

## **Agenda Item No 5**

### **Planning and Development Board**

**14 April 2014**

#### **Report of the Assistant Chief Executive and Solicitor to the Council**

#### **Neighbourhood Designation Area for Corley Neighbourhood Plan**

### **1 Summary**

- 1.1 This report informs Members of the progress of the formal consultation on the Corley Neighbourhood Plan Designation area.

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

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

### **2 Consultation**

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

### **3 Background**

- 3.1 In North Warwickshire a Neighbourhood Plan can be prepared by a Town or Parish Council. It can cover one or more areas. When adopted the Neighbourhood Plan will be part of the Local Plan for North Warwickshire and will be taken in to consideration in the determination of planning applications. This report relates to the designation of the area to be covered by a Neighbourhood Plan for Corley. There has been no indication by the Parish Council which subjects will be covered by their Neighbourhood Plan and they are not required to do so until the drafting of the Plan.

### **4 Corley**

- 4.1 Corley Parish Council has applied to North Warwickshire Borough Council for designation of a Neighbourhood Plan Area. The area covered by the designation consists of all the land within the current Corley Parish boundary. Corley Parish Council's reasons for designating the area are set out below;
- Clarity with neighbouring parishes, County, Borough and Town Councillors and residents as to where responsibilities start and finish,

- A desire to include all areas of the parish within the Parish boundary in the future development of Corley
- The objective to protect the heritage of the village and conserve the rural environment, to the benefits of residents both present and in the future

## 5 Consultation

5.1 The consultation ran until Thursday 20 February 2014 and a total of six consultation responses were received. Members are asked to note the responses set out below.

5.2 The consultation responses can be summarised as follows;

C1	Sport England	4/12/2013	No specific comments beyond standard development management response regarding requirement to contact/consult Sport England
C2	Network Rail	4/12/2013	No comment – the proposal contains no railway land and does not adjoin any railway land.
C3	Centro	10/12/2013	No specific comments beyond standard development management response regarding requirement to contact/consult Centro
C4	The Coal Authority	24/12/2013	No specific comments beyond standard development management response regarding requirement to contact/consult The Coal Authority
C5	Natural England	27/1/2014	No specific comments beyond standard development management response regarding requirement to contact/consult Natural England
C6	English Heritage	14/2/2014	No objection. Comments relate to standard development management response

5.3 It is considered that following the responses to the consultation no valid or reasonable reasons have been raised that warrant refusal of the Corley Neighbourhood Designation Area. The Area should therefore be agreed and approved as the right area to frame the production of the neighbourhood plan and the Parish Council informed of the Borough Council's decision.

## **6 Report Implications**

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

6.1.1 The Borough Council can claim for up to £30,000 for each Neighbourhood Development Plan – the first payment of £5,000 will be made following designation of the neighbourhood area. This recognises the amount of officer time supporting and advising the community in taking forward a Neighbourhood Development Plan. A second payment of £5,000 will be made when the local authority publicises the Neighbourhood Development Plan prior to examination. The third payment of £20,000 is made on successful completion of an independent examination.

### **6.2 Legal and Human Rights Implications**

6.2.1 The process conforms with the legal requirements for Neighbourhood Plans

### **6.3 Human Resources Implications**

6.3.1 Staff time is expected to be provided by the Borough Council to support and advise the Town Council and community in taking forward a Neighbourhood Development Plan. However the amount of staff time will be limited, essentially to an advisory role, due to the other work priorities of the Forward Planning Team and that this role must be provided to the other Parishes who are also considering undertaking Neighbourhood Plans.

### **6.4 Environmental and Sustainability Implications**

6.4.1 Each Neighbour Plan will need to consider the effects of the Plans contents in terms of environmental and sustainability issues in accordance with the relevant regulations.

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

6.5.1 The designation of the Neighbourhood Plan Designation Area will have links to the following priorities;

1. Enhancing community involvement and access to services
2. Protecting and improving our environment
3. Defending and improving our countryside and rural heritage

The Contact Officer for this report is Sue Wilson (719499).

## Background Papers

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Sport England	Consultation response	4/12/2013
2	Network Rail	Consultation response	4/12/2013
3	Centro	Consultation response	10/12/2013
4	Coal Authority	Consultation response	24/12/2013
5	Natural England	Consultation response	27/1/2014
6	English Heritage	Consultation response	14/2/2014

**Agenda Item No 6**

**Planning and Development Board**

**14 April 2014**

**Report of the  
Head of Development Control**

**Corporate Plan Targets 2013/14**

**Summary**

- 1 This report describes the action taken on a number of targets as set out in the 2013/14 Corporate Plan.

**Recommendation to the Board**

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

- 2 **Background**

- 2.1 There are four on-going targets set out in the current Corporate Plan which require monitoring at the end of March 2014. The most convenient approach to do so is through this annual report on how each has been progressing.
- 2.2 Members will be aware of the changing planning environment in which they are now determining applications. The report below draws attention to the view that this is beginning to impact on the ability to fully achieve the Council's priorities and objectives.

- 3 **Development Management**

- 3.1 The first such target is to "manage new development proposals such that they deliver the priorities of the Council's Corporate Plan and its Sustainable Community Strategy". Members will know that the approach here is to show that the service can manage new development proposals such that they are placed in the best possible position to benefit from a grant of planning permission, rather than just being refused. This is very much therefore the service adding value to submitted development proposals such that they are better able to achieve the Council's priorities and objectives. This can be achieved in a number of ways – engagement in pre-application discussion; pre-application consultation, resolving technical details with other agencies through negotiation and discussion, seeking amendments to plans and through the use of conditions and Section 106 Agreements. Members are familiar with all of these activities. That being said, Members should always remember that decisions to refuse planning permission should always continue to be taken where there is clear and strong evidence to support them, either where there is significant and demonstrable harm, or because they clearly do not accord with the Development Plan.

- 3.2 Members will know that during the year they themselves had several presentations given to them on future proposals by developers keen to establish pre-application responses – e.g. Daw Mill, St Modwen’s, Taylor Wimpey and Bloor Homes. There have also been a number of local pre-application consultations and exhibitions such that local communities can become involved in pre-application discussion – e.g. Daw Mill, and for housing sites in Corley, Polesworth and Atherstone. Members have also influenced development proposals through the use of conditions and the terms of Section 106 Agreements. The Design Champions too are active in requesting changes –e.g. in our own developments in Atherstone.
- 3.3 The Council is bringing more employment opportunities to the Borough through the grant of permissions at Mallard Lodge in Water Orton and the Hall End Farm development adjacent to Phase 3 of Birch Coppice. The Planning Board itself is active in securing a wider range of jobs through the use of conditions agreed with developers such that there is a greater range of opportunity on new sites. At a smaller scale the Board has promoted alternative uses within some units on established industrial estates in order to retain them in occupancy and broaden the employment base – e.g. training and sporting facilities.
- 3.4 The Council has seen a marked upturn in housing proposals during the year and housing supply will steadily increase throughout forthcoming years when the Core Strategy is adopted. Importantly there is still affordable housing being approved, particularly on the Council’s own land in Atherstone, but also on the larger sites too such as Redrow Homes in Atherstone. There has been a significant increase during the year in off-site contributions secured for affordable housing provision, even associated with single dwellings, and housing officers are already looking at how best to use this resource.
- 3.5 The Council’s Health and Well-Being objectives are being met directly through the encouragement of leisure facilities such as the grant of permission for the new Coleshill Leisure Centre, and the re-use of vacant industrial units, and more indirectly through the provision of cycle and pedestrian routes for journeys to work via Section 106 contributions – e.g. Birch Coppice and Hall End Farm, and other contributions towards enhancing the Council’s own green spaces.
- 3.6 The Council has a priority to protect and improve the Borough’s heritage and countryside. This is being achieved through ensuring new developments are in keeping with their surroundings, that design is a high quality and that proposals are heritage led wherever possible. Refusals of planning permission where there are clear adverse impacts have always been made. Members will be aware that heritage issues can be particularly difficult at times and the Father Hudson’s Homes case this year encapsulated the very divergent issues which have to be balanced in these cases.
- 3.7 In conclusion, Members will know that this year the Board has begun to experience significant change in how it should manage new development proposals. This is due to the NPPF which in strategic terms now carries more

weight than the saved policies of our Development Plan, and secondly the continuing changes to the planning regulations introducing far more flexibility and change, reducing the need to involve the Council at all in decisions on new developments. These changes are beginning to alter the way that officers are making recommendations and indeed how the Board is then considering applications. These are introducing a tension between the Council's priorities and those particularly set out in the NPPF. Even when the Core Strategy is adopted, the Board will continue to have regard to the NPPF in its decision making as that is now Government planning policy. Officers will continue to offer advice and guidance such that new development proposals are managed by the service so as best to meet these new demands whilst balancing them against the Council's priorities.

#### **4 Protecting the Green Belt**

- 4.1 This target is to ensure that only appropriate development is permitted in the Green Belt. This underlies the current Local Plan and is carried forward into the emerging Core Strategy. But it too is being weakened by the NPPF with its different interpretations of what is "appropriate" development and particularly to the weight to be given to the Green Belt when there is a housing shortfall. Members will have seen during the year a number of applications where planning application reports set out the Green Belt arguments in some detail as a consequence of the NPPF changes. These reports make explicit the weight to be given to various factors and to how a recommendation has been made when it comes to determining the balance between them. This will continue to be the practice, and Members should also be aware that they too should be explicitly considering these weights and the final balance. The Government through recent Ministerial Statements has showed its intent to underscore the significance of Green Belt protection in planning decisions, but the weight to be given to a development will still have to be weighed against the NPPF.

#### **5 Design Champions**

- 5.1 The two Members elected to assist in promoting good design have been regularly involved in a number of cases usually at their own request. Changes made often go un-mentioned or they are un-noticed. But it is the detail of the design that can make a development good rather than average, and the changes often just involve minor alterations to fenestration, having arched heads rather than straight; having a variety of porches and canopies outside doors, and the introduction of chimneys to some houses. On a larger scale then the Birch Coppice Design Guide is a consequence of the Champions involvement in establishing clear principles.

#### **6 Transport Links**

- 6.1 Section 106 Agreements are regularly used to promote bespoke transport arrangements so as to enable access to new employment opportunities. The

recent Phase 3 Birch Coppice and Hall End Farm Agreements assist in subsidising public transport through the estate at the time of shift changes, and they also are promoting enhanced cycle routes into the estate from local villages. The same is being sought in current outstanding applications such as the St Modwen's proposals.

**7 Report Implications**

**7.1 Financial and Value for Money Implications**

7.1.1 These actions are all taking place within existing budgets and through developer contributions

**7.2 Equalities and Human Rights Implications**

7.2.1 The decisions on planning applications and an assessment of the weights to be given to competing policies are made explicit in Board reports such that these decisions are taken in a transparent, reasonable and proportionate manner so as to be less likely to be legal challenge.

**7.3 Links to Council Priorities**

7.3.1 These actions all help to deliver Council priorities relating to the environment, economic development and access to facilities.

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

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>



**Agenda Item No 7**

**Planning and Development Board**

**14 April 2014**

**Report of the  
Head of Development Control**

**Government Consultation**

**1 Summary**

- 1.1 The report outlines the Government's latest consultation paper seeking additional changes to the planning system in order to speed up decision making and to introduce a threshold below which affordable housing provision should not be sought.

**Recommendation to the Board**

**That the Council objects to the introduction of the proposed threshold on affordable housing provision as it would substantially reduce the delivery of such housing in those rural settlements where there is an identified need.**

**2 Background**

- 2.1 Members are aware of the recent changes to permitted development rights, both for new buildings and for changes of use brought in by the Government to increase flexibility and to reduce "planning" delays for new development. There is also now an opportunity for developers to by-pass a Local Planning Authority if that Authority has been deemed not to be "performing". The Government is proposing further relaxations in its latest consultation paper, and these are explained in the report below. Furthermore the budget included prospective additional proposals and these are outlined at the end of this report.
- 2.2 Firstly however as an update, Members will recall the proposals to allow the conversion of agricultural buildings to residential use without the need for a full planning application. The Government is to introduce these changes with effect from 6 April. As such up to three dwellings may now not require a full planning application on some holdings.

**3 Planning Performance**

- 3.1 The first of the new proposals relates to the performance of decision making for major developments. Members will recall that the Secretary of State can "designate" Authorities which in his view are not deciding planning

applications for major developments quickly enough. The effect of designation is that the developer has the option of by-passing that Authority through submission of his application directly to the Planning Inspectorate for determination. The effective “measure” that the Secretary of State uses for designation is that 30% of all applications for major development should be determined within 13 weeks of receipt over any two year period. To date only one Authority has been designated. The next announcement will be made in October this year. For information our “performance” is one of 68%, which is almost the same as the national average.

- 3.2 The Government is consulting on raising the measure to 40%. This should not cause an immediate issue for North Warwickshire even with the current number of major applications submitted and those anticipated as a consequence of the submitted Core Strategy. The main reason for this is that we are agreeing with the developer to determine these applications within an agreed timetable. The time periods agreed in these Performance Agreements will thus vary between developments, but in all cases they will replace the current 30% figure. The Government supports the continued use of these Agreements.

#### **4 Affordable Housing Thresholds**

- 4.1 The second proposal will have a direct impact on the provision of affordable housing in the Borough.
- 4.2 Nationally, almost half the value of all Section 106 Agreements is for the provision of affordable housing whether on site or through off-site contributions. Members are already aware that current Government guidance and policy is that existing 106 Agreements for such provision can and should be re-negotiated if the overall viability of a development is threatened. One such case in Water Orton was dealt with by the Board a few months ago.
- 4.3 The Government is now consulting on removing the need for any such Section 106 obligations on all housing developments of ten units or less. This is said to address the viability of these schemes; assist small scale developers/builders and to remove a disproportionate burden on these smaller developments. The consultation would also prevent any such contributions arising from residential extensions or annexes where a new dwelling was effectively being created. Rural Exception Sites are however excluded from this new proposal, as would be proposals to bring a residential use to a vacant building.
- 4.4 Notwithstanding that the Council through its Core Strategy and subsequent Site Allocations DPD will be proposing significant housing in the larger and main settlements, there are still smaller requirements set out for the smaller villages. This current proposal will affect the Council’s ability to seek affordable housing in most if not all of these instances. Moreover the introduction of a threshold will be likely to lead to a greater number of smaller sites coming forward, perhaps not in accord with the Site Allocations DPD. Moreover it will also prevent off-site contributions being made in lieu of on-site

affordable housing for new single dwellings or for smaller numbers of houses on infill plots in most of the Borough's settlements. The proposal could thus seriously impact on our affordable housing delivery, and also focus that delivery solely on the larger settlements. In effect it could see no further affordable housing within the Borough's smaller settlements.

## **5 Permitted Development**

5.1 The Government through its recent budget has announced further proposals to Permitted Development rights in order to "support business". These are not yet out for consultation but are two-fold. The first would be to create more flexibility within the Use Classes Order. The proposals will include a much "wider" definition of the A1 retail Use Class such that existing shops would have a wider range of alternative uses which would not require the submission of a planning application. Whilst it is known that betting shops and payday loan shops are unlikely to be included within this wider definition, it is not yet known if it will include restaurants and public houses. Other proposals would see further opportunities for alternative use for existing commercial premises such that they could be converted to residential use including warehouses and light industrial premises without the need for an application. There is also consideration likely to be given to other works in order to help business to expand – eg. greater flexibility to extend car parking, loading bays and for non-retail facilities.

5.2 The second set of proposals will be far more wide reaching. The whole General Permitted Development Order is likely to be reviewed. The proposal that is being considered is to have a three tier system – extend permitted development rights excluding more development from the need for any form of planning application; widen the prior approval system for minor and other development, and retain the need for a full planning application only for major developments. These proposals, if published could have a profound consequence on the planning system – the potential impact on the environment and local communities as well as far less development requiring applications and thus potential loss of income.

5.3 Reports will be brought to the Board as soon as the Government publish its proposals for all of these anticipated changes. The implications set out below therefore only refer to the current set of known and published proposals.

## **6 Report Implications**

### **6.1 Financial and Value for Money Implications**

6.1.1 The proposal will reduce Section 106 funding for affordable housing throughout the Borough.

### **6.2 Links to Council Priorities**

6.2.1 The proposal if agreed, would significantly impact on the Council's ability to deliver affordable housing throughout the Borough particularly in its smaller settlements.

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

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	DCLG	Consultation	March 2014