

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

For the information of other Members of the Council

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

17 DECEMBER 2012

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 17 December 2012 at 6.30 pm.

AGENDA

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

- 4 **Minutes of the Planning and Development Board** held on 15 October and 12 November 2012, copies herewith, to be approved as a correct record and signed by the Chairman.

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

- 5 **Budgetary Control Report 2012/13 Period Ended 30 November 2012** – Report of the Assistant Director (Finance and Human Resources)

Summary

The report covers revenue expenditure and income for the period from 1 April 2012 to 30 November 2012. The 2012/2013 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371).

- 6 **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).

- 7 **Public Speaking at Planning and Development Board** – Report of the Head of Development Control

Summary

The Board has experienced public speaking at its meetings during the past year and is now asked whether it wishes to continue with the procedure following this trial period.

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

8 **Government Consultations – Appeal Procedures and Extending Permitted Development Rights** – Report of the Head of Development Control

Summary

The Government has published two consultations, seeking representations. One reviews the planning appeal process with the aim of speeding up decisions and the second proposes extending householder and other permitted development rights for a period of three years. The report outlines the proposals and offers a response.

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

9 **HS2 – Property Compensation and Safeguarded Area** – Report of the Assistant Chief Executive and Solicitor to the Council

Summary

That the Board give any additional views on the consultation by the Secretary of State on Property Compensation and the Safeguarded Area

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

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 October 2012

Present: Councillor Winter in the Chair.

Councillors Barber, Butcher, Davis, L Dirveiks, Lea, May, Moore, B Moss, Phillips, A Stanley, Turley, Watkins and Wykes

Apologies for absence were received from Councillor Humphreys (Substitute Councillor Davis), Councillor Sherratt (Substitute Councillor Wykes), Councillor Simpson and Councillor Sweet (Substitute Moore)

Councillors Fowler, Fox and Lewis were also in attendance. With the consent of the Chairman, Councillor Fowler spoke on Minute No 36 Planning Applications (Application No 2012/0313 (Car Park, Park Road, Coleshill, B46 3LA).

31 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor B Moss declared a pecuniary interest in Minute No 36 Planning Applications (Application No 2012/0313 (Car Park, Park Road, Coleshill, B46 3LA) left the meeting and took no part in the discussion or voting thereon.

32 **Election of Vice-Chairman**

It was proposed by Councillor B Moss, seconded by Councillor Moore and

Resolved:

That Councillor Phillips be elected Vice-Chairman for the meeting.

33 **Minutes**

The minutes of the meetings of the Board held on 16 July, 13 August and 10 September 2012, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

34 **Budgetary Control Report 2012/2013 Period Ended 30 September 2012**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2012 to 30 September 2012. The 2012/2013 budget and the actual position for the period, compared with the estimate at that date were detailed, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

That the report be noted.

35 Works to Trees in a Conservation Area Cole End Park Phase 1

The Assistant Director (Leisure and Community Development) reported on proposals for works to trees in Cole End Park in Coleshill. The Board was asked to agree a suggested course of action.

Resolved:

That the Board agrees to the proposed works to be undertaken to trees in Cole End Park, Coleshill and the matter referred to the Community and Environment Board for approval.

36 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a That Applications No 2012/0065 and 2012/0014 (Dreamers of Coleshill, 146 High Street, Coleshill, B46 3BG) be approved subject to the amendmet of condition (ii) to read as follows**

“(ii) The car parking layout plans received on 30/8/12 (ground floor plan) and 12/9/12 (the site and block plan) in full discharge of condition 6, subject to a fence, 1.8m tall, being erected across the rear boundary of the car park”;

[Speakers: Penny Thompson, Diane Davies and Maz Aqbal]

- b That Application No 2011/0478 (Gun Hill Post Office, Gun Hill, Arley, CV7 8HB) be approved subject to the conditions specified in the report of the Head of Development Control;**

- c That provided Nuneaton and Bedworth Borough Council approves the Application in its administrative area relating to access arrangements, the Head of Development Control, in consultation with the Chairman and Vice Chairman, be given delegated authority to approve Application No 2011/0527 (31 Plough Hill Road, Chapel End, CV10 0PJ) subject to conditions;**

[Speaker: Kim O'Rourke]

- d That in respect of Application No 2012/0212 (Cow Lees Care Home, Astley Lane, CV12 0NE) the Council is minded to support the development proposal and as a consequence, it is referred to the Secretary of State under paragraph 9 of the 2009 Consultation Direction with a recommendation that planning permission be granted subject to the conditions specified in the report of the Head of Development Control;**

[Speaker: Richard Dunnett]

- e That Applications No 2012/0256 and 2012/0257 (Flavel Farm, Warton Lane, Austrey, Atherstone, Warwickshire, CV9 3EJ) be approved subject to the conditions specified in the report of the Head of Development Control;**

- f That in respect of Flavel Farm, Warton Lane, Austrey, Atherstone, Warwickshire, CV9 3EJ the Council does not pursue the prosecution relating to residential occupation of the live/work unit from the date of permission until its expiry, or should occupation occur after Ms Pegg has vacated the live/work unit;**

- g That providing the applicant first enters into a Section 106 Agreement covering the matters set out in Section (xi) of the report, and there being no further objection from the Environmental Health Officer, Application No 2012/0297 (Land At Rowland Way, Rowland Way, Atherstone, CV9 2SQ) be approved subject to the conditions which were set out in general terms in the report of the Head of Development Control and that the exact wording of these be delegated to officers to conclude;**

[Speakers: Edward Jordan and Alistair Jones]

- h That consideration of Application No 2012/0313 (Car Park, Park Road, Coleshill, B46 3LA) be deferred and the Head of Development Control be asked to have further discussions with the Applicants regarding delivery hours; and**

- i That Application No 2012/0444 (Land adjacent to 1, Princess Road, Atherstone) be approved subject to the following additional conditions**

“8) No development shall commence on site until full details of the construction of the access, manoeuvring and service areas have first been submitted to and approved in writing by the Local Planning Authority. The details required shall include surfacing, drainage and level details;

9) No bungalow hereby permitted shall be occupied until such time as visibility splays have been provided on either side of the access, measuring 2.4 metres by 43 metres. These splays shall remain unobstructed at all times;

10) No bungalow hereby permitted shall be occupied until such time as the whole of the measures and details as may be approved under Condition (8) above have first been fully completed to the written satisfaction of the Local Planning Authority; and

11) No work shall commence on site until such time as details have first been agreed in writing by the Local Planning Authority to prevent the spread of extraneous material onto the public highway by the wheels of construction vehicles and to clear the highway of such material. The approved details shall be implemented in full throughout the construction period.”

37 **Consultation Paper – Renegotiation of 106 Obligations**

The Head of Development Control reported that the Government had published a consultation paper on the re-negotiation of Section 106 Agreements in order to attempt to stimulate the commencement of development projects that may have been “stalled” because of those Agreements.

Resolved:

That whilst the proposed changes will have no impact on North Warwickshire, the Council considers that existing legislation is adequate to meet the challenge of resolving “stalled” developments.

38 **Exclusion of the Public and Press**

Resolved:

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

39 **Breaches of Planning Control**

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

Resolved:

- a** That in respect of land at Manor House Farm, Coleshill Road, Ansley, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with an extant Enforcement Notice that requires the owner/operator to cease the use of the land as a commercial vehicle depot associated with a waste tank emptying business, and also cease the use of the land for the storage of motorised vehicles, including tankers, HGV'S, vans and road sweepers, not associated with agriculture, the hire of agricultural equipment or equestrian uses; and

- b** That in respect of land at Main Road, Baxterley
 - i** the Solicitor to the Council be authorised to issue an Enforcement Notice relating to an unauthorised building that has not been erected in accordance with the approved plans;

 - ii** the owner being required to demolish the building, break up/dig up the building's foundation and any associated hardstanding, and remove the resulting materials from the site and reinstate the land; and

 - iii** the compliance period be six months.

Chairman

Planning and Development Board

15 October 2012

Additional Background Papers

| Agenda Item | Application Number | Author | Nature | Date |
|-------------|--------------------|---------------------------------------|----------------|----------|
| 7/1 | DOC/2012/0065 | Mrs Thompson | Representation | 8/10/12 |
| | | Coleshill Civic Society | Representation | 8/10/12 |
| | | Mrs Davies | Representation | 12/10/12 |
| 7/3 | 2011/0527 | Nuneaton and Bedworth Borough Council | Consultation | 11/10/12 |
| | | Warwickshire Library Services | Representation | 15/10/12 |
| 7/6 | 2012/0297 | Halcrow | Letter | 4/10/12 |
| | | Marrons | Letter | 4/10/12 |
| | | Environmental Health Officer | Consultation | 12/10/12 |
| 7/7 | 2012/0313 | Councillor Ferro | Representation | 13/10/12 |
| 7/8 | 2012/0444 | Atherstone Town Council | Representation | 4/10/12 |
| | | Environmental Health Officer | Consultation | 3/10/12 |
| | | Warwickshire County Council | Consultation | 9/10/12 |

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

12 November 2012

Present: Councillor Winter in the Chair.

Councillors Barber, Butcher, L Dirveiks, Humphreys, Lea, May, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley and Wykes

Apologies for absence were received from Councillors Sweet and Watkins (Substitute Councillor Wykes)

Councillors Ferro and Fowler were also in attendance and with the consent of the Chairman spoke on Minute No 43 Planning Applications (Application No 2012/0313 (Car Park, Park Road, Coleshill, B46 3LA)

40 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor B Moss declared himself pre-disposed in respect of Minute No 43 Planning Applications (Application No 2012/0313 (Car Park, Park Road, Coleshill, B46 3LA) left the meeting and took no part in the discussion or voting thereon.

41 **Election of Vice-Chairman**

It was proposed by Councillor B Moss, seconded by Councillor Turley and

Resolved:

That Councillor Phillips be elected Vice-Chairman for the meeting.

42 **Works to Trees in a Conservation Area - Atherstone**

The Assistant Director (Leisure and Community Development) reported on proposals for works to trees within in the Atherstone Conservation Area. The Board was asked to agree a suggested course of action.

Resolved:

That the Board notes the proposed works to be undertaken to trees within the Atherstone Conservation Area and refers the issue of works to trees adjacent to CCTV cameras to the Community and Environment Board for consideration, in particular for that Board to ensure works are not done to

trees solely as a result of CCTV cameras being put in the wrong place.

43 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a That in respect of Application No: CON/2012/0018 (Consultation from Hinckley and Bosworth Borough Council (HBBC) - Elms Farm, Atherstone Road, Appleby Parva, Swadlincote) the Council objects to the proposal on the grounds that it considers that the proposal does not harmonise with its immediate setting or wider surroundings such that it would not present a visually attractive environment from North Warwickshire's perspective. It would neither protect nor enhance the intrinsic qualities of North Warwickshire's existing landscape. The proposal is thus not in accordance with the saved policies ENV1 and ENV12 of the North Warwickshire Local Plan 2006;**

- b That providing the Applicant first enters in an Agreement under S106 as set out in the report of the Head of Development Control, Application No 2012/0112 (Colwell, Church Road, Shustoke, B46 2JY) be approved subject to the conditions specified in the said report;**

- [Speaker James Berry]**

- c That consideration of Application No 2012/0220 (Plot 6(b) and Plot 10(a), Faraday Avenue, Hams Hall National Distribution Park, Coleshill, B46 1AL) be deferred for a site visit;**

- d That Application No 2012/0313 (Car Park, Park Road, Coleshill, B46 3LA be refused for the following reasons**

“It is considered that the proposal to vary delivery hours to a full 24 hour period from those already agreed, would be highly likely to give rise to adverse impact on the residential amenity that neighbouring occupiers could reasonably be expected to enjoy. This is due to the close proximity of residential properties to the site; noise associated both directly and

indirectly with deliveries outside normal trading hours – lighting, engines, door and shutter openings, forklift truck activity and the manoeuvring of vehicles – when ambient noise conditions are at their lowest, and the irregularity of such deliveries. The cumulative effects of these factors is considered to amount to a significant impact such that the proposal is not in accordance with saved policy ENV11 of the North Warwickshire Local Plan 2006”;

- e That Application No 2012/0407 (3 Ramsden Road, Mancetter, Atherstone, Warwickshire, CV9 1PB) be approved subject to the conditions specified in the report of the Head of Development Control;

[Speaker Jane Carr]

- f That consideration of Application No 2012/0498 (Land rear of 70 to 78 New Street, Dordon) be deferred for a site visit.

44 **Progress Report on Corporate Plan and Performance Indicator Targets April – September 2012**

The Chief Executive and Deputy Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April – September 2012.

Resolved:

That the report be noted

45 **Exclusion of the Public and Press**

Resolved:

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

46 **Breaches of Planning Control**

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

Resolved:

- a** That in respect of Land at Stipers Hill Farm, Kisses Barn Lane, Warton the Solicitor to the Council be authorised to issue two Enforcement Notices as follows
- i** The first relating to the change of use of the land for general industrial use; the storage of non-agricultural vehicles including: public service vehicles; heavy goods vehicles; caravans/mobile homes; scrap cars/car parts; containers; and boats, requiring the cessation of the uses and the removal of the stored items;
 - ii** The compliance period be six months;
 - iii** The second relating to the formation of an unauthorised hardstanding area. The enforcement notice to require the digging up/breaking up of the hardstanding area; the removal of the resulting materials, and the reinstatement of the land with topsoil;
 - iv** The compliance period be seven months (so that the compliance period within the first notice is not foreshortened).
- b** That in respect of The Heart of England Old Hall Farm, Fillongley, the Solicitor to the Council be given delegated authority to take any additional enforcement action and to apply for an Injunction should forthcoming inspections reveal non-compliance with extant Enforcement Notice requirements and apprehended breaches of planning control at this site.

Chairman

**Planning and Development Board
12 November 2012
Additional Background Papers**

| Agenda Item | Application Number | Author | Nature | Date |
|-------------|--------------------|---------------------------|---------------------|----------|
| 5/4 | CON/2012/0018 | Polesworth Parish Council | Objection | 26/11/12 |
| | | Austrey Parish Council | Objection | 22/10/12 |
| | | R Meredith | Objection | 6/11/12 |
| 5/14 | 2012/0112 | Agent | Revised Section 106 | 09/11/12 |

Agenda Item No 5

Planning and Development Board

17 December 2012

**Report of the Assistant Director
(Finance and Human Resources)**

**Budgetary Control Report 2012 / 2013
Period Ended 30 November 2012**

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2012 to 30 November 2012. The 2012/2013 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Consultation

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

3 Report

3.1 Introduction

- 3.1.1 Under the Best Value Accounting Code of Practice (BVACOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

4 Services Remaining Within Resources Board

4.1 Overall Position

- 4.1.1 Net controllable expenditure for those services that report to the Planning and Development Board as at 30 November 2012 is £250,616 compared with a profiled budgetary position of £351,179; an under spend of £100,563 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations, in order to give a

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better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

4.2 **Planning Control**

4.2.1 Income is currently ahead of forecast by £95,640, due to the receipt of several large planning applications, the largest single application being for £33,805, and the recovery on some legal costs regarding a recent planning inquiry. Planning income will continue to be monitored closely. In addition there is an under spend on Professional Fees and Advertising, Promotion and Publicity.

4.3 **Local Land Charges**

4.3.1 A reduction in the number of full searches compared to the profile has resulted in income falling £10,610 below profile to date.

5 **Performance Indicators**

5.1 In addition to the financial information provided to this Board, when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

5.2 The number of planning applications received is lower than profiled, due to a slight downturn in applications being handled. However, the net cost per application is lower than the profile which reflects the fact that while we are handling fewer applications, there have been several 'large' applications.

5.3 Whilst the gross cost per Land Charge is in line with expectation, the net costs of land charges are higher per search despite the number of searches being higher than profile due to the mix in types on Land Charge applications.

6 **Risks to the Budget**

6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £20,000 each.
- Reductions in income relating to planning applications.
- Proposed plans by government to relax planning permission on certain extensions may affect the level of planning income received
- Risk to the mix of Local Land Charge applications not bringing in the expected level of fee income.

7 Estimated Out-turn

- 7.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2012/2013 is £538,430, as detailed below:

| | £ |
|----------------------------------|----------------|
| Approved budget 2012/2013 | 608,830 |
| Additional Planning Fee Income | (85,000) |
| Loss of Land Charges income | 14,600 |
| Expected Out-turn 2012/13 | 538,430 |

- 7.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any further changes to the forecast out turn.

8 Building Control

- 8.1 Figures provided by the Building Control Partnership indicate that this Council's share of the costs up to 30 November 2012 indicates a favourable variance.
- 8.2 The approved budget provision for Building Control is £58,570, which will be sufficient to cover the full year costs currently estimated by the Partnership. We will continue to monitor this over the course of the year.

9 Report Implications

9.1 Finance and Value for Money Implications

- 9.1.1 The Council's budgeted contribution to General Fund balances for the 2012/2013 financial year is £493,408. The changes detailed in 7.1 above will decrease this figure by £70,400. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

9.2 Environment and Sustainability Implications

- 9.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

APPENDIX A

North Warwickshire Borough Council

Planning and Development Board

Budgetary Control Report 2012/2013 as at 30 November 2012

| Description | Approved Budget 2012/2013 | Profiled Budget November 2012 | Actual November 2012 | Variance | Comments |
|----------------------------------|---------------------------|-------------------------------|----------------------|------------------|-----------------|
| Planning Control | 469,900 | 301,089 | 193,730 | (107,359) | See Comment 4.2 |
| Building Control Non fee-earning | 76,620 | 12,033 | 12,059 | 26 | See Comment 8.1 |
| Conservation and Built Heritage | 51,590 | 35,940 | 35,792 | (148) | |
| Local Land Charges | (2,270) | (7,006) | 3,229 | 10,235 | See Comment 4.3 |
| Street Naming & Numbering | 12,990 | 9,123 | 5,804 | (3,319) | |
| | 608,830 | 351,179 | 250,616 | (100,563) | |

Key Performance Indicators for Budgets Reporting to the Planning and Development Board

| | Budgeted Performance | Profiled Budgeted Performance | Actual Performance to Date |
|-----------------------------|---------------------------------|--|---|
| Planning Control | | | |
| No of Planning Applications | 740 | 493 | 448 |
| Gross cost per Application | £971.58 | £969.08 | £1,060.19 |
| Net cost per Application | £635.00 | £610.73 | £432.43 |
| Local Land Charges | | | |
| No of Searches | 1,010 | 673 | 691 |
| Gross cost per Search | £54.60 | £54.79 | £52.85 |
| Net cost per Search | -£2.25 | -£10.49 | £4.67 |
| Caseload per Officer | | | |
| All applications | 137 | 91.4 | 83.0 |

Agenda Item No 7

Planning and Development Board

17 December 2012

Report of The Head of Development Control

Public Speaking at the Planning and Development Board

1 Summary

- 1.1 The Board has experienced public speaking at its meetings during the past year and is now asked whether it wishes to continue with the procedure following this trial period.

Recommendation to the Board

That the Board considers that the opportunity to speak at its Board Meetings has been successful and recommends to the Executive Board that the procedure be made permanent without any changes to the current practice, unless Members have any such requests.

2 Background

- 2.1 The Council agreed to introduce the opportunity for the public to speak at the Planning and Development Board meetings a little over a year ago. It was agreed that this would run for a trial period of twelve months, with a review at its conclusion. It is now time to consider whether, on the basis of the trial, the provision should remain and if so, whether there should be any procedural changes.

3 Experience to Date

- 3.1 It is true to say that the opportunity provided has been taken up and that there has been a speaker at almost all of the Board meetings during the past year. This has usually been the applicant or his representative, but a significant number of objectors have also addressed the Board. The applications referred to have included not only the major or more contentious ones as might be expected, but also householder proposals too. In most cases both applicant and objectors have spoken, and the speeches have largely reflected the content of the submission in the case of the applicant, and the grounds for an objection from other speakers.
- 3.2 The applicant and the objectors each have had three minutes to address the Board. Based on the experience of the twelve months this appears to be sufficient time for speakers to make their cases. There have not been many occasions when speakers have finished without completing their time. It has

been noticeable that when there is more than one speaker within the three minute period that the content appears to have been rushed, but there has been little in the way of repetition. Deciding who is to speak is a matter for those attending, but there have been no difficulties or problems and this is worked out before the meeting with the assistance of the Democratic Services. The introduction of speaking has extended the length of the Board meetings. Some data has been collected on this during the trial period. It would appear from that data that public speaking does not unduly affect the length of meetings nor the time taken to determine a particular application. In addition, there is no correlation between public speaking and whether Members follow Officer recommendations. On that basis therefore there would appear to be few adverse effects of allowing public speaking.

- 3.3 There have been no real difficulties with the procedure in that it has not caused disruption to proceedings and speakers have been respectful of the Board.
- 3.4 Members will recall incidences where large numbers of objectors have attended the meeting and have brought placards and posters into the Chamber. These have been displayed during the course of hearing an application. It is not considered that this should be repeated. There is no difficulty in objectors using such materials outside of the building or leaving them in the foyer, however they have little place in the Chamber where the focus should be on the debate.

4 Observations

- 4.1 Members are invited to make their own comments on the trial period and to whether public speaking should continue or not in principle. Given the experience of the past twelve months it is considered by officers that its introduction has been positive and that the practice should continue.
- 4.2 Whilst its introduction has led to more administrative support, this has not been onerous and there have been no complaints submitted during the trial. It is not considered that a longer period be given to applicants, however Members may wish to consider extending the time for objectors to a total of four minutes if there is more than one speaker.

5 Report Implications

5.1 Financial and Value for Money Implications

- 5.1.1 There are no significant costs associated with this procedure.

5.2 Legal and Human Rights Implications

- 5.2.1 Whilst there is no legal requirement for public speaking, its introduction provides a fair and equitable opportunity for people to express their views on development proposals directly to the decision making body.

5.3 Equality Implications

- 5.3.1 By providing the opportunity for people to express their views this is a positive contribution towards equality objectives. If individuals require assistance to be able to speak at the meetings the Council will provide support whenever possible. Democratic Services are available pre-meeting to assist, and planning officers are available to talk to objectors and applicants to explain things beforehand as well.

5.4 Links to the Council's Priorities

- 5.4.1 The introduction of public speaking reflects the Council's priority of making its services accessible to all people.

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

Agenda Item No 8

Planning and Development Board

17 December 2012

Report of the Head of Development Control

Government Consultations – Appeal Procedures and Extending Permitted Development Rights

1 Summary

- 1.1 The Government has published two consultations, seeking representations. One reviews the planning appeal process with the aim of speeding up decisions and the second proposes extending householder and other permitted development rights for a period of three years. The report outlines the proposals and offers a response.

Recommendation to the Board

That the Council agrees with the recommendations in respect of planning appeal procedures but strongly objects to those relating to extending permitted development rights as it considers that they would have adverse permanent impacts that would outweigh any temporary benefit from their introduction.

2 Background

- 2.1 As part of the overall approach by Government to speed up planning decision making and removing “red tape”, two further reviews have been announced. One of these, on householder permitted development rights, has already been covered by the national media.

3 Review of Planning Appeal Procedures

- 3.1 The Government is committed to promoting growth and employment in support of a broader economic recovery. In September the Government announced a series of measures to speed up planning decisions and appeals for large scale business developments. To support a continuing reformed planning process, a review of planning appeal procedure has now been undertaken. A number of technical recommendations are made, but the most significant are:
- i) The 6 month period in which to lodge an appeal is not to be altered, but, the appellant would have to submit their full case and statements

at the time of submitting their appeal. At present they just provide an outline, which is followed by a Statement and then if necessary the Proofs of Evidence. Everything is now recommended to be provided in one submission. Local Authorities would then have a tight timetable to notify the public and respond.

- ii) The start of Inquiries will be brought forward.
- iii) Parties will be required to provide time estimates if involved in an Inquiry and the Inspector would hold them to these.
- iv) A fast track procedure is to be introduced for additional types of appeal – advertisements, minor changes of use and interestingly, for some “commercial” proposals, mainly extensions.
- v) The costs regime would have greater focus. The Inspector himself could award costs against a party – for instance if either party did not keep to its declared timetable.

4 Observations

- 4.1 These revisions are all welcome, particularly the requirements to get the appellant to submit everything “up front” and the ability of the Inspector to consider the award of costs himself when appropriate. The proposals are very much geared to expediting procedures and would not be that onerous on Planning Authorities.

5 Extending Householder Permitted Development Rights

- 5.1 This consultation follows on from much heralded earlier Government announcements about getting the nation’s construction business “going” by cutting through the requirements to get planning permission for house extensions. Members will recall the strong reaction against these announcements. The Government has however proceeded with them in the form of this consultation document.

- 5.2 The proposals are:

- i) Increasing the size limits for the depth of a single storey domestic extension from 4 to 8 metres for detached houses and from 3 to 6 metres in all other case. This would be in “non-protected” areas and be for a period of three years. No changes are proposed for extensions of more than one storey. However, these “benefits” would not apply if more than 50% of the curtilage of the house would be involved; the extension would be taller than 4 metres, or it had an eaves height more than 3 metres within 2 metres of a boundary. These amendments would not apply within protected areas such as Conservation Areas.

- ii) Increasing the size limits for extensions to shop and professional/financial service establishments from 50 to 100 square metres and allowing these extensions up to the boundary except where that is a residential property and then a gap of 2 metres must be left. These alterations would apply in non-protected areas for a period of three years. The existing four metre height limit would still apply.
- iii) Increasing the size limits for office extensions from 50 to 100 square metres in non-protected areas for three years. Existing height limitations would continue to apply.
- iv) Increasing the size limits for new industrial buildings within the curtilage of existing premises from 100 to 200 square metres in non-protected areas for three years. Height limitations would still apply.
- v) Removing some prior approval requirements for the installation of broadband infrastructure for a period of five years. This relaxation would only not apply in Sites of Special Scientific Interest.

In addition two further proposals are being consulted on:

- i) The Government wishes to support family annexes. It is asking for views on how the conversion of garages for such accommodation could be made easier – in other words in their view, avoiding the need to submit any planning application.
- ii) It will be noticed that the recommendations above would provide a three year “window” for owners to extend their premises under the increased permitted development rights. The Government is saying that in order to make this “effective” all such works would have to be completed by the end of that period. This is different from a planning permission where a start has to be made within three years. Under the current proposals, owners would have to notify an Authority on completion. If not, the development would not be “permitted development” and thus liable to enforcement action. The Government is seeking views on this limitation on its recommendations.

5.3 Additionally Members will recall early consultation papers relating to relaxation of changes in use of buildings – eg from industrial to residential. It is anticipated that the Government’s response to that consultation will be combined with that on the proposals as outlined above within one consolidated change to the General Permitted Development Order.

5.4 The consultation closing date of 24 December strongly suggests that any new rights arising from these consultations will be brought forward very quickly.

6 Observations

- 6.1 There was a substantial degree of criticism levelled at these suggestions when they were first made public – and rightly so in respect of the householder works. Firstly, it is uncertain as to how a greater number of conservatories and kitchen extensions could substantially boost growth. Many small builders – who would be doing these works rather than the bulk house builders - have publicly said that a reduction in VAT would be of far greater impact. Secondly, it is considered that the impacts here would outweigh any benefits – badly designed and poorly proportioned extensions affecting local character and appearance; impact on the amenity of neighbouring occupiers, neighbour disputes, enforcement investigations, and the policing of the three year completion period. Thirdly, in resource terms, less planning applications submitted means less fee income, but whilst there might be fewer planning applications submitted there would be a compensatory increase in enforcement work.
- 6.2 Commercial extensions are likely to cause less impact because the majority of sites are already within estates. However, there are a significant number of commercial concerns within rural areas and adjoining residential uses. The greatest impact however is probably going to be from new extensions displacing storage and on-site parking space thus putting even greater pressure onto on-street car parking.
- 6.3 This too is the major issue with enabling greater freedom to convert garage space to living accommodation.
- 6.4 Overall therefore it is considered that these proposals are not the most effective way to promote growth and economic development; that the assumption that it is Local Planning Authorities that are causing delay and frustration is incorrect and that the proposals advocated are likely to have permanent adverse impacts on the quality of the environment.

7 Report Implications

7.1 Finance and Value for Money Implications

- 7.1.1 It is very difficult to predict the likely loss of planning fee income as a consequence of these proposals being introduced. Given that planning application submissions are generally increasing presently and that this is likely to continue with the progression of the Core Strategy and the Site Allocations DPD, it is considered that the impact would not be material.

7.2 Environment and Sustainability Implications

- 7.2.1 The impact of these proposals would be adverse with a far more dense built form arising affecting neighbour amenity and the overall appearance of neighbourhoods.

7.3 Links to Council's Priorities

- 7.3.1 These proposals would not align with the priorities of protecting the rural character of the Borough and promoting good design, but would accord with those priorities that promote local employment provision.

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

Background Papers

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

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|---|---------------|
| 1 | CLG | Technical Review of planning appeal procedures. | November 2012 |
| 2 | CLG | Extending Permitted Development Rights. | November 2012 |

Agenda Item No 9

Planning & Development Board

17 December 2012

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

**HS2 – Property Compensation &
Safeguarded Area**

1 Summary

- 1.1 That the Board give any additional views on the consultation by the Secretary of State on Property Compensation and the Safeguarded Area.

Recommendation to the Board

That comments by the Board be incorporated into the final response being agreed by the Leader and Leader of the Opposition an including comments

2 Consultation

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

3 Consultation

- 3.1 A report was presented to the Executive Board on 26 November 2012 (Appendix A) on the two consultations by the Secretary of State on "*Property Compensation*" and the "*Area to be Safeguarded*". The consultations will close at 17.30 on the 31st January 2013.

- 3.2 A verbal update will be given at Board of the views of the Executive Board. Views of this Board are sought before the response is finalised.

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

Agenda Item No 15**Executive Board****26 November 2012****Report of the Assistant Chief Executive and Solicitor to the Council****HS2 – Property Compensation and Safeguarding Area****1 Summary**

- 1.1 This report brings to Members information on the consultation by the Secretary of State on the Property Compensation and the Safeguarding area.

Recommendation to the Executive Board

That the Assistant Chief Executive and Solicitor to the Council prepares a final response in consultation with the Leader, Leader of the Opposition, Chairman of Planning & Development Board and Opposition Spokesperson, HS2 spokesperson and Opposition HS2 spokesperson to meet the consultation deadline

2 Consultation

- 2.1 On 25 October 2012 Patrick McLoughlin, the Secretary of State for Transport, announced the launch of two consultations related to the HS2 route between London and the West Midlands; one on Property Compensation and another on Safeguarding. The consultation will finish at 17.30 on the 31 January 2013.
- 2.2 A copy of the consultation documents have been placed in the Members' rooms. The HS2 Consultation website (<http://highspeedrail.dft.gov.uk/>) includes full details of both consultations, including consultation documents, maps and factsheets. Details of how to respond to the consultations are also set out there.
- 2.3 The Property Compensation Consultation sets out a proposed package of measures designed for owners and occupiers of property along the London-West Midlands line of route. The proposals include:
- a streamlined system of advanced and voluntary purchase to simplify the process for property owners in the safeguarded area and provide greater certainty for those property owners outside the safeguarded area in rural areas;
 - a sale and rent back scheme, to allow homeowners whose property will need to be demolished to sell their homes but remain living in them as tenants until the properties are required for the railway;
 - a hardship scheme, to help those with a need to move during the development of HS2 but who are unable to sell their home despite

being outside both the safeguarded area and the voluntary purchase zone;

- a series of measures designed to provide confidence for those in properties above tunnels (before and after surveys, settlement deeds and subsoil rights); and
- a framework for working with local authorities, housing associations and tenants affected by HS2, to agree a joint strategy to replace any social rented housing which is lost.

2.4 As part of the Property Compensation Consultation, HS2 Ltd has organised a series of Information Events along the line of route, which will provide an opportunity to discuss the contents of the proposals. There are two events in North Warwickshire and these will take place on:

- Tuesday 4 December 2012 – Middleton Village Hall, Middleton. (12:00 – 20:00)
- Saturday 5 January 2013 – The Link, 4 New Road, Water Orton, (09:00 – 17:00)

2.5 Safeguarding directions are intended to protect the line of route from conflicting developments and are an established practice for large infrastructure projects. The Safeguarding Consultation is aimed primarily at local planning authorities along the line of route, who will be aware of relevant planning issues in their areas and to whom the directions would apply. It designates a draft area that HS2 wish to be notified of any planning applications or planning policy work. HS2 will respond by objecting, seek a change or make no objection. If they object the local authority can accept HS2's response or refer it to the Secretary of State for Transport to seek his view on the application.

2.6 Being within the Safeguarded Area is important for owner-occupiers, small businesses and farms as they can then serve a blight notice on the Government. By being within this zone properties could be bought at a much earlier stage than if they lie just outside of the area. Here they would have to wait for the line to have opened and then be considered under the Long Term Hardship Scheme.

2.7 The Safeguarded area can be altered by the Secretary of State and no doubt will because of changes in actual line requirements. It is therefore a semi-fluid zone.

3 Consultation Response

3.1 Initial officer observations are currently being pulled together. In addition views of Action Groups, Warwickshire County Council and 51M are also being developed. It is suggested that the officer comments incorporating those views of the other parties including Members be the basis of the consultation response.

- 3.2 Due to the time between the Executive Board and the consultation closing date it is suggested that the final response is prepared by the Assistant Chief Executive and Solicitor to the Council and then agreed by the Leader of the Council, the Leader of the Opposition, Chairman of Planning and Development Board and Opposition Spokesperson, HS2 Spokesperson and Opposition HS2 Spokesperson in order to take any new information on board.

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