant estimates that this business gives rise to 6 to 8 vehicle movements a day with customers and deliveries of cars. It is said that deliveries are by individual cars and that only irregularly is there a car transporter involved. Sales are undertaken by appointment only as much business is done over the internet. Customers park within the yard. Cars are stored in the eastern half of the building and it is estimated that it could store ten cars at any one time.

The applicant states that his haulage business is declining and that he is prepared to formally agree to reduce the HGV operation on the site by 50%. This would also reduce work related traffic – both employee and support activity (e.g. diesel deliveries) – as well as lead to a reduction of over 20 HGV movements a day. HGV's would park overnight on the site as now. These vehicles regularly leave the site by before 0700 hours and either do not return for several days or until later in the working day. There is a one way routing agreement in operation as part of the Operating Licence.

The site plan below depicts the site together with some photographs.





Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) - ENV11 (Neighbour Amenities), ENV2 (Green Belt), Core Policy 2 (Development Distribution), ECON9 (Re-use of Rural Buildings) and ENV14 (Access Design).

Other Relevant Material Considerations

National Planning Policy Framework 2012

The Council's Core Strategy Submission Version February 2013

Consultations

Warwickshire County Council as Highway Authority – No objection due to the significant reduction in HGV movements.

Severn Trent Water – No objection

Environmental Health Officer – No objection

Environment Agency – low risk

Representations

An objection has been received from a neighbour raising the following matters:

- a) The application does not quite accurately reflect the site/activities. Several previous applications have been submitted for this site under the address of The Old Cottage, Middleton Lane, B78 2BL, and it is considered that the application should also look at the whole site. It is believed that The Workshop and The Old Cottage remain in the ownership of the applicant.
- b) The statement of HGV activity on site does not appear to accurately reflect the current intensive range of activities on whole site, which include:
 - i) Various forms of storage, Caravans, cars, a coach with long trailer etc.
 - ii) Operation of a business, Racing Cars Direct
 - iii) Car sales with the valeting and washing of vehicles
 - iv) A private ambulance business, Elite EMS, partially on this site and the adjacent residential property, The Old Cottage, which lies outside the area edged red on the map you show.
- c) Object to car sales or retail on this site as we do not believe it to be a sustainable location. The site is in the Green Belt with no public transport and on a C class lane, single track in parts, not suitable for the sale or demonstration of cars or retail visitors.
- d) Referring to b) above, further information should be shown which area on the map shown is designated for the operation of the private ambulance service, Elite EMS and consider the whole site appraisal should be considered at this time.

- e) For a considerable period of time, 3 or 4 such ambulances could be seen on the yard and also operating from the front garden of the residential house, The Old Cottage. Because at that time, a charitable Rapid Responder ambulance operated in those areas, we have never objected at all. It is only now, with this application, that we have looked more closely at the growing number of ambulances and found them to be a private business.
- f) A website for Elite EMS has been found, giving the postal address as: Units 2 to 3, The Old Cottage, Middleton Lane, Middleton, B78 2BL
- g) Not objected to a Charity ambulance hereabouts, but would like to know, the exact operational site for Elite EMS and would like "units 2 to 3" to be shown on a map in this current application. Not aware of planning permission for "units 2-3" at The Old Cottage. If it can be demonstrated that Elite EMS are operating within the area edged red of this application, then the objection would be withdrawn.
- h) However, we do need to know and understand the detail of these matters in the ambit of this application in order to be assured that it is not "flawed" (in terms of size, activities and highways impact) along with the potential spread of further commercial activity within the Green Belt.

The application is supported by ten other neighbours referring to the 50% reduction in HGV activity and that the car sales would be on appointment only with no forecourt sales.

Observations

a) Introduction

Members should be aware that the site here has a lawful use as an HGV transport yard and that the associated Operators Licence enables 12 HGV's to operate from the depot. Additionally the Council has granted other uses here from time to time.

b) The Green Belt

The site is in the Green Belt. The Council's approach to the control of development in the Green Belt is set out in saved policy ENV2 which refers to Government Guidance. That is now the Government's NPPF. Here at paragraph 90 it says that the "re-use of buildings, provided that they are of permanent and substantial construction", is not inappropriate development provided the re-use preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. It is necessary to explore the three conditions set out in this paragraph of the NPPF.

The buildings here are of permanent and substantial construction, hence the first of the conditions referred to above, is satisfied.

The second is whether the new use preserves openness. It is important to understand that the lawful use is the base-line against which the impact of the new use should be assessed. The description outlined above of that lawful use is as a transport yard with HGVs along with vehicle storage and maintenance. It is noted that the application will result in a reduction in the number of HGV vehicles at the site together with their movements along with other associated vehicles, and that the car sales use will involve

the inside storage of those vehicles. Whilst customers will still attend and those cars for sale will have to be delivered, there would be some overall improvement of openness. It is not straight forward to assess this but it would be best to conclude that there would be no greater impact than existing and in all probability there would be an improvement.

In looking at the third condition which refers to the purposes of including land within the Green Belt, then again the base-line here is the lawful use. Of the five purposes outlined in the NPPF, the relevant one to this case is “safeguarding the countryside from encroachment”. The same conclusion is reached as above. This is not open land; the proposal does not involve new built development encroaching onto the land, and the lawful use is quite a significant commercial use. Therefore it is considered that the third condition of paragraph 90 is satisfied.

As a consequence it is concluded that the proposed mixed use is not inappropriate development in the Green Belt. As such the presumption is in favour of the grant of planning permission, unless there are material adverse impacts.

Before leaving this Green Belt issue however it is worth referring to the potential concerns of the objector about the “commercialisation” of the Green Belt hereabouts. There are already commercial uses in the neighbourhood – the Belfry golf course, Ash End Farm, Hillwood Farm, Hunts Green Dairy Farm, Atlantic Nurseries and RJB Repairs. Planning permissions have also been granted in the parish for the re-use of building as holiday lets, offices, for caravan storage and for other commercial B1 uses. Member’s attention is particularly drawn to two very recent cases. They will recall the appeal decision at Hunts Green Farm not far from this site where permission was granted for car sales and car storage from within an existing building. The Inspector quite clearly found the use not to be inappropriate within the Green Belt. The Hillwood Farm case referred to above – this time a recent Council decision - involved the use of existing buildings for the storage of white goods. Here the Board, in light of the Hunts Green decision resolved that re-use for storage purposes was not inappropriate development in the Green Belt. These decisions rest on Government policy and in particular paragraph 90 of the NPPF. As quoted above, this does not distinguish between uses, and as Members are aware the whole thrust of the NPPF is to promote and encourage economic development and business opportunities. There is direct acknowledgement that there should be support for the “growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well designed new buildings”. In other words there is overall support in principle for this use in the NPPF. However if there are significant adverse impacts, these could override this overall support. It is these that now need to be explored.

c) Sustainability

Saved Local Plan policy ECON9 on the re-use of rural buildings is also relevant here. This has a number of pre-conditions requiring the site of such buildings amongst other things, to have direct access to the rural distributor road network. If this is the case, then preference is given to an economic or commercial alternative use. Whilst the second of these matters is clearly satisfied here, there could be discussion about compliance with the first. However, the fact that there is a lawful commercial use here at this site overrides any conclusion that might be made from that discussion. As a consequence there is no weight to be given to the saved policy ECON9 in these circumstances. For the same reason the lawful use would override the content of saved Core Policy 2.

d) Amenity

The application site has adjoining residential neighbours. This is material.

Of the nearest dwellings to the site, two of the occupiers support the proposal whereas a third has objected. The reason for the support is the material decrease in HGV activity. It is agreed that the proposal provides the opportunity to reduce the HGV use by 50%, and thus to seek a betterment to the amenity of the nearby residents. The opportunity is also available to control the use of the site for car sales through conditions affecting hours and that there be no outside display or storage of cars. There is a further opportunity too, to limit the use of the workshop to the applicant company in order to control the future use of the building if the business transferred into the ownership of another party. This would be a distinct advantage over the applicant's reversion to the fall back position.

Whilst the car sales hours are unusual with an early start, they have to be seen in the context of the HGV repair workshop. The hours conditioned by the consent for the use of the HGV workshop are in fact wider than those proposed for the car sales operation during the week days and Saturdays. It is considered therefore that they are reasonable in this particular case. However car sales hours proposed for Sundays and Bank Holidays are much wider. In order to seek improvement, it is considered that they should match that of the workshop so as to be consistent – that is from 1000 to 1600 hours.

Overall, the proposal is not considered to lead to significant amenity issues over and above those which might be experienced under the lawful use. Indeed there is likely to be an improvement.

e) Highways

The site is accessed from Middleton Lane, a single track lane connecting with the A446 some 900 metres to the west. This Lane where it is accessed off the A446 does have a sign saying vehicles of no more than 2.5T should use the road, except for access. 40T vehicles are in compliance with this provided that they are accessing the site as part of its lawful use – i.e. the HGV's. It is for the Highway Authority and the Police to monitor this matter.

The number and particularly the type of vehicle movements likely to be generated through this application is considered to be less than those associated with the lawful use of the site which importantly sets the base-line for any alternative use. It is this factor which has led the County Council as Highway Authority not to submit an objection.

f) Other issues

There is an opportunity with this application to introduce some control over the use of the site bearing in mind that the lawful use is largely unrestricted in terms of its operation. This is a material consideration when assessing the impacts of the use. In particular, matters such as the use of the car sales can be controlled through conditions. The recommendation below therefore includes a number of such controlling conditions.

It is necessary to return to the matters raised by the objector.

There is concern over a horn being used at the site, however it should be remembered that reversing warnings and the use of fork lifts can reasonably be expected to be present on this site given the nature of the lawful use. The Environmental Health Officer has no objection, but any noise issues will be taken up and investigated by his division.

Car washing and valeting are part of car sales and would be reasonably expected to accompany such a use, but such works can be conditioned to the opening hours.

There is also reference to site addresses. These are not material to the determination of the application. The Board has to consider the use proposed on the application site itself. This is defined by the red line not an address. The report and the recommended conditions are therefore based accordingly. For the avoidance of doubt, the plan at Appendix A illustrates the extent of the red line in this application.

There is concern about other activity at this site – in particular the parking of private ambulances and motor racing cars. Both appear to be separate businesses – Race Car Direct Ltd and Elite EMS – and the applicant has acknowledged this. His argument is that they are covered by the lawful use of the land. There may be some weight to this but further investigation would be needed. It is suggested in the recommendation below that these matters are referred to the planning division for further investigation to see if there are breaches of planning control.

g) Conditions

Given the conclusion that this proposal is not inappropriate development in the Green Belt, the issue as indicated above turns on whether there are any significant and demonstrably adverse impacts here that would outweigh this Green Belt policy conclusion. The report above suggests not. However the key to that conclusion is the effective use of planning conditions and these are contained in the recommendation as set out below.

The major benefit in this application is the reduction in HGV's using the site. This needs to be translated into conditions, and the recommendation below does so. However the Operator's Licence granted by the Department of Transport under the HGV Regulations remains, as it is decided by the Traffic Commissioner. It is considered prudent therefore to require the applicant to first provide evidence that the Licence has been varied so as to reduce the HGV's operating from this site from 12 to 6, prior to the issue of any new planning permission. The recommendation below reflects this and if agreed, should provide the comfort for the applicant to apply to the Department for Transport for that reduction.

Recommendations

That subject to the applicant providing evidence that the number of HGV's on his Operator's Licence has been reduce to 6, planning permission be granted subject to the following conditions and notes:

1. The development hereby approved shall not be carried out otherwise than in accordance with site location plan received by the Local Planning Authority on 10 February 2014 and the site plan received by the Local Planning Authority on 24 March 2014.

REASON

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

2. No vehicle repair and / or maintenance work shall be carried out in the HGV vehicle and storage maintenance building or on the rest of the site other than between the hours of 06:00 and 22:00 hours Mondays to Fridays; 08:00 and 18:00 hours on Saturdays and 10:00 to 16:00 hours on Sundays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

3. The use of the HGV workshop building shall be limited only to storage, repairs and maintenance activity ancillary to the lawful haulage use operating from the site.

REASON

To prevent the unauthorised use of the building, and so as not to lead to an over intensification of the site.

4. The rear boundary fence shall remain in situ at all times. For the avoidance of doubt, the fence and hedgerow shall be at a position set 36 metres back from the edge of the highway carriageway.

REASON

In the interests of the amenity of the area and to prevent inappropriate development within the Green Belt.

5. Whilst the HGV workshop is in use for the repair and maintenance of vehicles the doors shall remain closed at all times, except to facilitate access and egress.

REASON

To prevent disturbance to the occupiers of nearby properties.

6. All vehicle repair and maintenance works related to the HGV use shall take place within the HGV workshop building, and not within the open yard around the building.

REASON

To prevent disturbance to the occupiers of nearby properties.

7. Cars stored in connection with the car sales use hereby permitted shall be restricted to the building marked "A" on the approved plan, and this building shall not be used for any other purpose within Use Class B8 as defined by the Town and Country Planning (Use Classes Order) 1987 as amended. The area marked Available Car Paring on the approved plan shall be for customer parking and for pre sales cleaning and valeting.

REASON

In order to reduce the impact on the openness of the Green Belt

8. The permission hereby granted shall only be for the benefit of Mr K Whalley and for no other person whosoever.

REASON

In the interests of controlling the use of the site given its rural location.

9. There shall be no cars sales conducted from this site if the number of HGV's operating from this site exceeds 6.

REASON

In the interests of highway safety; the amenity of local residents and to reduce the impact on the openness of the Green Belt.

10. For the avoidance of doubt there should be no storage of cars in association with the use hereby permitted on land shown edged blue on the approved plan.

REASON

In order to reduce the impact on the openness of the Green Belt.

11. There shall be no repair or maintenance of any car stored on the site in connection with the car sales use hereby permitted.

REASON

In the interests of the amenity of nearby residential occupiers.

12. The cars stored on the site as part of the car sales use hereby approved, shall only be driven to the site and shall not be transported to the site on any other type of vehicle.

REASON

In the interests of highways safety

13. Car sales shall only take place between 0700 to 1900 hours on Mondays to Saturdays inclusive and between 1000 hours and 1600 hours on Sundays and Bank Holidays.

REASON

In the interests of the amenity of nearby residential occupiers.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
 2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
 3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through discussions seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
- A)** That the use of the site by Elite EMS and Race Car Direct be investigated further to establish whether there are any breaches of planning control.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0592

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s), letters of support	10/2/14
2	Environment Agency	Consultation response	17/2/14
3	Cllr Simpson	Email to Development Control	17/2/14
4	Case officer	Email to Cllr Simpson	19/2/14
5	Cllr Simpson	Email to Development Control	21/2/14
6	Case officer	Email to Cllr Simpson	23/2/14
7	WCC Highways	Consultation response	28/2/14
8	Case officer	Email to applicant	3/3/14
9	Case officer	Email to Cllr Simpson	3/3/14
10	Case officer	Email to WCC Highways	6/3/14
11	Applicant	Email to case officer	6/3/14
12	Severn Trent	Consultation response	6/3/14
13	WCC Highways	Email to case officer	11/3/14
14	Case officer	Email to applicant	12/3/14
15	Neighbour - Hope Cottage-consultation response	Letter to NWBC	11/3/14
16	Case officer	Letter to applicant	18/3/14
17	Applicant	Letter to case officer	24/3/14
18	Case officer	Email to WCC Highways	24/3/14
19	WCC Highways	Email to case officer	24/3/14
20	Case officer	Email to applicant	26/3/14
21	NWBC Environmental Health	Consultation response	20/3/14
22	Case officer	Email to WCC Highways	27/3/14
23	Applicant	Email to case officer	26/3/14
24	WCC Highways	Email to case officer	31/3/14
25	Case officer	Email to WCC Highways	31/3/14
26	WCC Highways	Email to case officer – consultation response	31/3/14
27	Applicant	Email to case officer	1/4/14
28	Case officer	Email to applicant	4/4/14
29	Applicant	Email to case officer	4/4/14
30	Case officer	File note	7/4/14
31	Applicant	Email to case officer	8/4/14
32	Case officer	Email to applicant	7/4/14
33	Case officer	Email to chair, vice chair and local Councillors	14/4/14

34	Cllr Simpson	Email to case officer requesting it was taken to P & D Board	16/4/14
35	Case officer	File note	23/4/14
36	Case officer	Email to applicant	24/4/14
37	Applicant	Email to case officer	24/4/14
38	Case officer	Email to applicant	24/4/14
39	Case officer	Email to applicant	28/4/14

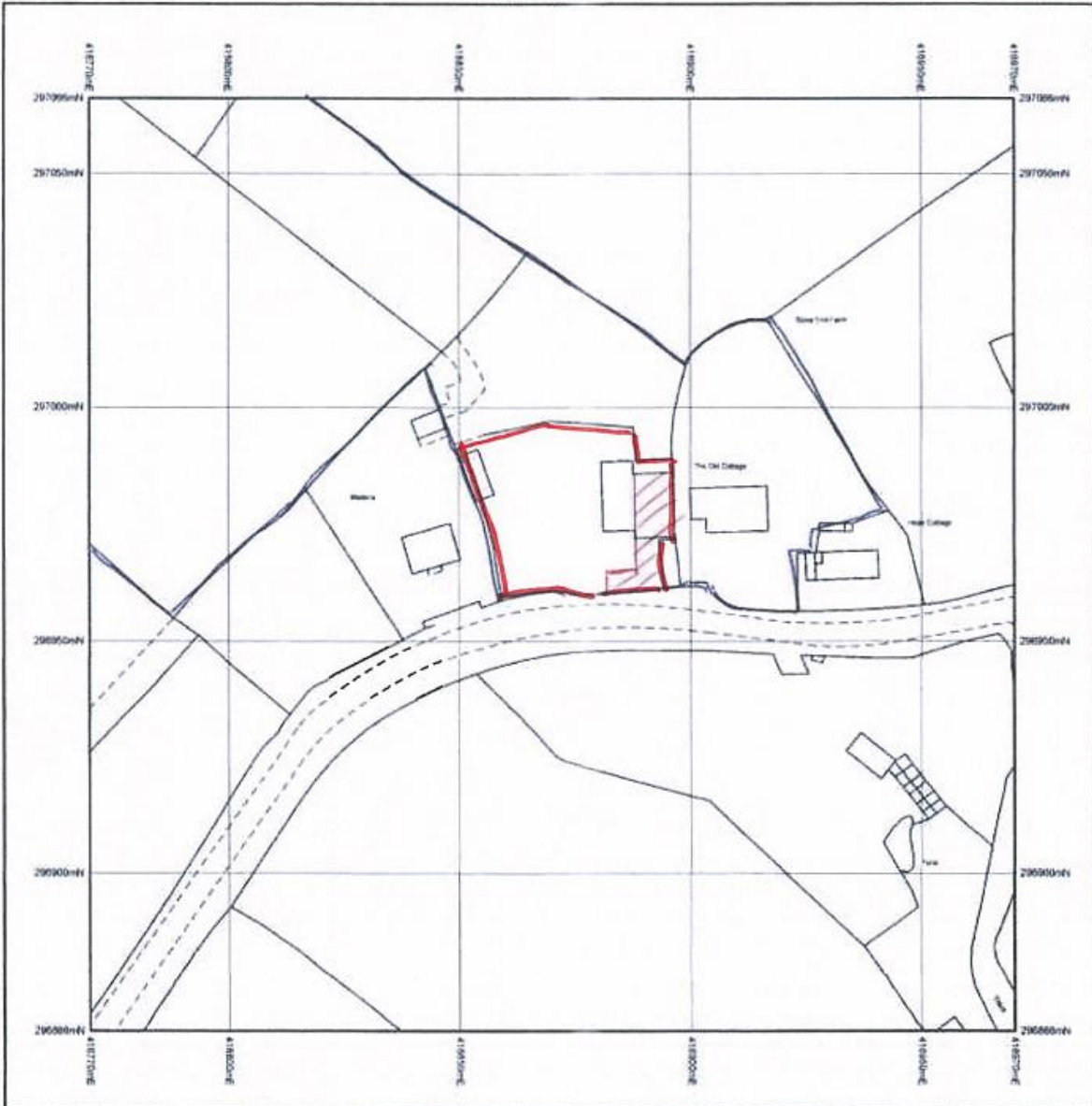
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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



Appendix A – site location plan

2013 / 0592



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Application No: PAP/2014/0043

Hill House, 217 Long Street, Atherstone, CV9 1AH

Retrospective application for triple garage/store/workshop, for

Mr Alan Jones

Introduction

This application was referred to the last meeting of the Board. It was resolved that a determination be deferred to enable officers to approach the applicant to see if an amended plan could be agreed in order to overcome the recommended refusal reason. For the convenience of Members the previous report is attached at Appendix A.

Further Information

Following the Board meeting, the applicant was approached to see if an amended scheme could be agreed. He has asked the Board to determine the application as submitted as he does not wish to alter the building. As a consequence the Board is now invited to determine the application.

Observations

The previous report sets out the officer's explanation for making the recommendation of refusal in this case, and that remains in light of the applicant's response to the deferral.

Recommendation

- a) That planning permission be refused for the reason as set out in Appendix A, and
- b) That the Solicitor to the Council issues an Enforcement Notice as set out in Appendix A.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0043

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	15/4/14
2	Agent	E-mail	24/4/14

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

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



APPENDIX A

PAP/2014/0043

Hill House, 217 Long Street, Atherstone

Retrospective application for a triple garage/store/workshop for

Mr Alan Jones

Introduction

The application is reported to the Board as it relates to a retrospective application where a refusal may result in enforcement action being necessary

The Site

This is within the development boundary for Atherstone in the rear garden of Hill House, a large house fronting the southern side of Long Street at its junction with Church Walk. The older section of the Queen Elizabeth School is on the opposite side of the road. There are other residential properties around the site – see the location plan.

The Proposal

This is a retrospective application to retain a triple open fronted garage with a pitched roof but having one gable end and one hipped end and a smaller lean-to timber structure forming a workshop. The garage is 7.9 metres long and 4.9 metres deep. It is divided into three distinct sections with its tallest being 4.3 metres high and its lowest at 4 metres. It is constructed in horizontal timber boarding on a green oak stud frame with grey Marley roof tiles. The lean-to is 3 by 3.9 metres in dimension with a ridge height of 3.1 metres and is constructed in the same materials as the garage. The whole structure is 1.4 metres of the garden boundary.

Photographs of the garage/workshop are attached at Appendix A.

Background

Permitted development rights were removed from these premises in 2006, otherwise the structure described above would be permitted development not requiring the submission of a planning application.

The structure has been constructed within the past four years.

Hill House is not a Listed Building but the site is within the Atherstone Conservation Area.

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and ENV15 (Heritage, Conservation, Enhancement and Interpretation).

Other Material Planning Considerations

The Atherstone Conservation Area Designation Report 1995

The National Planning Policy Framework 2012 – (the “NPPF”)

The Draft Atherstone Conservation Area Appraisal Consultation Document – 2006

Representations

Atherstone Civic Society – Objection as the building does not respect the character of the Conservation Area. Not only is it visually incompatible with the existing townscape, but the materials and method of construction are inappropriate for an historic area. In addition the period style window in the workshop, though reflecting the design of the existing windows in the area, strikes a bizarre note in this structure.

Atherstone Town Council - No objection

Observations

The site is within the Conservation Area. Development plan policy ENV15 states that, “development inside or outside of a Conservation Area will not be permitted if it would have a harmful effect on the character, appearance or setting of a Conservation Area, or views into or out of the area”. The policy continues by saying that, “new buildings...will be required to harmonise with their settings, reflecting the scale, form, and fenestration of traditional buildings in the area, and using materials characteristic to the area”. This policy reflects both the statutory requirement of a Local Planning Authority in dealing with cases in conservation areas, but also the policy set out in the NPPF. Here at it says that “planning authorities should take into account the desirability of new development making a positive contribution to the local character and distinctiveness” of a Conservation Area such that “great weight should be given to the asset’s conservation”. As such it is considered that the policy carries full weight.

It is thus necessary to establish what the character and appearance of this part of the town’s Conservation Area is, and then whether the development harmonises with this reflecting its traditional character.

The Designation Report clearly identifies the linear character of the Long Street corridor, but it is the Draft Appraisal that provides more detail. Herein the site is within that section the corridor identified as its eastern end. This is described as being residential in character particularly marked here by larger three storey buildings fronting the road with rear ranges. Hill House is late 18th and early 19th Century with the School being Victorian, as is Holte Villas a little to the east. As a group these buildings make a positive contribution to the street scene here marking the eastern end of the Long Street Corridor. As with other Long Street properties they are marked by having large open gardens. The predominant building materials in the Area are local stock bricks and plain tile roofs with stone dressings and some stucco and slate. Number 217 is identified as a “key” unlisted building.

The building the subject of this application is within one of these gardens and because of its size reduces the openness of that garden. Moreover it is of a design that has no historic or architectural cohesion with, or even reflection of the attributes of Conservation Area being of a different built form, with a timber construction, different ridge heights and not of symmetrical dimensions. It is considered therefore that the building does not accord with the requirements of the relevant policy, as set out above, to the extent that it does have a harmful impact on the Conservation Area hereabouts. It is considered that this harmful impact is moderate and should thus result in a refusal of planning permission. However before doing so, the NPPF requires the Local Planning Authority to identify whether there are any public benefits arising from a grant of a planning permission. These benefits should then be balanced against the harm caused by virtue of a development's impact on a Conservation Area. However it is not considered that there any such benefits here and thus the presumption of refusal remains.

Whilst there are other residential properties around the site there are no adverse impacts arising from the development caused by any adverse impact on the residential amenity of the occupiers of these properties by virtue of over looking, loss of amenity, privacy or light. Additionally there are no adverse access impacts.

Having concluded that a recommendation of refusal is to follow, the Board will need to consider the expediency of taking enforcement action. Here that would involve the demolition of the structure – the garage and workshop. There are financial implications therefore for the applicant here resulting in the additional cost of removal and clearance of the building. In terms of legal and human rights implications then the applicant should have been aware of the removal of permitted development rights from the property in 2006, but he chose not to seek an application prior to construction. Nevertheless he has the right of appeal against both a refusal of planning permission and the issue of an Enforcement Notice. It is considered here that the harm done to the character and appearance of the Conservation Area is moderate and thus of such a degree to warrant a refusal and subsequent action. The implications as set out above carry little weight in mitigating that harm.

Recommendation

That planning permission be **REFUSED** for the following reason:

“ The garage and workshop building is not considered to reflect the character and appearance of this part of the Atherstone Conservation Area by virtue of its size; its built form, the method of construction used, the materials employed and its unsymmetrical dimensions. As such it does not harmonise with its setting in the Conservation Area thus not according with saved policy ENV15 of the North Warwickshire Local Plan 2006 and the National Planning Policy Framework 2012”.

Notes

The Local Planning Authority has worked in a positive and proactive manner through quickly determining this application and discussing the issues with the applicant thus meeting the requirements of the NPPF.

- a) That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the demolition of the whole of the garage/workshop building; the removal of all of the resultant materials from the site and the re-instatement of the site with a gravel surface. The compliance period is 3 months.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0043

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/01/2014
2	Atherstone Civic Society	Representation	23/02/2014
3	Atherstone Town Council	Representation	20/02/2014
4	Case Officer	Email	26/02/2014
5	Agent	Email	28/02/2014
6	Agent	Email	08/03/2014

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

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







Application No: PAP/2014/0084

Units 9 & 10 (formerly buildings at Heathland Farm), Barnes Wood Lane, Nether Whitacre, Warwickshire, B46 2EF

Change of use from gymnasium and garage to two independent dwellinghouses, for

Mr Robert Barnes

Introduction

This application is reported to the Board because of an accompanying Section 106 Agreement.

The Site

This comprises the far eastern end of a range of single storey buildings within a complex of similar buildings. In essence there are two ranges of parallel buildings facing each other here to the south side of Birmingham Road some 140metres distant. Heathland Farm house – an independent dwelling stands to the east and there is also residential property to the north – Yew Tree Cottage. Some buildings here also have lawful commercial uses. The whole area is to the west of Whitacre Heath in open countryside.

The application buildings comprise a gym and garages. The remainder of the two ranges here are all in residential use having formerly been used as holiday accommodation and for some limited office use.

The site is illustrated at Appendix A.

The Proposals

The two ranges here were originally farm outbuildings associated with Heathland Farm. Conversion to holiday let accommodation and to work-live units commenced in 1999. These were taken up, but over time the occupancy conditions have been breached as holiday provision became unviable, such that Certificates of Lawfulness have been granted for full residential use. In light of this and the content of the NPPF being given more weight than the Development Plan, planning permission was recently granted for the removal of other occupancy conditions such that the complex now consists of small residential properties. The current application seeks residential use for the remaining two sections of the northern range. These benefit from a 2001 permission to be used as a gym and garaging in connection with the holiday use of the other units.

The proposals retain the existing built form of the range and single bedroom self-contained units would be provided with the addition of roof-lights. Their curtilages would be extensions of the existing neighbouring areas.

The applicant proposes an off-site contribution of £5k in lieu of any on-site affordable housing provision.

Consultations

Warwickshire County Council as Highway Authority – No objection

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), Core Policy 8 (Affordable Housing), ENV2 (Green Belt), ENV11 (Neighbour Amenity), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing Outside of Development Boundaries) and ECON9 (Re-Use of Rural Buildings).

Other Material Planning Considerations

The National Planning Policy Framework 2012 - (“NPPF”)

The Submitted Version of the Council’s Core Strategy 2013 – Policies NW1 (Settlement Hierarchy), NW2 (Green Belt), NW5 (Affordable Housing) and NW8 (Sustainable Development)

Observations

The site is in the Green Belt. As such the control of new development is determined by saved policy ENV2 of the Local Plan. This requires compliance with the Government’s PPG2. This has been superseded and thus that control is now determined by its replacement - the NPPF. Here it states that the re-use of an existing building in the Green Belt is not inappropriate if it is permanent and substantial construction, and would have no greater impact on the openness of the Green Belt or the reasons for including land within it than the existing. It is considered that these conditions are met here. The buildings are permanent and have been refurbished; they are in an existing residential complex which has the associated characteristics and the proposals do not materially extend or alter this complex. As such it is concluded that the proposal amounts to appropriate development in the Green Belt. This conclusion carries significant weight.

The NPPF makes no distinction between uses in its definition of what is appropriate development in the Green Belt through re-use of buildings. As such the housing policies of the Local Plan need to be considered. However these now carry little weight given that they are based on out of date evidence of housing need and supply and secondly because of the content of the NPPF. As such saved policies HSG3 and ECON9 carry little weight. The NPPF requires Local Planning Authorities to “significantly boost” housing supply. This is to be done through the new Local Plan and the grant of planning permissions. The latter applies here. In this respect the NPPF explicitly says that the re-use of rural buildings for residential use is to be supported and that significant weight will be given to residential proposals where an Authority does not have a five year supply of deliverable housing. North Warwickshire is in this position, and thus there is a clear indication from the NPPF that this application should be supported. The NPPF continues by saying that this support should only be overturned if there is likely to be “demonstrable and significant harm”. That is not considered to be the case here. There is no highway objection; the whole area is residential in character and appearance and there have been no representations from any neighbour. As such, the application has the support of the NPPF and this conclusion would carry substantial weight.

Given these conclusions it is not considered that a refusal here on planning policy grounds would be supported at appeal.

The one area that needs further exploration is that of the provision of affordable housing. Again the weight to be given to saved policy HSG2 is not high given the Council's submitted draft policy NW5 in its replacement Plan; the content of the NPPF and the Government's policy of requiring Authorities to review such provision in terms of a proposal's viability rather than as automatic requirement. In this case it is agreed that the site is not suitable itself for affordable housing given its isolation from local services and facilities or public transport provision. A small off-site contribution is however offered through a Section 106 Agreement by the applicant. This should be welcomed. Such a contribution would always be small here given that the two units here would be smaller than any other unit at this site and the costs of refurbishment to bring them into full residential use.

Recommendation

That subject to the completion of a Section 106 Agreement on the terms outlined in this report, planning permission be granted subject to the following conditions:

- Standard Three year condition
- Standard Plan numbers condition – plan number 274/211/Sk100 received on 20/2/14
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1997 as amended or as may be subsequently amended, no development within Classes A, B, C, D, E and G of Part 1 of Schedule 2 of that Order shall commence on site unless agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual and residential amenities of the area and retain the openness of the Green Belt.

Notes:

The Local Planning Authority has worked positively with the applicant in this case through ongoing discussion and negotiation in order to address the issues arising from this application and thus has met the requirements of the NPPF.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0084

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

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

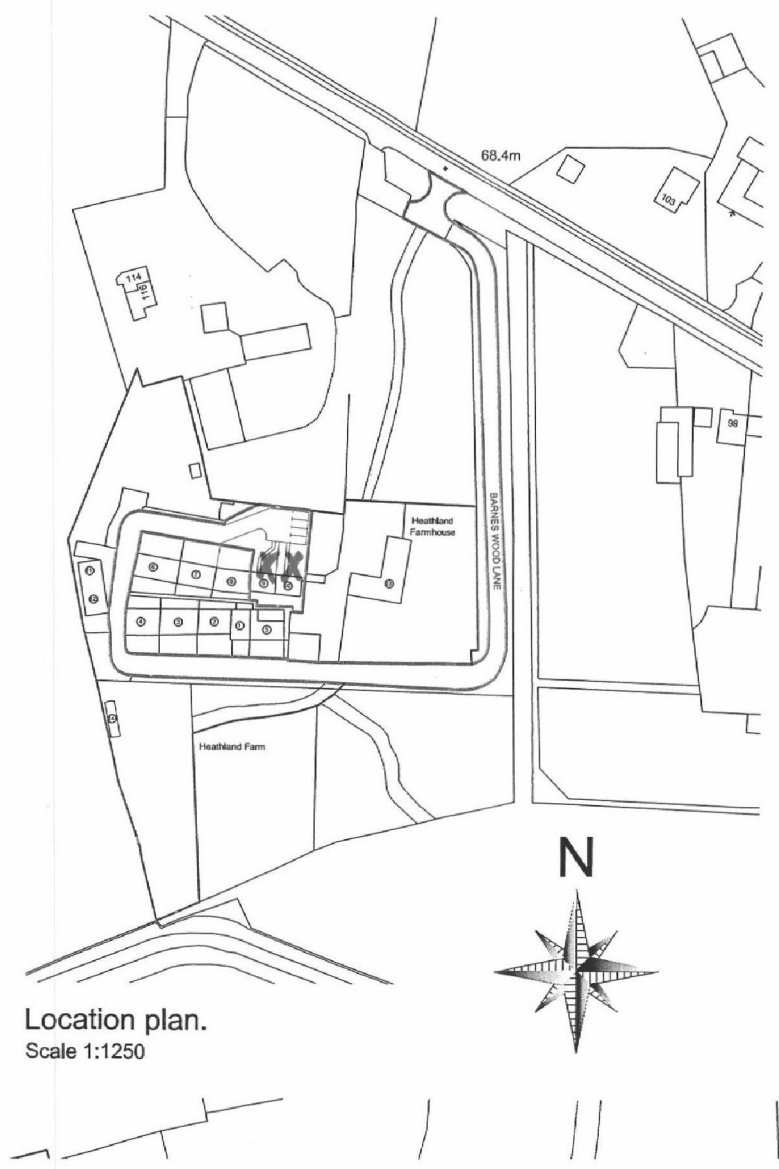
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



Appendix A

The Builder is to check and verify all building and site levels and sewer invert levels prior to commencement. This drawing must be read and checked with all structural drawings. The builder is to comply in all aspects with the current codes of practice.

2014/00



Location plan.
Scale 1:1250

NORTH W
BOROU
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20-1
PLANNING
D

Application No: PAP/2014/0113

Barclay House, Kingsbury Road, Curdworth, B76 9EE

Display of internally illuminated signage, for

Mr Joynal Abdin - C/O Karam S Chana MCIAT, ACIOB

Introduction

The application is referred to the Board at the request of a local Member concerned about the visual impact of the signs.

The Site

The site lies on the northern side of the Kingsbury Road on the industrial estate within Curdworth. The detached building stands some way back from the road with a frontage paved car parking area. There are residential properties on the opposite side of the road such that there is a 55 metre distance between respective front elevations. There is a small frontage wall running along the eastern frontage of the site with the main road. Access is from the western side as shown on the plans in this report.

The building is in use as a restaurant following a planning permission in 2013.

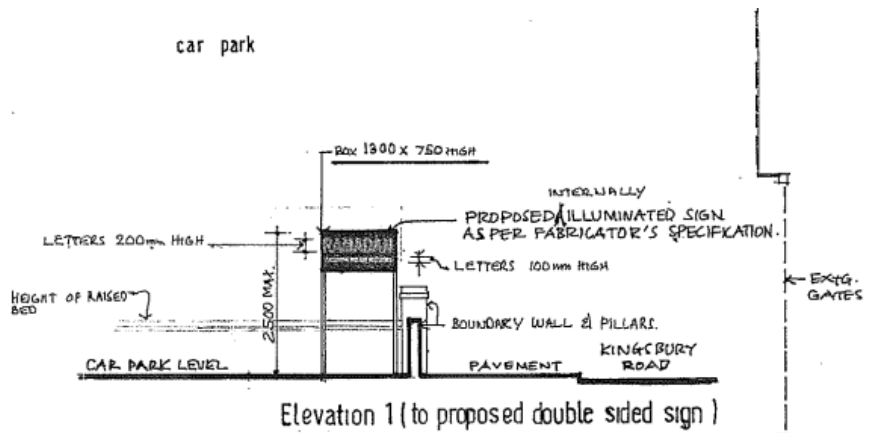
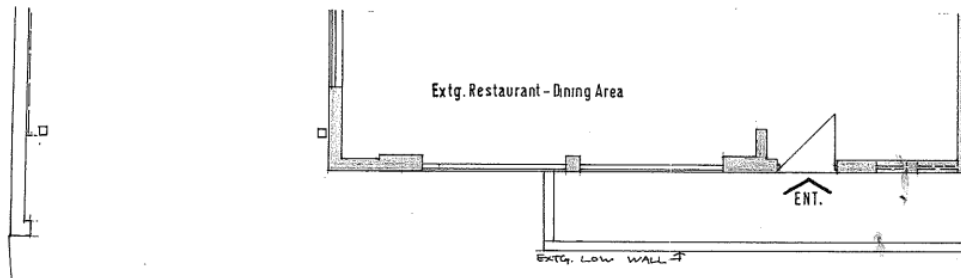
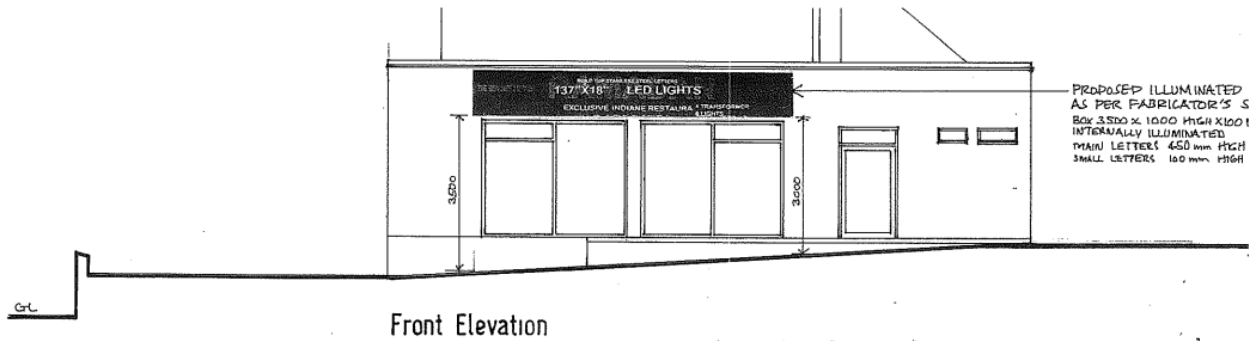
The Proposal

The proposal is for new signage to the restaurant. It consists of two parts. The first is to retain the fascia sign on the building and the second is for a new double post sign along the boundary to Kingsbury Road.

The fascia sign measures 7 metres wide, 1.1 metres high and 0.1 metre in projection and is 3 to 3.5 metres above ground level. The background colour is black and red letters are individually illuminated. These spell out the "Ramadan" the name of the restaurant, together with other information – e.g. "exclusive Indian restaurant" and the telephone number.

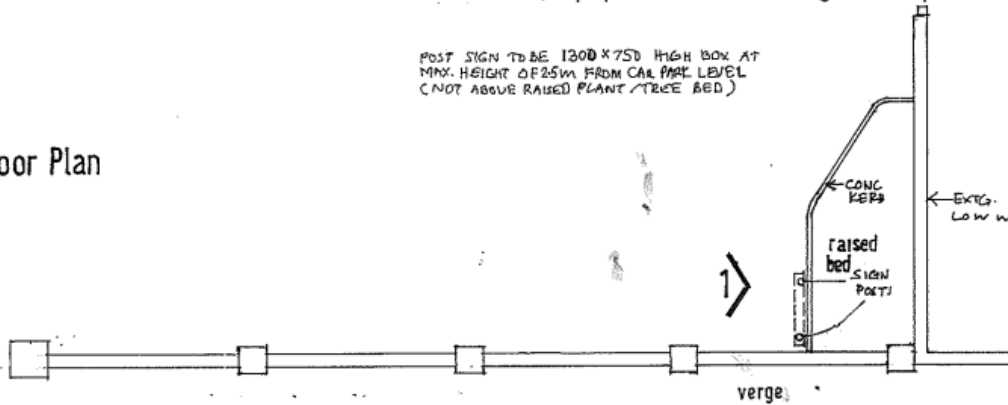
The double post sign is to edge of the car part along the boundary to the Kingsbury Road. It is internally illuminated and is 2.5 metres high overall including the legs and box element. The box element is 1.3 metres wide, 0.75 metres high and 0.1 metres in projection. The colours are the same as the fascia with the letters again individually illuminated.

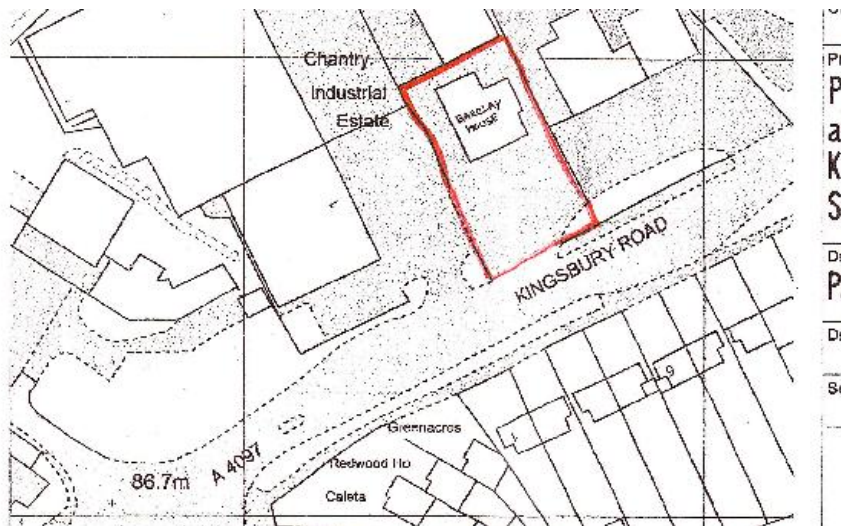
The illustrations below depict the signs together with the site itself.



POST SIGN TO BE 1300 X 750 HIGH BOX AT MAX HEIGHT OF 25M FROM CAR PARK LEVEL (NOT ABOVE RAISED PLANT / TREE BED)

Extg. Ground Floor Plan





Development Plan

North Warwickshire Local Plan 2006 (Saved Policies): - ENV11 (Neighbour Amenities) and ENV14 (Access Design)

Other Relevant Material Considerations

The Councils Submitted Core Strategy 2013 – Policy NW8
National Planning Practice Guidance 2014 - Advertisements

The Council’s Supplementary Planning Guidance: - SPG (A Guide for the Design of Lighting Scheme) – Adopted September 2003) and SPG (A Guide for Shop Front Design) – Adopted September 2003

Consultations

Warwickshire County Council as Highway Authority – No objection subject to conditions requiring a maximum level of luminance.

Environmental Health Officer – No comments

Representations

The Parish Council objects on the following grounds:

- The signage is neon illuminated within a green belt area,
- It is not in keeping with the street scene as there are no other illuminated neon signs.
- The signage near to the road presents a distraction to passing traffic, particularly in view of the high volume of traffic on the road.

Observations

In order to assist Members the following photographs have been taken recently.



Members will be aware that the determination of advertisements can only be based on their potential highway and public amenity impacts. This has recently been endorsed by the NPPG published in March 2014 which superseded all previous guidance.

The Parish Council's objection to this on Green Belt policy grounds thus carries no weight because of this and also because as a matter of fact the site is not in the Green Belt. It is wholly within an industrial estate allocated for employment provision in the Development Plan. Moreover the fact that this might be the first illuminated signage along this stretch of road also carries no weight given that each application has to be determined on its own merits and because there is no policy, guidance or designation which sets this area out for special attention or any unusual approach towards new development.

It is considered that this signage and modest because of the size and the colours employed. It also accords with the general guidance set out in the Council's own Supplementary Planning Guidance. The location of the site within an industrial frontage also materially lessens its visual impact. The degree of luminance is not great and can be controlled by condition. Moreover a condition can be attached ensuring that the illumination is turned off when the restaurant closes in the evenings.

It is noteworthy that neither the County Council nor the Council's Environmental Health Officer objects to the proposal.

Recommendation

That the application be granted Advertisement Consent subject to the following conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement shall be sited or displayed so as to -

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON

To comply with Regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

6. For the avoidance of doubt the luminance of the advertisement shall not exceed 500 Cd/m² for the fascia sign and 600 Cd/m² for the freestanding post sign.

REASON

In the interests of the amenities of the area.

7. The illuminated sign hereby consented shall only be illuminated during the permitted hours of the business use of the premises.

REASON

In the interests of the amenities of the area.

8. The internal illumination of the proposed signs shall be of a static non-intermittent type.

REASON

In the interests of the amenities of the area.

9. This consent shall be for a limited period of five years from the date of this notice.

REASON

As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations.

10. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 14.6.1 REV B received by the Local Planning Authority on 1 April 2014.

REASON

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

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, with suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0113

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	05/03/2014
2	Environmental Health Officer	Consultation	19/03/2014
3	Applicant	Letter	24/03/2014
4	Applicant	E-mail	01/04/2014
5	WCC Highways	Consultation	09/04/2014
6	Case Officer	E-mail	11/04/2014
7	Case Officer	E-mail	14/04/2014
8	Curdworth Parish Council	Objection	23/04/2014

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

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



Application No: PAP/2014/0179

Land South Of Dairy House Farm, Spon Lane, Grendon,

Variation of condition no:6 of appeal APP/R3705/A/13/2203973 dated 27 March 2014 (planning permission PAP/2013/0224) relating to separation distances between existing houses and new houses at the rear of Spon Lane, for the

Kler Group Ltd

Introduction

The application is reported to the Board at the discretion of the Head of Development Control given the background to the case.

The Site

This is part of an agricultural field immediately to the east of Spon Lane and to the south of Dairy House Farm, on the northern side of the Watling Street. There is a frontage of residential development along Spon Lane backing onto the site.

Background

Following a Public Inquiry held in February this year, an outline planning permission has been granted for the construction of 85 houses on this site. That permission was subject to a number of conditions.

The Proposal

One of these conditions – number 6 – states that:

“No elevation of any house hereby approved shall be less than 40 metres from the western boundary of the site as shown on the approved plan”.

The reason for the condition was in the interests of amenity. In the appeal decision letter – para 13 – the Inspector says that, “the site is large enough to ensure that the new houses would be sufficient distance away from existing properties to prevent overlooking or loss of light and the living conditions of the occupiers would not be adversely affected”.

The applicant is seeking a variation in the wording of this condition so as to read:

“Houses shall not be less than 13 metres from the western boundary of the site between points X and Y on plan reference SLG/001A. Houses with windows to non-habitable rooms in their western elevation shall be no less than 2 metres from the western boundary between points Y and Z shown on plan reference SLG/001A”

The XYZ locations are illustrated on the attached plan at Appendix A which also has cross sections illustrating levels.

The length XY on the plan extends along the majority of the field. This is where the new houses would have their rear elevations facing the rear of those existing houses in Spon Lane. The length YZ is at the far southern end of the boundary, and this is where the

new houses are likely to have a side gable facing the rear elevations of the existing Spon Lane houses.

The applicant points out that the houses fronting Spon Lane have rear gardens ranging between 20 to 25 metres in length between their rear elevations and the field boundary. The condition requires a further 40 metres before the rear elevation of any new house is reached. The separation distances would therefore be between 60 to 65 metres. The applicant is proposing that that separation distance is reduced. He is proposing that the rear elevation of any new house should not be within 13 metres of the field boundary over the length XY thus resulting in a separation distance of between 33 and 38 metres. Over the length YZ the side gable of any new house would be no less than 2 metres from the rear boundary thus resulting in a separation distance of 22 to 27 metres.

Members should be aware that when the application was originally submitted, the proposed variation was to have a 10 metre rear garden for the proposed houses. The description above is for 13 metres. This change was introduced once the application had been submitted. The increase is due to a combination of the developer recognising the “sensitivity” of the site from the local community’s perspective and persuasion from officers to review the initial submission. Members should be aware that because of the late receipt of this amendment, there has been no re-consultation with local residents, however it does represent an improvement over the original submission.

The applicant’s case for proposing a variation of the original condition is based on two matters.

Firstly, he points out that much of the concern surrounding the reason for a condition relating to separation distances was because of the levels of the application site, with land rising to the east away from the Spon Lane houses. Following the grant of permission and further work in looking at the levels, he points out that the first row of houses backing onto the rear gardens of the Spon Lane properties are to be at much the same level. As such the issue of the new houses being at a much higher level does not arise. The plan submitted with the application contains the proposed slab levels of the new houses as well as those of the existing houses. Three sections are shown on this plan and they show existing levels for the Spon Lane houses being at 74.5, 75.5 and 76.9 metres AOD. The proposed slab levels are shown as being 75, 76 and 77.7 metres - the differences being 0.5 and 0.8 metres.

The second reason is that he says that the Council has no bespoke adopted guidance or policy setting out what separation distances should be. His case includes examples from Birmingham, Lichfield, Coventry, Nuneaton and Tamworth all of whom have adopted guidance which varies between 23 and 20 metres for elevation separation distances. He says that North Warwickshire officers often recommend and the Council frequently approve a distance of 21 or 22 metres, in line with these surrounding Authorities.

Representations

All residents occupying the houses in Spon Lane backing onto the site have been notified of the proposed variation. Three objections have been received at the time of preparing this report. Any others received will be referred to verbally at the Board’s meeting. The matters raised include:

- The loss of a rural view

- Invasion of privacy
- Disregard for the Inspector's decision

Development Plan

Saved policies of the North Warwickshire Local Plan 2006 – ENV11 (Neighbour Amenities)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (“the NPPF”)

The National Planning Practice Guidance 2014 – (“the NPPG”)

Observations

This application is for a variation of a condition. It is therefore not open to the Council to review the principle of this permission again. Its remit is only to consider a proposed re-wording of a single condition. The central issue in that consideration is one of residential amenity for both existing and future occupants.

In this respect saved Local Plan policy ENV11 states that, “Development will not be permitted if the occupiers of nearby properties would suffer significant loss of amenity, including overlooking and loss of privacy“. It is considered that this policy accords with one of the NPPF's core planning principles, that of seeking, “a good standard of amenity for all existing and future occupants of land and buildings“. As such it should carry full weight.

The proposed variation seeks to reduce the separation distances between the rear elevations of the existing houses and those to be built under the permission. It is acknowledged that the condition appearing on the permission is one that has been agreed by the Inspector dealing with the case. The Inspector did visit the site and heard all of the evidence from local residents. It therefore follows that in the Inspector's view the condition as worded was appropriate and that it met the relevant national guidance on the use of conditions. However, the Board is strongly advised that the fact that a reduction is now being proposed is certainly not of itself a reason for rejecting this application. Members are therefore recommended not to focus on the issue of “reduction” here. The issue for the Board to decide is whether the revised separation distances are themselves reasonable in this particular setting. In other words are the separation distances now being proposed so demonstrably and significantly adverse in their potential impacts to warrant refusal because they would lead to “significant” loss of amenity under saved policy ENV11, or not provide a “good standard of amenity” under the NPPF?

It is considered not. There are two reasons for this. Firstly, the Council has no adopted policy or guidance on separation distances. Hence there is no quantitative basis on which to reject the proposed distance. Members will be aware that this issue does arise from time to time, either as a consequence of new housing or through householder extensions. The advice given to Members has been consistent – that a back to back separation distance of 21 to 22 metres is appropriate. The Board has followed that advice in its decisions. It happens that this measurement is in line with neighbouring Authorities and officers can confirm that the information supplied by the applicant above

is correct. As such there is a wide general consensus that 21 to 22 metres is appropriate.

Each case however has to be dealt with on its own merits, and as such, particular local circumstances may lead to a different dimension being recommended. The second reason in this case is that it is not considered that there are any special, unusual or other circumstances here:

- The existing houses in Spon Lane do have longer back gardens than more recent developments.
- The Inspector did not allude to any special local characteristic or marker as a special or bespoke reason for the dimension cited in the decision. The only reference is to her conclusion that the site is large enough to ensure the new houses would be sufficiently distant from the existing so as not to cause amenity issues. Hence the issue – is that now being proposed “sufficient”?
- The levels here are such that there will be little discernable difference between the new and existing houses.
- The loss of a view is not a material planning consideration.

It is understandable that a proposal to vary a condition such as this will lead to objections – even more so when the principle of the development was opposed by those same objectors. Members will realise that this should not be the basis for a reason for refusal. The new proposed separation distances should be assessed on their own merits and that will revolve around consideration of the local physical circumstances – existing separation distances; the nature and built form of the existing and new houses and the local topography. In this case, the proposed separation distances are considered to be reasonable and as a consequence a recommendation of approval is made.

Recommendation

That the conditions attached to planning permission APP/R3705/A/13/2203973 dated 27 March 2013 now read as follows:

(1) to (5) As per APP/R3705/A/13/2203973 dated 27 March 2014

(6) “ Houses shall not be less than 13 metres from the western boundary of the site between points X and Y shown on the plan SLG-0 01A received by the Local Planning Authority on 9 May 2014; houses with windows to non-habitable rooms in their western elevation shall be no less than 2 metres from the western boundary between points Y and Z shown on the same plan referenced SLG-001A”.

Reason: In the interests of the residential amenity of future and existing occupiers.

(7) to (19) As per APP/R3705/A/13/2203973 dated 27 March 2013.

Notes:

1. The Local Planning Authority has worked positively with the applicant in this case in order to address planning issues arising from the case through seeking amendments and ongoing discussion, thus meeting the requirements of the NPPF.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0179

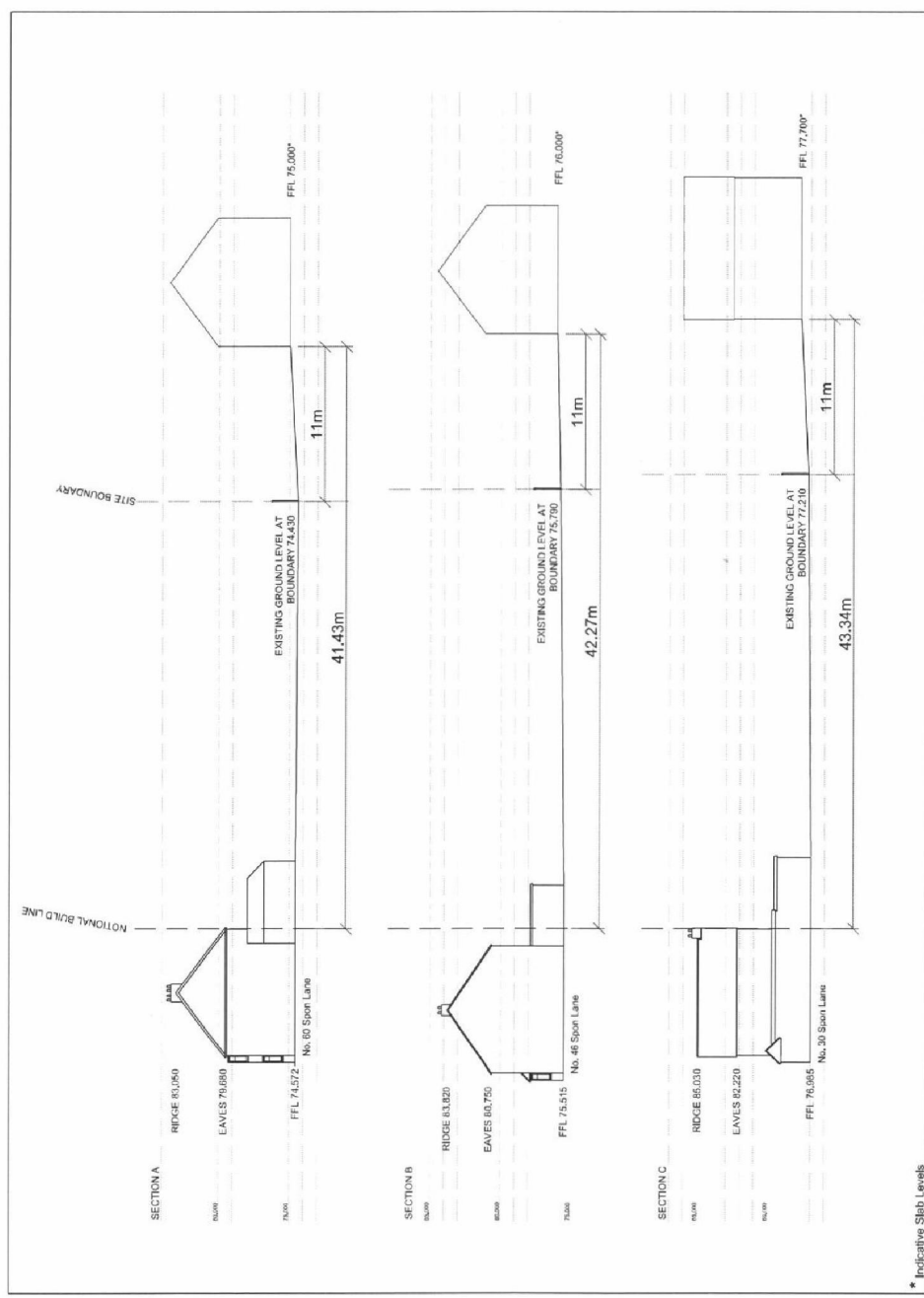
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/04/2014
2	M James	Representation	22/04/2014
3	A Fitzpatrick	Objection	06/05/2014
4	K Fitzpatrick	Objection	06/05/2014

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

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



The Contractor is to check and verify all levels and all dimensions, levels and dimensions, before and after construction, and to report any discrepancies to the Engineer immediately. The Contractor is to ensure that all levels and dimensions are correct and to report any discrepancies to the Engineer immediately. The Contractor is to ensure that all levels and dimensions are correct and to report any discrepancies to the Engineer immediately. The Contractor is to ensure that all levels and dimensions are correct and to report any discrepancies to the Engineer immediately.



* Indicative Slab Levels
 Further investigation required to confirm actual slab levels to be submitted and approved by Local Authority.

N.B. Drawing to be read in conjunction with plan SLG-001

	Revisions No. 01 No. 02 No. 03 No. 04 No. 05 No. 06 No. 07 No. 08 No. 09 No. 10 No. 11 No. 12 No. 13 No. 14 No. 15 No. 16 No. 17 No. 18 No. 19 No. 20 No. 21 No. 22 No. 23 No. 24 No. 25 No. 26 No. 27 No. 28 No. 29 No. 30 No. 31 No. 32 No. 33 No. 34 No. 35 No. 36 No. 37 No. 38 No. 39 No. 40 No. 41 No. 42 No. 43 No. 44 No. 45 No. 46 No. 47 No. 48 No. 49 No. 50 No. 51 No. 52 No. 53 No. 54 No. 55 No. 56 No. 57 No. 58 No. 59 No. 60 No. 61 No. 62 No. 63 No. 64 No. 65 No. 66 No. 67 No. 68 No. 69 No. 70 No. 71 No. 72 No. 73 No. 74 No. 75 No. 76 No. 77 No. 78 No. 79 No. 80 No. 81 No. 82 No. 83 No. 84 No. 85 No. 86 No. 87 No. 88 No. 89 No. 90 No. 91 No. 92 No. 93 No. 94 No. 95 No. 96 No. 97 No. 98 No. 99 No. 100	Site: LAND AT SPOON LANE GRENDON	Drawing: Cross section details to support Section 73 application to vary condition number 6 on permission Ref: APP/R37056/13/2020/873	Date: 25/04/14 Scale: 1:200 Drawn By: ANC Dwg. No: SLG-002
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Application No: PAP/2014/0181

Land North of, Overwoods Road, Hockley, B77 5NQ

Erection of 88 no. dwellings and associated works (Outline), for

Mr Steve Cassie - Walton Homes

Introduction

This application is reported to the Board at this time for information only. A determination report will be brought to the Board in due course. The draft heads for a section 106 Agreement also accompany the application.

The development proposal is a departure from the Development Plan.

The Site

This is an irregular shaped area of agricultural land amounting to 3.6 hectares on the north-east side of Overwoods Road, west of the M42 Motorway and east of the existing residential estate in Hockley, Tamworth. The boundary to the north-west of the site is a now public footpath – formerly Freasley Lane before the M42 was constructed – and the land between it and the residential estate in Hockley benefits from a recent planning permission for the erection of 29 dwellings. The boundary to the south-east is marked by a hedgerow and there is then open land before the M42 cutting is reached. The site as a whole is generally flat.

The site is illustrated on the attached plan at Appendix A.

The Proposals

This is an outline application for 88 dwellings with all matters reserved for later determination. As such the remit of the Board here is limited to the principle of the grant of a planning permission.

However for illustrative purposes, an indicative layout has been submitted. This shows a potential access off Overwoods Road leading into an estate with a mix of two storey detached and semi-detached 2, 3, 4 and 5 bed room houses. An area of Public Open Space is outlined within centre of the site and there is a possible buffer strip depicted along the eastern boundary to provide new tree planting and mounding. These features are illustrated at Appendix B.

There are a number of documents submitted with the application.

An Ecology Appraisal concludes that the site is not particularly diverse but that provided further focused surveys are undertaken for bats and reptiles, together with proportionate mitigation measures then there is no objection in principle to the development.

A Transport Assessment concludes that there is unlikely to be a significant impact on the local highway infrastructure at peak times or at other times, and that an appropriate junction onto Overwoods Road can be designed. The Assessment also concludes that there is good accessibility to local services and facilities. These are illustrated at Appendix C.

A Flood Risk Assessment confirms that the site is outside of any flood risk zone and that it is not within a ground water source protection zone. A series of sustainable surface water drainage measures are recommended through a combination of swales, conventional pipework and controlled outfalls. These in particular would control discharge into Overwoods Road to the south and the Kettle Brook to the north.

A Noise Impact Assessment recommends suitable glazing and ventilation measures need to be installed in the new houses.

The draft terms for a Section 106 Agreement indicate that the applicant is prepared to contribute towards infrastructure where it can be justified as mitigating impacts directly attributable to the development. This is expanded in the Planning Statement where there is agreement for 40% on-site provision of affordable housing.

A Planning Statement sets out existing Development Plan policy; the content of the submitted Core Strategy, the matters discussed at the recent Examination and the content of the NPPF. Reference is also made to the Tamworth Local Plan, the Memorandum of Understanding between the two Authorities under the Duty to Cooperate and to the five year housing supply. It considers that the main policy issues are:

- Whether the development is supported by national and local planning policy
- The effect of the proposal on the character and appearance of the surroundings, and
- Whether suitable provision has been made to offset the impacts of the development on local infrastructure.

Development Plan

Saved policies of the North Warwickshire Local Plan – Core Policy 2 (Development Distribution); Core Policy 3 (Natural and Historic Environment), Core Policy 8 (Affordable Housing) and policies ENV1 (Protection and Enhancement of Natural Landscape), ENV4 (Trees and Hedgerows), ENV8 (Water Resources), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing Outside of Development Boundaries) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The Submitted Core Strategy 2013 – policies NW1 (Settlement Hierarchy), NW3 (Housing Development), Nw5 (Affordable Housing), NW8 (Sustainable Development), NW11 (Natural and Historic Environment) and NW13 (Green Infrastructure)

The National Planning Policy Framework 2012 – (“NPPF”)

The National Planning Practice Guidance 2014 – (“NPPG”)

Observations

The proposal is a departure from the Development Plan as it is for new housing development in the countryside beyond and development boundary defined by that Plan. Neither is the proposal wholly for a local community affordable housing scheme. As such that Plan would point towards refusal of planning permission. However as Members are aware, the weight to be given to the housing policies of this Plan is now not very great as it is out of date. The submitted emerging Core Strategy provides a more up to date evidence base for future housing requirements and the NPPF explains how such housing applications as this should be treated in the absence of an out-of-date Plan with particular reference to “significantly boosting” housing supply through promoting “sustainable development” and closing any gap in a Local Planning Authority’s five year housing supply. Additionally in this case the planning policies of the Tamworth Borough Council and the Memorandum of Understanding between the two Authorities in respect of housing provision will be material planning considerations. These matters will all need to be assessed in respect of the current application along with the normal technical considerations such as drainage and access. These matters will all need to be explored in the determination report which will be brought to the Board in due course once consultations have been completed.

Recommendation

That the application be noted at the present time.

BACKGROUND PAPERS

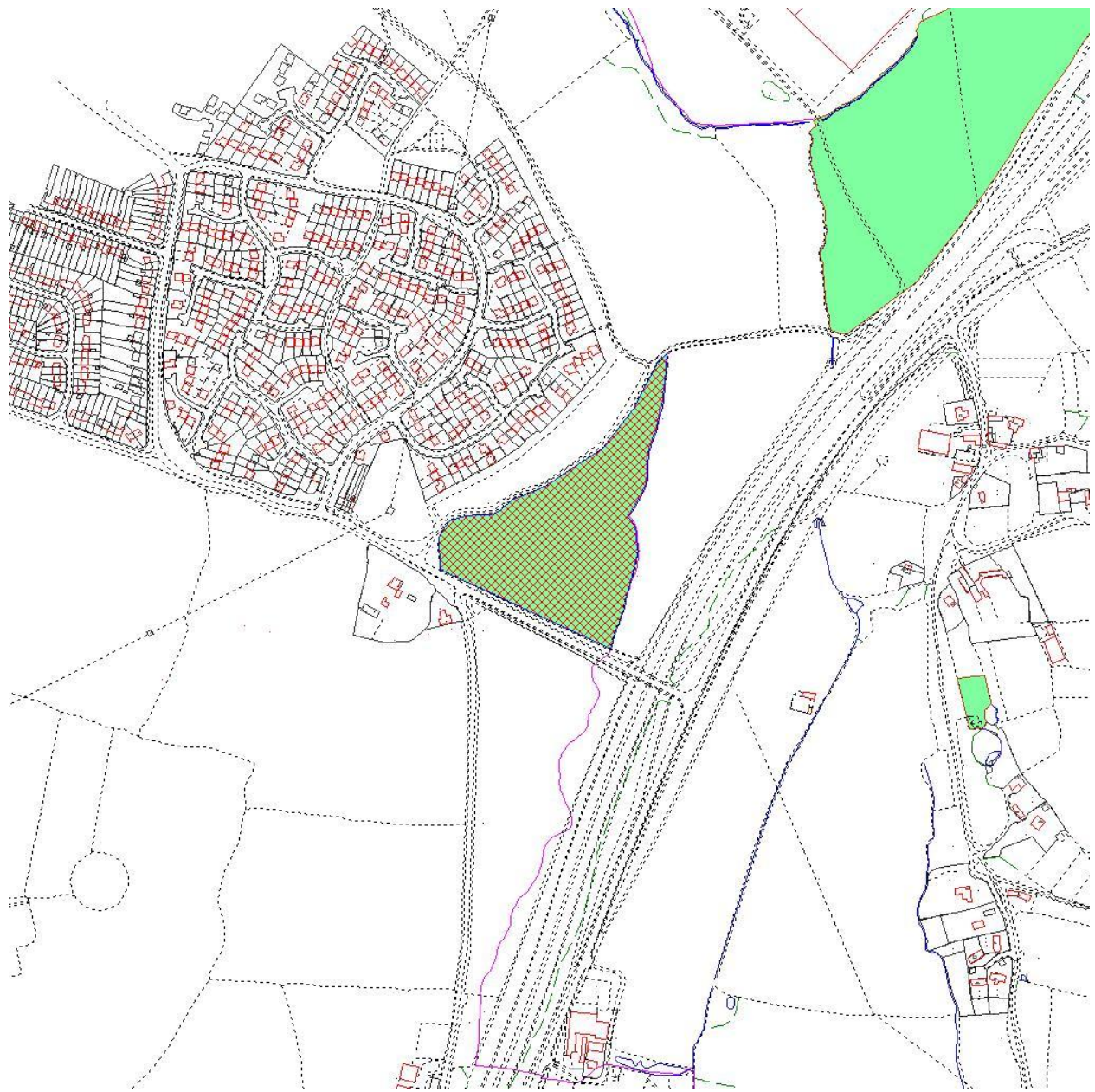
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0181

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/04/2014

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

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



2014/0181

LAND AT OVERWOODS ROAD, HOCKLEY, TAMWORTH, B77 5NE



NORTH WARWICKSHIRE BOROUGH COUNCIL
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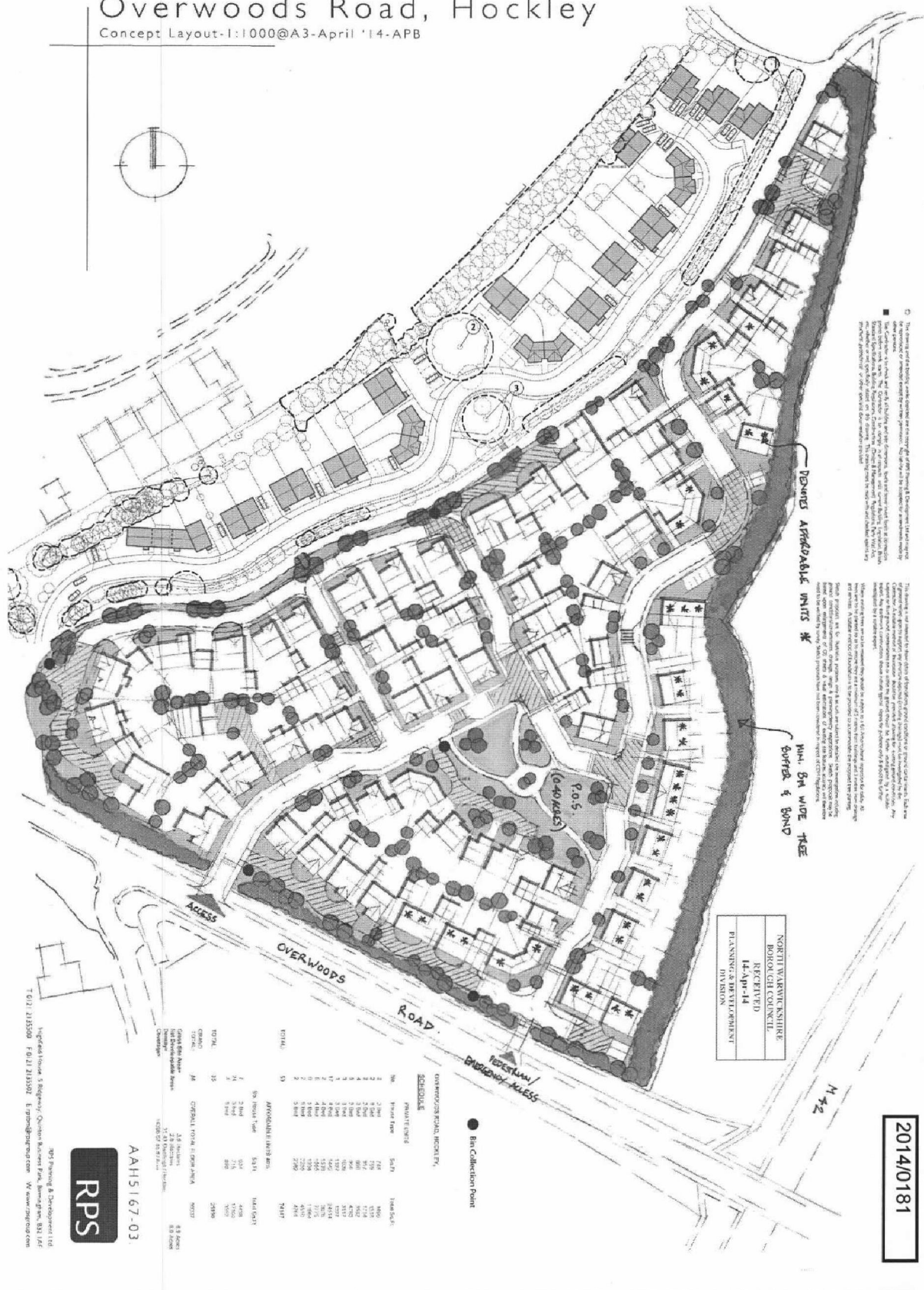
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Drawing 3402/99: Location Plan 1/2500 @ A4

Overwoods Road, Hockley

Concept Layout-1:1000@A3-April '14-APB



The following information was provided by the applicant and is subject to verification by the Council. The Council is not responsible for the accuracy or completeness of the information provided. The Council is not liable for any loss or damage arising from the use of this information. The Council is not responsible for the accuracy or completeness of the information provided. The Council is not liable for any loss or damage arising from the use of this information.

2014/0181
 NORTH WAIKARE
 BOROUGH COUNCIL
 RECEIVED
 14-Apr-14
 PLANNING & BUILDING DIVISION

Bin Collection Point

OVERWOODS ROAD, HOCKLEY

NO.	SHEET NO.	SHEET AREA	TOTAL AREA	APPROXIMATE TOTAL AREA	
				NO. SHEETS	TOTAL AREA
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2	2	1.0000	2.0000	2	2.0000
3	3	1.0000	3.0000	3	3.0000
4	4	1.0000	4.0000	4	4.0000
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50	50	1.0000	50.0000	50	50.0000

RPS

AAHS 167-03
 RPS Planning & Development Ltd
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Agenda Item No 5

Planning and Development Board

19 May 2014

**Report of the
Assistant Director
(Leisure and Community Development)**

**Works to Trees in a Conservation
Area – Birmingham Road,
Coleshill**

1 Summary

- 1.1 This report advises the Board of proposals for works to be undertaken to trees at Birmingham Road in Coleshill, which is within a conservation area.

Recommendation to the Board

That the Board notes the proposed works to be undertaken to trees in Birmingham Road, Coleshill, and indicates whether it has any concerns that it wishes to be referred to the Community and Environment Board for further consideration.

2 Consultation

- 2.1 The Chairman, Vice-Chairman and Opposition Spokesperson for the Planning and Development and Community and Environment Boards have all had the opportunity to comment on the content of this report.
- 2.2 In informal discussions with Officers, Ward Members have indicated their support for the proposed works. They have, however, also had the opportunity to comment on the content of this report.
- 2.3 In accordance with the provisions of the adopted Tree Management Briefing Note, Coleshill Town Council, Coleshill Civic Society and residents at Fairview Mews, adjacent to the site, have also been consulted regarding the proposed works. The Civic Society and residents at two of the adjoining properties have responded in support of the proposals.
- 2.4 Any other comments received will be reported verbally at the meeting.

3 Proposed Works

- 3.1 Works to trees in a Conservation Area ordinarily require the submission of a S211 Notice to the Local Planning Authority in order to determine the need or otherwise for a Tree Preservation Order (TPO). Local authority work to its own trees is exempt from this procedure. In accordance with the consultation procedures set out in the adopted Tree Management Briefing Note, however, this report informs Members of proposed works to trees on land at Birmingham Road in Coleshill, which is within the Authority's ownership.

- ...
- 3.2 An independent tree inspection report was commissioned by the Authority in response to concerns raised by residents about trees on land at Birmingham Road in close proximity to properties in Fairview Mews. The concerns related to overshadowing of the properties and the potential for structural damage to occur through root action. A plan showing the extent of the Authority's ownership is attached at Appendix A and a copy of the independent inspection report is attached at Appendix B.
- 3.3 As can be seen from the report, the inspector found that although some pruning works could be undertaken these would be of negligible benefit to the adjacent properties and would not address the essential problem of the trees and the dwellings being too close to each other, especially as the trees will continue to grow. Having given this careful consideration, and following discussion with Ward Members, Officers consider that the only viable option is to remove the eight dominant trees (marked T1–T8 on the plan and photographs) and to replant with more suitable species further away from the buildings.
- 3.4 Following feedback from residents, it is proposed to replant with *Sorbus aucuparia* (Mountain Ash) as this is an attractive native species of medium height and light canopy cover that will provide both amenity and conservation value. A minimum of eight replacement trees will be planted at a minimum distance of four metres from the boundary of adjoining properties.
- 3.5 The Board is asked to indicate whether it has any concerns or comments relating to the tree works detailed above that it wishes to be referred to the Community and Environment Board for further consideration.
- 3.6 The Board may wish to note that residents have been advised that the Borough Council can only attend to those trees that are within its ownership – i.e. those on the land shown on the plan at Appendix A. Trees further along the embankment to the east are in private ownership and are not included within these proposals.

4 Report Implications

4.1 Finance and Value for Money Implications

- 4.1.1 The proposed works will be funded from the existing revenue budget.

4.2 Safer Communities Implications

- 4.2.1 Well managed trees are less likely to present a hazard to persons or property.

4.3 Legal and Human Rights Implications

- 4.3.1 The Authority has a Duty of Care in respect of the management and maintenance of its land and trees. The act of a tree or part thereof causing

injury to a person or persons is likely to give rise to litigation, either as a claim in negligence or under the Occupiers liability Acts 1957 and 1984.

4.4 Environment and Sustainability Implications

4.4.1 Well-managed and maintained trees make a positive contribution to the environment and to creating sustainable communities within which a good quality of life is enjoyed by local residents. In this instance, as trees are to be removed, replacement planting is proposed in mitigation.

4.5 Health, Well-being and Leisure Implications

4.5.1 Well-managed green space has a positive impact on physical and mental health and well-being.

4.6 Risk Management Implications

4.6.1 The schedule of works proposed to be carried out at Birmingham Road in Coleshill has been prepared in response to the findings of a risk-based inspection process that identifies the risks associated with a failure to undertake the recommended works. It is this process that has identified the need for the works to be undertaken.

4.6.2 The Tree Management Briefing Note, approved by the Community and Environment Board in March 2011, sets out the Authority's approach to managing any potential risks arising from the trees in its care. The operational risks of the tree management programme are assessed in accordance with corporate risk management procedures.

4.7 Equalities Implications

4.7.1 There are no differential equality-related impacts on particular groups or individuals within the community arising from this report.

4.8 Links to Council's Priorities

4.8.1 An efficient and effective tree management process contributes directly to the corporate priorities in respect of:

- Public services and Council Tax
- Environment
- Countryside and heritage
- Access to services
- Health and well-being

4.8.2 An efficient and effective tree management process has positive links to the priorities of the North Warwickshire Sustainable Community Strategy to:

- Raise aspirations, educational attainment and skills
- Develop healthier communities
- Improve access to services

4.8.3 Implementation of an effective tree management programme also delivers against priorities set out in the adopted North Warwickshire Green Space Strategy.

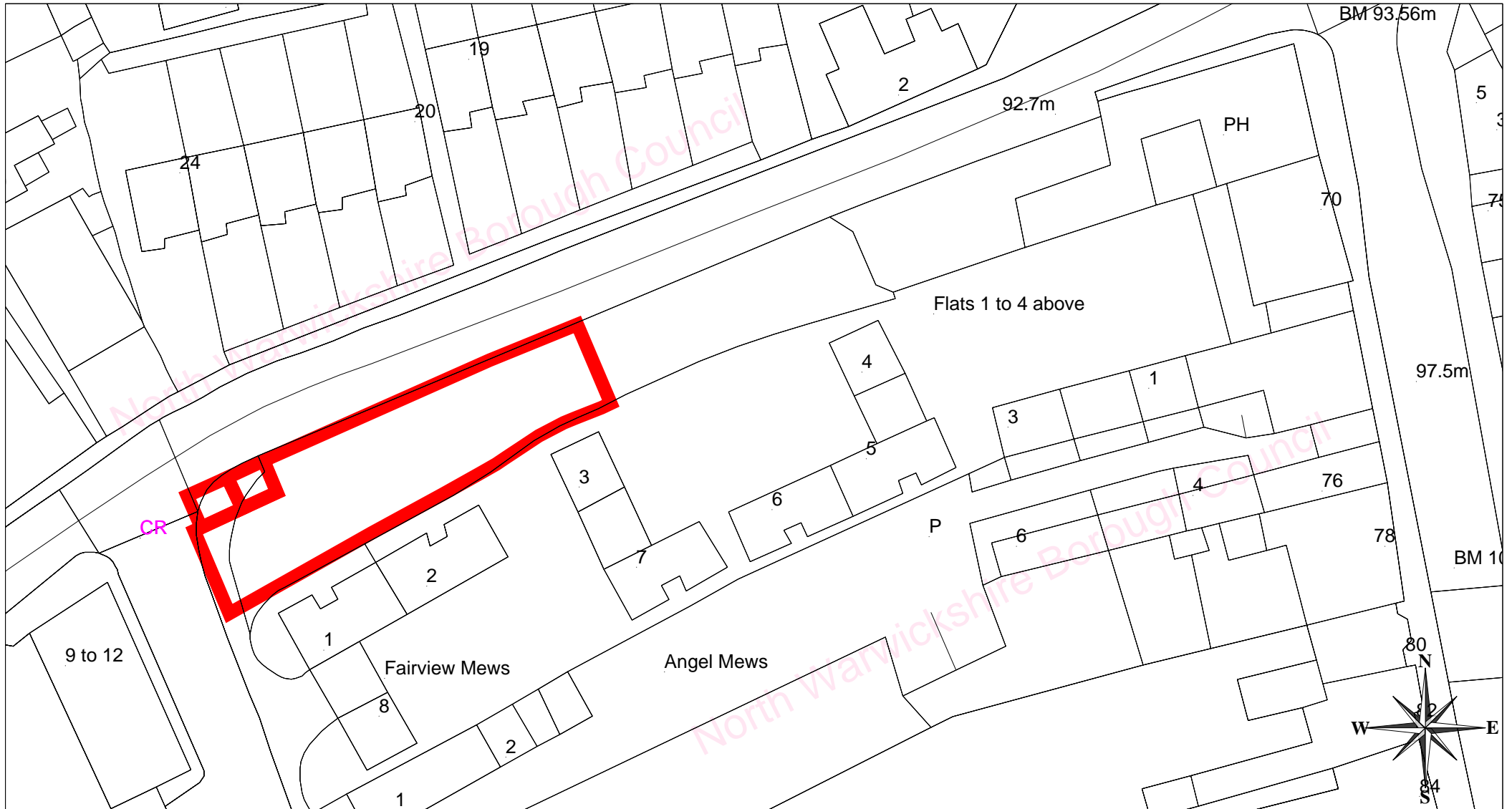
The Contact Officer for this report is Alethea Wilson (719212).

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	Assistant Director (Leisure and Community Development)	Report to Community and Environment Board (Tree Management)	21 March 2011

Birmingham Road, Coleshill - NWBC Land Ownership



Date:29:01:14

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North Warwickshire
Borough Council

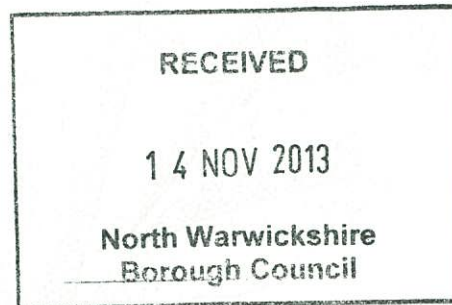




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www.symbiosis.gb.com

12th November 2013

Ms A Wilson
Landscape Manager
North Warwickshire Borough Council
Leisure & Community Development Division
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE



Dear Alethea

Sycamore trees adjacent to Fairview Mews, Birmingham Road, Coleshill

Further to our site meeting yesterday, I have pleasure in writing to confirm my verbal observations and recommendations relating to the sycamore trees we inspected. Observations on each of the eight principal trees are contained in the enclosed schedule, along with recommendations for remedial works where appropriate. This should be read in conjunction with the accompanying annotated extract of the site location plan you provided, which indicates the approximate positions of the trees relative the adjacent dwellings.

The adjacent dwellings have been constructed far too close to the trees and their impact will be becoming increasingly overbearing as they continue to grow. However, the overhang of the crowns of the dominant trees is relatively limited due the pruning already undertaken. Whilst some further pruning is recommended, this is of a minor nature and will produce limited perceivable improvement for the residents. In relation to the safety concerns expressed by the resident we met, I could not see any significant dead wood in the trees adjacent to the houses but when pruning works are next to be carried out, the contractor's brief should include the checking of the trees' crowns for dead branches and the removal of any that could be shed over the boundary.

The ivy has already been severed at the base stems of the south-western tree T1 and it is recommended that it be severed on the other trees and then removed once dead. Whilst not desirable from an ecological perspective, this will help to improve ambient light levels to the windows in the adjacent elevations of the houses, reducing the overbearing impact of the trees. The removal of the ivy will also allow the trees to be more thoroughly inspected in the future.



Symbiosis Consulting Ltd Registered in England Company no: 3919768
Directors & Registered Consultants: L.J. Adams, F Arbor A MICFor CEnv M.J. Boddy, F Arbor A FICFor CEnv

From our brief inspection, it was not possible to positively determine that the disruption to the paving to the rear of number 1 Fairfield Mews is due to the rooting activity of the adjacent sycamore, T1, although it appeared probable that the tree is at least a contributory factor. Although this damage is currently insufficiently extensive to warrant the tree's removal, it is likely to be a recurring problem that becomes more severe over time.

Given the growth potential of the sycamores, their long-term retention is incompatible with their proximity to the neighbouring houses. Whilst trees T4, T7 and the secondary stem of T8 are identified in the schedule as potential candidates for removal as part of a selective thinning process, this would be of negligible benefit to the adjacent properties and would not address the potential future problems associated with the dominant trees. A strategy of phased removal and replacement should therefore be considered in the longer term.

I trust that this information will prove helpful, please do not hesitate to contact me if you have any queries or I can be of further assistance. Two photographs showing the trees viewed from the road are appended, annotated with the survey reference numbers.

Kind regards.

Yours sincerely

A handwritten signature in black ink, appearing to read "Mick Boddy".

Mick Boddy F Arbor A MICFor

Encl.

SYCAMORE TREES ADJACENT TO FAIRVIEW MEWS, BIRMINGHAM ROAD, COLESHILL

TREE NO	SPECIES	APPROX. STEM DIA (mm)	OBSERVATIONS	CONCLUSIONS AND RECOMMENDATIONS
T1	Sycamore <i>Acer pseudoplatanus</i>	Up to 500	<p>Visually prominent multi-stemmed tree (5no. stems). The two closest co-dominant stems are 2.3m from the rear elevation of No. 1 Fairfield Mews.</p> <p>The stems are heavily ivy clad although this has recently been severed at the base.</p> <p>The south-eastern side of the crown has previously been raised over the boundary but there remains a modest degree of overhang at a higher level.</p> <p>There is some minor disruption to the 1.3 m wide paving slab and block pavior path that runs parallel to the rear elevation of No.1. Although it was not possible to confirm that the disruption is associated with the tree's rooting activity, it is probable that it is at least a contributory factor</p>	<p>The disruption to the path is currently relatively minor and could be repaired without the need to remove the tree. However, this would only be a temporary solution as the damage is likely reoccur in time, becoming more severe as the tree continues to grow.</p> <p>Whilst removal at this stage would be premature it is likely to be required in the medium term. In the interim, the minor pruning detailed below could be undertaken on the two stems growing closest to the boundary to further increase the crown clearance over the dwelling:</p> <ul style="list-style-type: none"> • North-eastern stem - remove two lowest small diameter horizontal branches and the outer fork of the ascending branch above • South-western stem – remove the two outermost semi-upright overhanging secondary branches <p>The severed ivy should also be removed once it has died off</p>
T2	Sycamore <i>Acer pseudoplatanus</i>	Av. 500	<p>Twin-stemmed tree situated 3.5m from the rear elevation of No. 2 Fairfield Mews. The crown arches to the north-west, away from the property; the extent of overhang is therefore negligible.</p> <p>The stems are heavily ivy clad.</p>	<p>Cut back the north-western side of the crown to promote the development of the adjacent semi-mature lime (tag 2622)</p> <p>Sever ivy at base of stems and remove when dead.</p>

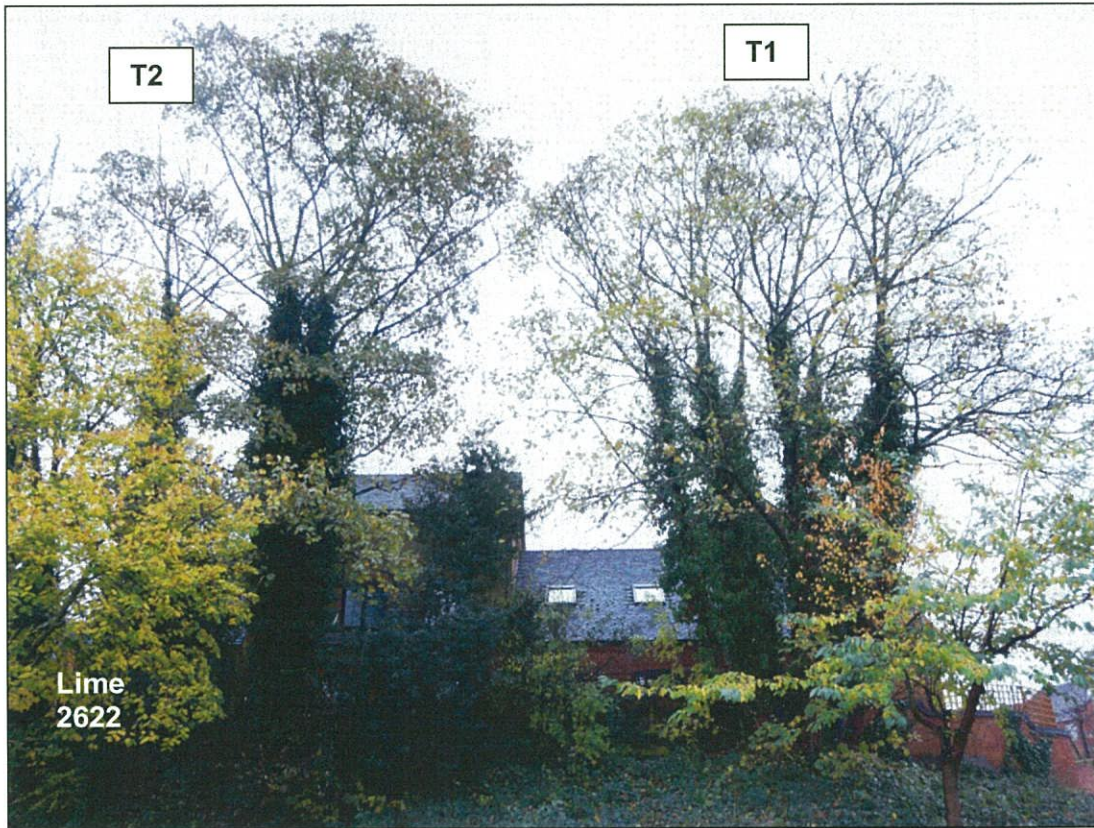
SYCAMORE TREES ADJACENT TO FAIRVIEW MEWS, BIRMINGHAM ROAD, COLESHILL

TREE NO	SPECIES	APPROX. STEM DIA (mm)	OBSERVATIONS	CONCLUSIONS AND RECOMMENDATIONS
T3	Sycamore <i>Acer pseudoplatanus</i>	Av. 400	Twin-stemmed tree situated 2.3m from the rear elevation of No. 2 Fairfield Mews. The south-eastern side of the crown has previously been raised over the boundary but there remains a modest degree of overhang at a higher level. The stems are heavily ivy clad.	Remove the cluster of young shoots on the southern side immediately below the main body of the crown (this appears to be regeneration arising from previous pruning points - any residual stubs obscured by the ivy should be cut back to the stem) Sever ivy at base of stems and remove when dead
T4	Sycamore <i>Acer pseudoplatanus</i>	Av. 300	Twin-stemmed tree suppressed by the two larger neighbouring specimens. Leaning to the north-west, away from the property, therefore no overhanging growth. The stems are heavily ivy clad.	Sever ivy at base of stems and remove when dead This is a potential candidate for removal as part of a selective thinning process but this would be of negligible benefit to the adjacent property
T5	Sycamore <i>Acer pseudoplatanus</i>	Av. 400	Twin-stemmed tree with a slender crown. Growing adjacent to the gap between Nos.2 & 3 Fairfield Mews, hence no overhanging issues. The stems are heavily ivy clad.	Sever ivy at base of stems and remove when dead
T6	Sycamore <i>Acer pseudoplatanus</i>	Av. 400	Twin-stemmed from a tight basal fork. Growing 3.3m from north-western corner of No. 3 Fairfield Mews and slightly overhanging roof. Suckers developing around base. Small diameter low branching. The stems are heavily ivy clad.	Lift crown to 5m and remove basal suckers. Sever ivy at base of stems and remove when dead

SYCAMORE TREES ADJACENT TO FAIRVIEW MEWS, BIRMINGHAM ROAD, COLESHILL

TREE NO	SPECIES	APPROX. STEM DIA (mm)	OBSERVATIONS	CONCLUSIONS AND RECOMMENDATIONS
T7	Sycamore <i>Acer pseudoplatanus</i>	300	Single-stemmed tree suppressed by the two larger neighbouring specimens. Arching to the north-west, away from the property, therefore no overhanging growth. Suckers developing from stump or previously removed larger stem closer to the fence	Remove suckers adjacent to boundary. Sever and strip ivy This is a further potential candidate for removal as part of a selective thinning process but this would be of negligible benefit to the adjacent property
T8	Sycamore <i>Acer pseudoplatanus</i>	Larger: 450	Twin-stemmed. Principal stem located 2.5 m from the flank elevation of No. 3 Fairfield Mews but arches to the north-west, away from the property; the extent of overhang is therefore minimal. The upper section of the secondary stem arches to the south-east, over the corner of the roof. Light ivy cover on principal stem to 3.5m	Remove the upper semi-horizontal fork from the secondary stem that overhangs the north-eastern corner of the roof. Remove the small diameter lateral branches from the principal stem that overhangs the apex of the roof. Sever and strip ivy The secondary stem could be removed as part of a selective thinning process but this would be of negligible benefit to the adjacent property

Photographs taken on 11th November





Agenda Item No 6

Planning and Development Board

19 May 2014

**Report of the
Assistant Director
(Leisure and Community Development)**

**Management of Trees within the
Atherstone CCTV Surveillance
Area**

1 Summary

- 1.1 This report sets out a proposed approach to the management of trees within the Atherstone CCTV surveillance area.

Recommendation to the Board

That the Board notes the proposed approach to the management of trees within the Atherstone CCTV surveillance area and indicates whether it has any concerns that it wishes to be referred to the Community and Environment Board for further consideration.

2 Consultation

- 2.1 The Chairman, Vice-Chairman and Opposition Spokesperson for the Planning and Development and Community and Environment Boards, Housing and Safer Communities Sub-Committees and appropriate Ward Members have all had the opportunity to comment on the content of this report. Any comments received will be reported verbally at the meeting.

3 Report

- 3.1 At its meeting held in January 2013, the Community and Environment Board, in response to concerns raised by the Planning and Development Board, approved a recommendation that a review be undertaken to assess whether there is any conflict between the operation of the Atherstone CCTV system and good arboricultural practice, with a view to formulating a strategy for the future management of the trees in the town.
- 3.2 The Community Support service frequently makes requests for pruning works to be undertaken to improve visibility for the CCTV cameras. This is likely to be a recurrent issue in the future, given that regrowth will always occur. Trees within the Atherstone CCTV surveillance area are protected by reason of being within the Conservation Area.
- 3.3 Member concern arose further to the presentation of a corresponding report notifying the Planning and Development Board of works to be carried out in response to a request from the Community Support service. Works to trees

in a Conservation Area ordinarily require the submission of a S211 Notice to the Local Planning Authority in order to determine the need or otherwise for a Tree Preservation Order (TPO). Local authority work to its own trees, however, is exempt from this procedure, although this Board is notified of any such proposed works in accordance with the consultation procedure set out in the Borough Council's adopted Tree Management Briefing Note.

3.4 Warwickshire County Council's Arboricultural Officer, on behalf of this Authority, has consulted Community Support about the particular areas where visibility is a problem and has undertaken a review of the trees concerned.

3.5 A schedule of works has been drawn up to ensure that visibility can be maintained for the cameras whilst adhering to good arboricultural practice and, therefore, not jeopardising the viability of the trees. The schedule is attached at Appendix A. It is intended that this schedule should be in place for a five-year period commencing in 2014/15 and that each of the specified works would only be carried out if found to be necessary following consultation with Community Support. In this respect, supervised access to the CCTV cameras would be available to the Arboricultural Officer to enable an annual programme of works, taken from this schedule, to be determined.

3.6 All of the specified works are routine maintenance operations that would ordinarily be carried out as a matter of course in a proactive and structured tree management programme. Any more major works found to be necessary to trees within the Conservation Area during the five-year period would be reported separately to the Board in accordance with established procedure.

3.7 This approach is proposed in order to ensure that trees within the Atherstone CCTV surveillance area can be managed effectively and efficiently without detriment to the Conservation Area. The Board is asked to indicate whether it has any concerns or comments relating to this approach that it wishes to be referred to the Community and Environment Board for further consideration.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 There are no new financial implications arising from this report. Any work to trees within the Atherstone CCTV surveillance area will be funded through the existing tree management budget.

4.2 Safer Communities Implications

4.2.1 The proposed management strategy will ensure that appropriate visibility for CCTV surveillance in the town centre is maintained. A lack of routine tree maintenance can lead to a reduction in the effectiveness of the CCTV system.

4.3 Legal and Human Rights Implications

4.3.1 The Authority has a Duty of Care in respect of the management and maintenance of its land and trees. The act of a tree or part thereof causing injury to a person or persons is likely to give rise to litigation, either as a claim in negligence or under the Occupiers liability Acts 1957 and 1984.

4.3.2 The Authority is exempt from the requirement to submit a S211 Notice to the Local Planning Authority in respect of works to its own trees within a Conservation Area.

4.4 Environment and Sustainability Implications

4.4.1 Well-managed and maintained trees make a positive contribution to the environment and to the creation of sustainable communities within which a good quality of life is enjoyed by local residents. In this instance environmental considerations need to be balanced with considerations of community safety, which are also important in maintaining a good quality of life for local residents,

4.5 Health, Well-being and Leisure Implications

4.5.1 The contribution of well-managed trees to good environmental quality and measures to address issues of community safety both impact positively on the health and well-being of the local community.

4.6 Risk Management Implications

4.6.1 The schedule of works to be carried out in Atherstone has been prepared in response to the findings of a risk-based inspection process that identifies the risks associated with a failure to undertake the recommended works.

4.6.2 The Tree Management Briefing Note sets out the Authority's approach to managing any potential risks arising from the trees in its care. The operational risks of the tree management programme are assessed in accordance with corporate risk management procedures.

4.7 Equalities Implications

4.7.1 There are no differential equality-related impacts on particular groups or individuals within the community arising from this report.

4.8 Links to Council's Priorities

4.8.1 An efficient and effective tree management process within the Atherstone CCTV surveillance area will contribute directly to the corporate priorities in respect of:

- Public services and Council Tax
- Environment
- Crime and Disorder
- Countryside and heritage
- Access to services

- Health and well-being

4.8.2 An efficient and effective tree management process has positive links to the priorities of the North Warwickshire Sustainable Community Strategy to:

- Raise aspirations, educational attainment and skills
- Develop healthier communities
- Improve access to services

4.8.3 Implementation of an effective tree management programme also delivers against priorities set out in the North Warwickshire Green Space Strategy.

The Contact Officer for this report is Alethea Wilson (719212).

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	Assistant Director (Leisure and Community Development)	Report to Community and Environment Board (Tree Management)	21 March 2011
2	Panning and Development Board	Minutes of Meeting	12 November 2012
3	Assistant Director (Leisure and Community Development)	Report to Community and Environment Board (Works to Trees in a Conservation Area - Atherstone)	21 January 2013

Atherstone CCTV Tree Works Schedule

Tree ID	Age	Cond	Species Botanical	Species Common	Diam	Hght	Sprd	Street	Considerations	Work Requirement
1350	Yng	Reas.	Sorbus aria	Whitebeam	15 - 25cm	04 - 06m	02 - 04m	Long Street	Hedge trimmer, Site meeting	Crown Reduce
1351	Est.	Reas.	Sorbus aria	Whitebeam	0 - 15cm	04 - 06m	00 - 05m	Long Street	Basal damage	Crown Reduce
1352	Yng	Reas.	Sorbus aria	Whitebeam	15 - 25cm	04 - 06m	02 - 04m	Long Street	Hedge trimmer, Site meeting	Crown Reduce
1353	Early M	Reas.	Sorbus aria	Whitebeam	15 - 25cm	04 - 06m	04 - 06m	Long Street	Hedge trimmer, Site meeting	Crown reduce
1354	Yng	Reas.	Sorbus aria	Whitebeam	15 - 25cm	04 - 06m	02 - 04m	Long Street	Hedge trimmer, Site meeting	Crown Reduce
1355	Est.	Reas.	Sorbus aria	Whitebeam	15 - 25cm	04 - 06m	02 - 04m	Long Street	Hedge trimmer, Site meeting	Crown Reduce
2982	Early M	Reas.	Platanus x hispanica	London Plane	25 - 35cm	14 - 16m	08 - 10m	Long Street		Crown lift to 5m all round
2983	Early M	Reas.	Platanus x hispanica	London Plane	25 - 35cm	14 - 16m	06 - 08m	Long Street		Crown lift to 5m all round
2984	Early M	Reas.	Platanus x hispanica	London Plane	25 - 35cm	14 - 16m	06 - 08m	Long Street		Crown lift to 5m all round
2985	Early M	Reas.	Platanus x hispanica	London Plane	25 - 35cm	14 - 16m	06 - 08m	Long Street		Crown lift to 5m all round
2986	Early M	Reas.	Platanus x hispanica	London Plane	25 - 35cm	14 - 16m	06 - 08m	Long Street		Crown lift to 5m all round
2987	Early M	Reas.	Platanus x hispanica	London Plane	25 - 35cm	14 - 16m	06 - 08m	Long Street		Crown lift to 5m all round
2988	Early M	Reas.	Acer platanooides	Norway Maple	25 - 35cm	06 - 08m	04 - 06m	Long Street		Crown lift to 3.5m all round
2989	Early M	Reas.	Acer platanooides	Norway Maple	35 - 45cm	08 - 10m	06 - 08m	Long Street		Crown lift to 4.5m all round
2990	Early M	Reas.	Acer platanooides	Norway Maple	25 - 35cm	06 - 08m	04 - 06m	Long Street		Crown lift to 3m all round

Atherstone CCTV Tree Works Schedule

Tree ID	Age	Cond	Species Botanical	Species Common	Diam	Hght	Sprd	Street	Considerations	Work Requirement
2991	Early M	Reas.	Acer platanoides	Norway Maple	25 - 35cm	06 - 08m	04 - 06m	Long Street		Crown lift to 4m all round
2992	Early M	Reas.	Carpinus betulus 'Fastigiata'	Fastigate Hornbeam	35 - 45cm	08 - 10m	06 - 08m	Long Street		Crown lift to 4.5m all round
2993	Early M	Reas.	Carpinus betulus 'Fastigiata'	Fastigate Hornbeam	35 - 45cm	08 - 10m	06 - 08m	Long Street		Crown lift to 4.5m all round
2994	Early M	Reas.	Robinia pseudoacacia	False Acacia	35 - 45cm	04 - 06m	04 - 06m	Long Street		Crown lift to 3.5m all round
2995	Early M	Reas.	Tilia sp.	Lime sp.	35 - 45cm	08 - 10m	06 - 08m	Long Street		Crown lift to 4.5m all round
2996	Early M	Reas.	Acer platanoides	Norway Maple	35 - 45cm	08 - 10m	06 - 08m	Long Street		Crown lift to 4m all round
2997	Early M	Reas.	Castanea sativa	Sweet Chestnut	25 - 35cm	04 - 06m	04 - 06m	Long Street		Crown lift to 3m all round
2949	Yng	Reas.	Platanus x hispanica	London Plane	15 - 25cm	08 - 10m	04 - 06m	Market Place		Crown lift to 4.5m all round
2950	Yng	Reas.	Alnus sp.	Alder sp.	15 - 25cm	08 - 10m	04 - 06m	Market Place		Crown lift to 3.5m all round
2977	Mat.	Reas.	Betula sp.	Birch sp.	25 - 35cm	08 - 10m	04 - 06m	Ratcliffe Street		Crown lift to 5m all round
2978	Yng	Reas.	Sorbus sp.	Sorbus sp.	15 - 25cm	04 - 06m	02 - 04m	Ratcliffe Street		Maintain at current dimensions
2979	Yng	Reas.	Sorbus sp.	Sorbus sp.	15 - 25cm	04 - 06m	02 - 04m	Ratcliffe Street		Reduce by 0.5m and maintain
2980	Yng	Reas.	Betula sp.	Birch sp.	25 - 35cm	08 - 10m	04 - 06m	Ratcliffe Street		Crown lift to 3.5m all round
2981	Early M	Reas.	Platanus x hispanica	London Plane	25 - 35cm	08 - 10m	08 - 10m	Ratcliffe Street		Crown lift to 5m all round

Atherstone CCTV Tree Works Schedule

Tree ID	Age	Cond	Species Botanical	Species Common	Diam	Hght	Sprd	Street	Considerations	Work Requirement
2944	Mat.	Good	Betula pendula	Silver Birch	45 - 55cm	12 - 14m	06 - 08m	Sheepy Road		Crown lift to 4.5m over footpath
2945	Mat.	Good	Acer platanoides	Norway Maple	45 - 55cm	12 - 14m	06 - 08m	Sheepy Road		Crown lift to 5m over footpath
2946	Mat.	Good	Prunus sp.	Prunus sp.	25 - 35cm	10 - 12m	04 - 06m	Sheepy Road		Crown lift to 3.5m all round
2947	Mat.	Good	Acer platanoides	Norway Maple	45 - 55cm	12 - 14m	10 - 12m	Sheepy Road		Crown lift to 6m over footpath
2948	Yng	Good	Acer platanoides	Norway Maple	15 - 25cm	12 - 14m	04 - 06m	Sheepy Road		Crown lift to 3.5m all round
2573	Early M	Good	Betula pendula	Silver Birch	25 - 35cm	06 - 08m	06 - 08m	Sheepy Road (town centre)		Crown lift to 3.5m all round
2951	Early M	Good	Acer platanoides	Norway Maple	25 - 35cm	06 - 08m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4m all round
2952	Early M	Good	Acer platanoides	Norway Maple	25 - 35cm	06 - 08m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4m all round
2953	Early M	Good	Acer platanoides	Norway Maple	25 - 35cm	06 - 08m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4m all round
2954	Early M	Good	Acer platanoides	Norway Maple	25 - 35cm	06 - 08m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4m all round
2955	Early M	Good	Acer platanoides	Norway Maple	25 - 35cm	06 - 08m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4m all round
2956	Early M	Good	Acer platanoides	Norway Maple	25 - 35cm	06 - 08m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4m all round
2957	Early M	Good	Acer platanoides	Norway Maple	25 - 35cm	06 - 08m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4m all round
2958	Early M	Good	Acer platanoides	Norway Maple	25 - 35cm	06 - 08m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4m all round
2959	Early M	Good	Sorbus aria	Whitebeam	25 - 35cm	06 - 08m	04 - 06m	Sheepy Road (town centre)		Crown lift to 3.5m all round

Atherstone CCTV Tree Works Schedule

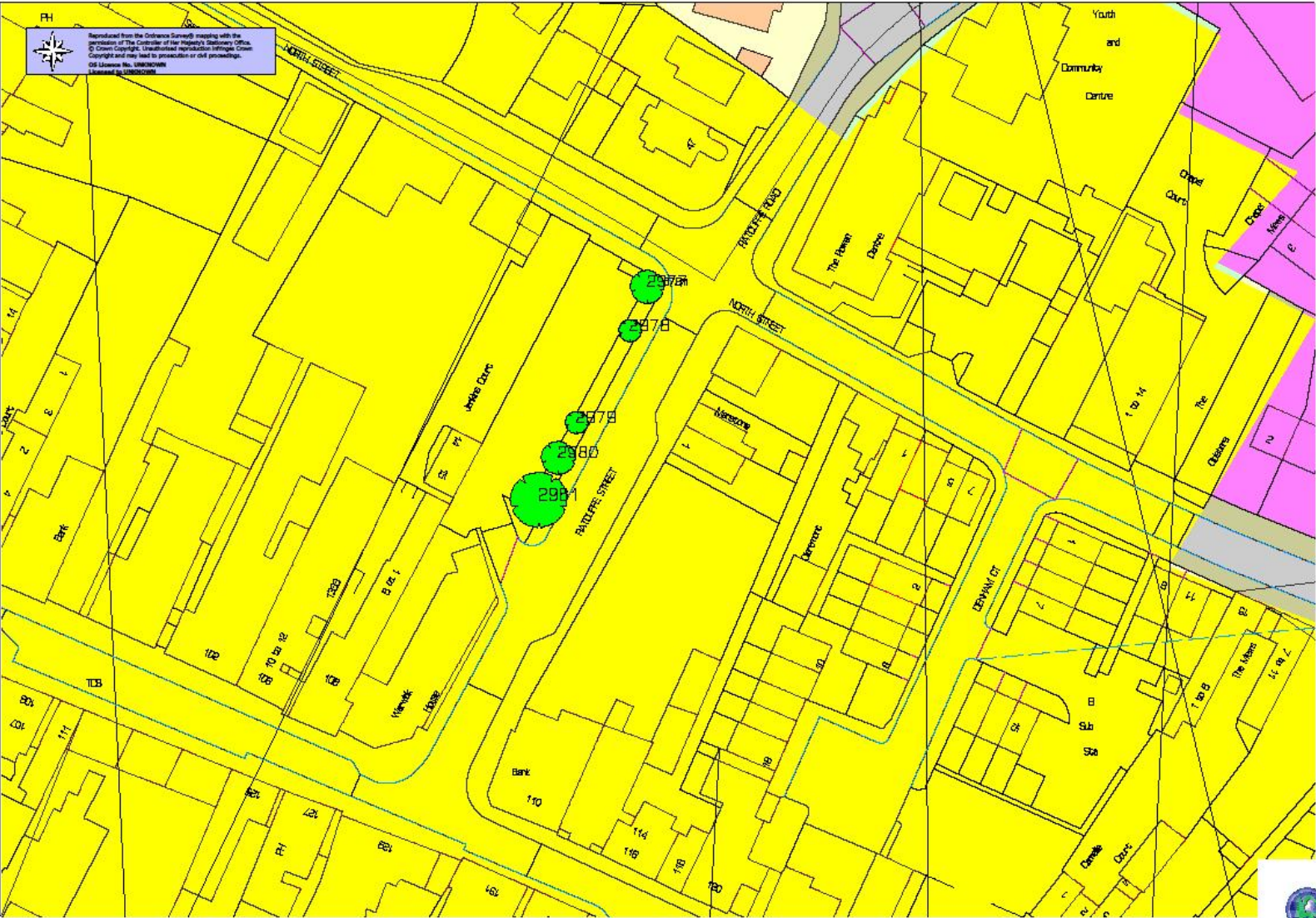
Tree ID	Age	Cond	Species Botanical	Species Common	Diam	Hght	Sprd	Street	Considerations	Work Requirement
2960	Early M	Good	Sorbus aria	Whitebeam	25 - 35cm	06 - 08m	04 - 06m	Sheepy Road (town centre)		Crown lift to 3.5m all round
2961	Early M	Good	Sorbus aria	Whitebeam	25 - 35cm	06 - 08m	04 - 06m	Sheepy Road (town centre)		Crown lift to 3.5m all round
2962	Early M	Good	Sorbus aria	Whitebeam	25 - 35cm	06 - 08m	04 - 06m	Sheepy Road (town centre)		Crown lift to 3.5m all round
2963	Early M	Good	Prunus domestica	Plum	25 - 35cm	04 - 06m	04 - 06m	Sheepy Road (town centre)		Crown lift to 3m all round
2964	Early M	Good	Crataegus sp.	Thorn sp.	25 - 35cm	04 - 06m	04 - 06m	Sheepy Road (town centre)		Crown lift to 3m all round
2965	Early M	Good	Fagus sylvatica	Common Beech	45 - 55cm	14 - 16m	08 - 10m	Sheepy Road (town centre)		Crown lift to 3m all round
2966	Early M	Good	Aesculus sp.	Chestnut sp.	45 - 55cm	14 - 16m	08 - 10m	Sheepy Road (town centre)		Crown lift to 5m all round
2967	Early M	Good	Crataegus sp.	Thorn sp.	25 - 35cm	04 - 06m	04 - 06m	Sheepy Road (town centre)		Crown lift to 3.5m all round
2969	Early M	Good	Quercus robur	English Oak	45 - 55cm	14 - 16m	08 - 10m	Sheepy Road (town centre)		Crown lift to 4.5m all round
2970	Early M	Good	Acer pseudoplatanus	Sycamore	65 - 75cm	14 - 16m	08 - 10m	Sheepy Road (town centre)		Crown lift to 4.5m all round
2971	Early M	Good	Acer pseudoplatanus	Sycamore	65 - 75cm	14 - 16m	08 - 10m	Sheepy Road (town centre)		Crown lift to 4.5m all round
2971	Early M	Good	Acer pseudoplatanus	Sycamore	65 - 75cm	14 - 16m	08 - 10m	Sheepy Road (town centre)		Sever Ivy
2972	Semi M	Good	Taxus baccata	Common Yew	35 - 45cm	08 - 10m	06 - 08m	Sheepy Road (town centre)		Crown lift to 2.5m all round
2973	Semi M	Good	Taxus baccata	Common Yew	35 - 45cm	08 - 10m	06 - 08m	Sheepy Road (town centre)		Crown lift to 2.5m all round
2974	Early M	Good	Tilia sp.	Lime sp.	25 - 35cm	08 - 10m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4.5m all round

Atherstone CCTV Tree Works Schedule

Tree ID	Age	Cond	Species Botanical	Species Common	Diam	Hght	Sprd	Street	Considerations	Work Requirement
2975	Early M	Good	Tilia sp.	Lime sp.	25 - 35cm	08 - 10m	06 - 08m	Sheepy Road (town centre)		Crown lift to 4.5m all round
2575	Mat.	Reas.	Salix x sepulcralis 'Chrysocoma'	Golden Weeping Willow	45 - 55cm	10 - 12m	08 - 10m	Sheepy Road Car Park		Crown lift to 5m all round
2576	Mat.	Reas.	Salix x sepulcralis 'Chrysocoma'	Golden Weeping Willow	45 - 55cm	10 - 12m	08 - 10m	Sheepy Road Car Park		Crown lift to 5m all round
2998	Early M	Reas.	Betula sp.	Birch sp.	25 - 35cm	04 - 06m	04 - 06m	South Street		Crown lift to 2.5m all round
2999	Early M	Reas.	Betula sp.	Birch sp.	25 - 35cm	10 - 12m	04 - 06m	South Street		Crown lift to 2.5m all round
3000	Early M	Reas.	Betula sp.	Birch sp.	25 - 35cm	10 - 12m	04 - 06m	South Street		Crown lift to 2.5m all round
3001	Early M	Reas.	Betula sp.	Birch sp.	25 - 35cm	16 - 18m	06 - 08m	South Street		Crown lift to 5m all round
3002	Early M	Reas.	Betula sp.	Birch sp.	25 - 35cm	16 - 18m	06 - 08m	South Street		Crown lift to 5m all round
3003	Early M	Reas.	Fraxinus excelsior	Common Ash	25 - 35cm	14 - 16m	06 - 08m	South Street		Crown lift to 5m all round
3004	Mat.	Reas.	Betula sp.	Birch sp.	25 - 35cm	16 - 18m	06 - 08m	South Street		Crown lift to 3.5m all round
3005	Mat.	Reas.	Platanus x hispanica	London Plane	25 - 35cm	10 - 12m	06 - 08m	South Street		Crown lift to 4m all round
3006	Mat.	Reas.	Platanus x hispanica	London Plane	25 - 35cm	10 - 12m	06 - 08m	South Street		Crown lift to 4m all round
3007	Mat.	Reas.	Tilia sp.	Lime sp.	15 - 25cm	04 - 06m	02 - 04m	South Street		Crown lift to 3m all round
3008	Mat.	Reas.	Tilia sp.	Lime sp.	15 - 25cm	06 - 08m	04 - 06m	South Street		Crown lift to 4.5m all round

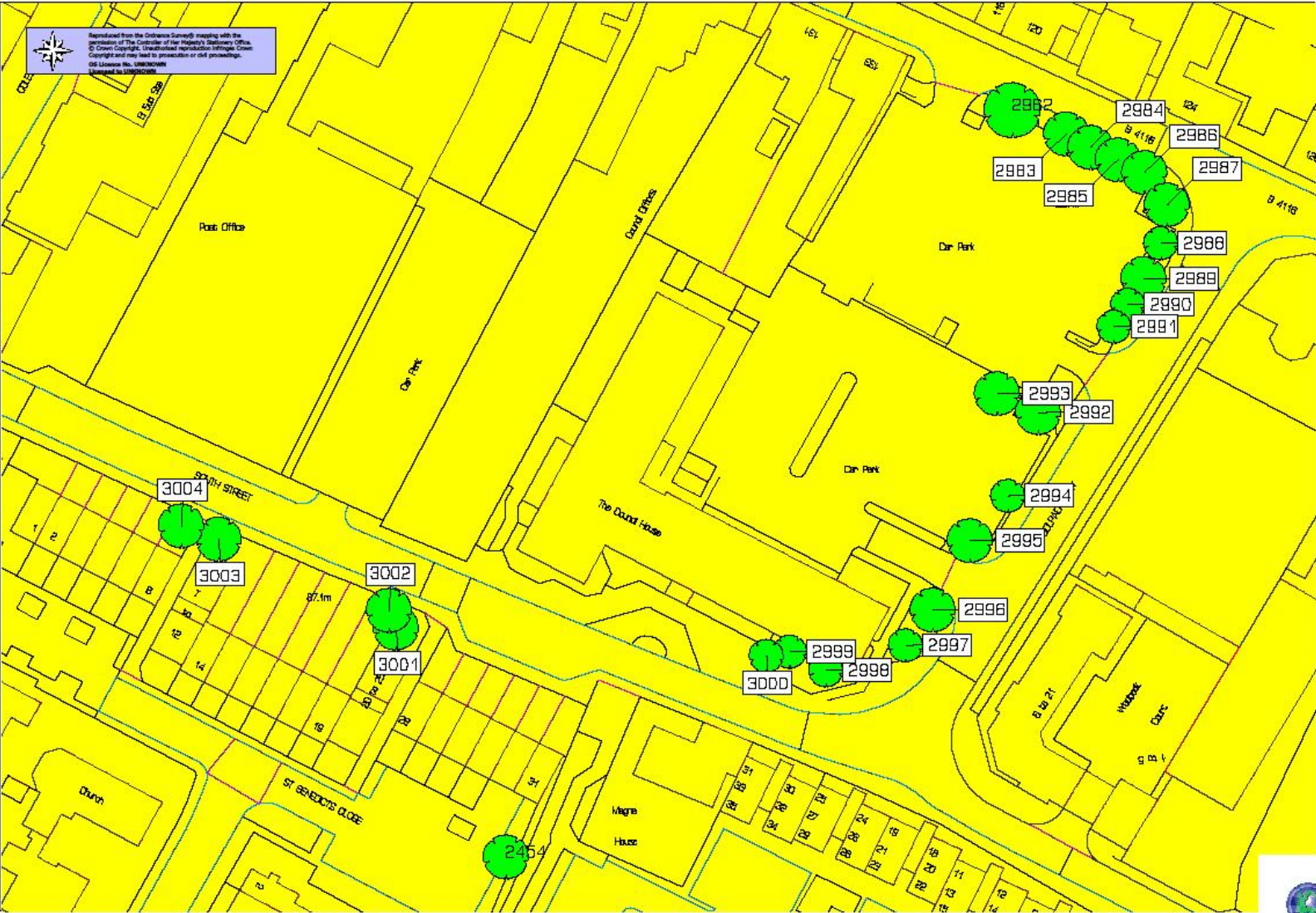
Atherstone CCTV Tree Works Schedule

Fig. 1 Ratcliffe Street (not to scale)



Atherstone CCTV Tree Works Schedule

Fig 2 South Street, Welcome Street, Long Street (not to scale)



Atherstone CCTV Tree Works Schedule

Fig 3. South Street (not to scale)



Agenda Item No 7

Planning and Development Board

19 May 2014

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2013 - March 2014

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2013 to March 2014.

Recommendation to the Board

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

2 Consultation

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

3 Background

- 3.1 This report shows the end of year position with the achievement of the Corporate Plan and Performance Indicator targets for 2013/14. This is the fourth report showing the progress achieved during 2013/14.

4 Progress achieved during 2013/14

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to March 2013/14 for the Planning and Development Board.
- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not achieved (shown as a red triangle)

Green – target achieved (shown as a green star)

5 Performance Indicators

- 5.1 Members will be aware that national indicators are no longer in place and have been replaced by national data returns specified by the government. A number of previous national and best value indicators have been kept as local indicators as they are considered to be useful in terms of managing the performance of our service delivery corporately.
- 5.2 The current performance indicators and targets are being reviewed by each division and Management Team for monitoring for the 2014/15 year. The proposed targets for the processing of planning applications are shown below:
- Processing of planning applications in 13 weeks for major application types 60%
 - Processing of planning applications in 8 weeks for minor application types 80%
 - Processing of planning applications in 8 weeks for other application types 90%

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 33% of the performance indicator targets have been achieved. The processing of planning applications was subject to nationally set targets by the government and these were removed during 2012/13. There have been some difficulties in processing the applications due to large number of applications involving Section 106 agreements together with extended negotiations on viability issues. Case officers are also following up detailed consultation responses and seeking amendments in order to create a better outcome. The performance is broadly in line with the levels achieved nationally. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	5	100%
Red	0	0%
Total	5	100%

Performance Indicators

Status	Number	Percentage
Green	1	33%
Red	2	67%
Total	3	100%

7 Summary

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

8 Report Implications

8.1 Safer Communities Implications

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

8.2 Legal and Human Rights Implications

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

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. The action to improve employment opportunities for local residents at Birch Coppice is contributing towards the Raising aspirations, educational attainment and skills priority of the North Warwickshire Sustainable Community Strategy 2009 – 2026.

8.4 Risk Management Implications

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

8.5 Equality Implications

8.5.1 The action to improve employment opportunities for local residents at Birch Coppice is contributing to equality objectives and is a positive impact in terms of the protected characteristics for age through the young people employment programme.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to bringing more jobs to North Warwickshire, protecting and improving our environment and defending and improving our countryside and rural heritage.











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

Background Papers







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

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

NWCP Planning Board 13/14

	Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 012	Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy and report by March 2014	Countryside and Heritage	Brown, Jeff	Report taken to Planning and Development Board in April 2014.	 Green	
NWCP 013	Ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings and report by March 2014	Countryside and Heritage	Brown, Jeff	Report taken to Planning and Development Board in April 2014.	 Green	
NWCP 014	Use the Design Champions to ensure the best achievable designs are implemented and developed and report by March 2014	Countryside and Heritage	Brown, Jeff	Report taken to Planning and Development Board in April 2014.	 Green	
NWCP 051	To work with the County Council, Job CentrePlus and other partners to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people including employment engagement activity, development of work clubs and bespoke training and report by March 2014.	Local Employment	Maxey, Steve	Work continues with the North Warwickshire Works Partnership to maximise our residents' opportunities of accessing the employment in our Borough. In addition a number of jobs fairs linked to the closure of Daw Mill and administration of Greenwoods Communication have taken place. A network of work clubs have been operating until recently. Plans are underway to continue to operate the Atherstone work club and one other from a Bob hub. A software programme 'Bright Sparks' was being rolled out to all young people Year 6 through to secondary school age in the locality. This initiative has failed to deliver key activities. WCC are still looking into this issue with the aim to claw back the money. The NWW programme is now exploring the idea of a possible 'Birch Coppice Work Academy'. Meetings are taking place.	 Green	
NWCP 070(1)	Using opportunities through Section 106 Agreements to improve transport links to the local economy and to report on this by March 2014	Access to Services	Brown, Jeff	Report taken to Planning and Development Board in April 2014.	 Green	

NWPI Planning Board 13/14

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60	66.67	 Green		Performance reflects priority given to major applications
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	85	56.44	 Red		The difference is due to a large number of application involving S106 agreements together with extended negotiations on viability issues
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	95	78.07	 Red		This difference is due to case officers following up detailed consultation responses and seeking amendments in order to create a better outcome

Agenda Item No 8

Planning and Development Board

19 May 2014

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 9

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

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

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