

**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**

**13 AUGUST 2012**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 13 August 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**

**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 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2012** - 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 to June 2012.

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

- 6 **Ministerial Planning Statement** – Report of the Head of Development Control.

**Summary**

The Minister of State for Decentralisation and Cities has recently published a statement referring to four further planning consultation papers, and to planning fees.

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

JERRY HUTCHINSON  
Chief Executive

## Agenda Item No 5

### Planning and Development Board

13 August 2012

#### Report of the Chief Executive and the Deputy Chief Executive

#### Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2012

### 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 to June 2012.

#### **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 first quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2012/13. This is the first report showing the progress achieved so far during 2012/13.

### 4 Progress achieved during 2010/11

- 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 June 2012/13 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 being achieved (shown as a red triangle)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be 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 are being reviewed by each division and Management Team for monitoring for the 2012/13 year.

## 6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 67% of the performance indicator targets are currently on schedule to be achieved. The report shows that individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

### Corporate Plan

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

### Performance Indicators

Status	Number	Percentage
Green	2	67%
Amber	1	33%
Red	0	0%
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 Equalities

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 12/13						
	Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 012 11/12	Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy by March 2013	Countryside and Heritage	Brown, Jeff	Will be reported in March 2013	 Green	
NWCP 013 11/12	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 by March 2013	Countryside and Heritage	Brown, Jeff	Will be reported in March 2013	 Green	
NWCP 014 11/12	Use the Design Champions to ensure the best achievable designs are implemented and developed by March 2013	Countryside and Heritage	Brown, Jeff	Will be reported in March 2013	 Green	
NWCP 051 11/12	To work with the County Council to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people	Local Employment	Maxey, Steve	The North Warwickshire Works programme is in place and this is aiming to maximise the opportunity for local residents to access employment opportunities at Birch Coppice. The programme has recently awarded two tenders one for a young people and employment programme and one for an employment support programme.	 Green	
NWCP 070	Looking to improve transport links to local employment	Access to Services	Brown, Jeff	Discussions continuing with WCC on extending public transport services into Birch Coppice. To be followed through with Phase 3 of Birch	 Green	

NWPI Planning Board 12/13

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Percentage of major planning applications dealt with in a timely manner	Development Control	Countryside and Heritage	60	87.5	 Green		Good Improvement
@NW:NI157b	Percentage of minor planning applications dealt with in a timely manner	Development Control	Countryside and Heritage	80	85.71	 Green		Good Improvement
@NW:NI157c	Percentage of 'other' planning applications dealt with in a timely manner	Development Control	Countryside and Heritage	90	81.18	 Amber		Close to target

## **Agenda Item No 6**

### **Planning and Development Board**

**13 August 2012**

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

#### **Ministerial Planning Statement**

### **1 Summary**

- 1.1 The Minister of State for Decentralisation and Cities has recently published a statement referring to four further planning consultation papers, and to planning fees.

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

**That officers respond to these papers as outlined in this report together with any other representations agreed by the Board.**

### **2 Background**

- 2.1 The Government has recently published four consultation papers under the heading of "Planning Simplification Measures". All Local Planning Authorities have been invited to comment. There are no new surprises in these papers as the content was trailed a little while ago. However their publication was delayed in order to enable the new National Planning Policy Framework to be published first. The new papers clearly follow on from the NPPF by advocating a simpler approach to planning applications and more flexibility in the need for a planning application in the first place. They are reported below.

### **3 Planning Fees**

- 3.1 At the same time, the Minister has announced the Government's position in respect of planning fees. As Members are aware, there was a proposal published in December 2010 for the decentralisation of planning fees. A system was to be introduced in April 2011. A final decision however was not made in light of critical consultation responses. As time progressed the Government was increasingly being pressed to make an announcement on local planning fees or to announce an overall national increase instead. Presently, fees are set nationally, and there had been no increase since 2008. This Ministerial Statement announces an overall 15% increase in planning fees to take effect in the Autumn – probably 1 October.
- 3.2 From the Council's perspective this could, in simple arithmetic terms, lead to an increase of £20k in income this financial year and a further £40k in the next full year. It is difficult to predict exactly what may arise as it will depend on the mix of applications submitted. What is certain however, is that there will be a



likely sharp rise in submissions before October – particularly in the larger and major applications. The usual financial monitoring reports will keep the Board up to date on this.

- 3.3 There is no indication in the Statement as to the future of decentralising planning fees, but the eighteen month delay since they were announced and now this Statement, suggests that it might be a little while before this is back on the agenda.

#### **4 Relaxation of Planning Rules for Change of Use from Commercial to Residential**

- 4.1 The first consultation paper follows on from an earlier paper which sought views on relaxing the current Use Classes Order such that the change of use of commercial premises to residential would not require the submission of a planning application in order to “boost” housing supply. This Council was sceptical about such a proposal responding that residential uses on industrial estate were hardly going to be good neighbours and that there could be a resulting loss of employment provision.

- 4.2 Two actions are set out in the current paper. The first has already occurred in that paragraph 51 of the NPPF specifically refers to this increased flexibility. This states that Local Planning Authorities “should normally approve applications to residential use and any associated development from commercial buildings (currently in the B Use Classes) where there is an identified need for additional housing in that area, provided that there are no strong economic reasons why such development would be inappropriate”. So rather than enable such changes to be “automatic” through changes to the Use Classes Order, there is now a policy direction, leaving it to each Authority to take its own decision based on its own local circumstances – localism in other words. The overall thrust of this is welcomed as it enables the Council to treat cases on their own merits in line with local circumstances. It may well help with housing supply, but this is probably going to be more likely through conversion of offices, rather than through the conversion of industrial buildings and sheds.

- 4.3 The second action is to amend the General Permitted Development Order to extend existing rights which allow space above shops and other town centre uses to be converted into a single flat without the need for an application, to allow for two flats. This is generally welcomed and could be effective in both Atherstone and Coleshill.

#### **5 New Opportunities for Sustainable Development through the re-use of existing buildings**

- 5.1 Again this follows on from an earlier paper on increasing the flexibility of the Use Classes Order by taking a significant number of changes of use outside of the need to submit any planning application. There are several new proposals arising.

- 5.2 The first relates to a greater flexibility for existing and redundant agricultural buildings to be re-used without the need for a planning application. The alternative uses suggested are – workshops, offices, storage, food processing, cafes, hotels and leisure uses. There would be safeguards in designated areas such as the National Parks. The paper recognises that development in the countryside requires “sensitivity” and has different impacts than in urban areas. The consultation paper therefore suggests that the permitted development right should be subject to a prior approval process requiring notification to the Local Planning Authority or have defined thresholds and limitations. It is considered that this proposal goes too far. Apart from the physical impacts such as increased traffic on small country roads and the potential noise and light pollution, this proposal would significantly devalue to Council’s strategy of seeking development within its own settlements. It could affect the settlement hierarchy. It is considered that the current approach should remain, with such changes requiring planning applications. Local Planning Authorities could then assess impacts through their own Development Plan policies – in our case ECON8 and 9. These have led to substantial re-use of buildings in the Borough. In other words the existing system delivers a balanced approach.
- 5.3 The second proposal is more acceptable. A planning application is not required for changes of use between the commercial B Use Classes subject to floor space thresholds. Hence a building can change use from B2 to B1 if it is below 235 square metres in floor area. It is proposed to double that threshold to 470 square metres. This is not considered to be a problem provided that the “direction” of the permitted development rights remain – in other words from B8 and B2 to B1, and they are not changed to the other way round.
- 5.4 The third proposal is linked to the objective of enabling new businesses the opportunity of “setting” up quickly without waiting for the issue of a planning permission. This would also be linked to the objective of re-using vacant or redundant buildings. It is proposed that certain uses – including retail, offices, assembly and leisure uses – would not require a planning application to make use of a building for an initial period of two years. At the end of the two years the building would revert to its former lawful use unless a planning application was submitted to retain the alternative use. Notice would have to be given to the Planning Authority in order to validate uses and then to monitor the time period. Members are already seeing applications to re-use some of the industrial buildings on our estates for alternative uses. Consents have been granted and these have all been for temporary periods. It has been argued that it is better to keep buildings in use, and usually these alternative uses do provide employment opportunities. The overall thrust of this proposal is seen to be a good thing, but it should not be allowed to impact on the overall supply of commercial premises, nor impact on the vitality and viability of existing settlements and particularly the facilities provided in the market towns.
- 5.5 The fourth proposal is to enable hotels to convert to residential use without the need for a planning application. The intention here is clearly to increase housing supply. Again this outcome from this proposal will depend on the

likely impacts arising from such increased flexibility. Whilst it might be appropriate for hotels in towns and defined settlements to be converted to housing, those hotels in countryside locations could introduce different impacts. Importantly the settlement hierarchy would be put under pressure. There is also pressure for business related tourism in the Borough and there could be a knock-on effect if the existing hotel supply is reduced. It is considered that any increased flexibility should come through plan-led policies appropriate to a local area in order to reflect local differences.

- 5.6 The final proposal is to update some of the definitions in the Use Classes Order. This is sensible given that Order still reflects the position back in 1987 when it was first introduced. New uses have appeared which do not “fit” into a Use Class at present, and thus the size of a “sui generis” list is always increasing.

## **6 Statutory Consultee Performance and the Award of Costs**

- 6.1 Members will be aware that we are statutorily required to consult many agencies in connection with applications – eg. the Highways Agency and the Environment Agency. It can often be the case that a refusal of planning permission can be as a result of that consultation response. Appeals that are lodged often challenge these responses. Whilst witnesses from these bodies attend Inquires and Hearings in order to defend their position, they are not subject to the costs regime, even although an Authority relies heavily on their position. The current Costs Circular only relates to the Local Planning Authority, as it made the decision. The proposal set out in this paper is to make it possible for these Statutory Agencies to become liable for costs if their evidence is not soundly based and argued in an appeal situation. This is a very welcome proposal. Officers here have examples of “poorly” based and “poorly” defended evidence from some Agencies when in an appeal situation. These have not resulted in costs being awarded against the Council, but they could have done. The Council is wholly reliant on these Agencies and they too should bear the professional responsibility for the advice they give.

- 6.2 The paper continues by recommending that where a refusal is “clearly contrary to a development plan and where there are no material considerations to indicate that a planning permission should be granted”, then there should be no grounds for an award of costs against the Planning Authority. Additionally, where an appellant has relied on information that is shown to be untrue, then again there would be no grounds for a costs award. These proposals are welcomed.

## **7 Streamlining Information Requirements for Planning Applications**

- 7.1 This paper sets out proposals to reduce the amount of information and documentation needed to be submitted with planning applications. The reason is to reduce costs to the applicant and to ensure that supporting information is proportionate to the proposal. At present there is a list of national requirements which are mandatory for all Local Planning Authorities. Additionally each Authority has its own Local List which sets out its own requirements. This is published on our website.

- 7.2 The proposals are to reduce the nationally prescribed requirements for outline applications; to encourage Local Authorities to frequently review their own local lists, and to amalgamate some of the national application form requirements in order to reduce confusion.
- 7.3 In respect of the first of these proposals then currently outline applications still need to show layout, scale and access details. It is proposed only now to include the proposed use and the amount of new development. It will still be open to applicants to provide indicative or illustrative layouts but these would not now be mandated. This is considered to be a retrograde step. Whilst additional details will add to the cost of an application submission, it is reasonable for the Authority to fully understand the potential impacts of a proposal. Certainly the local community expect details immediately and this is reflected in practically all of the representations which we receive on outline proposals. It is considered that the current arrangements should be retained as they are far more proportionate and fair to all parties.
- 7.4 There are no issues with the other proposals here. Our own Local Requirements List does need review and this will be programmed.

## 8 Report Implications

### 8.1 Financial and Value for Money Implications

- 8.1.1 There could be an increase in planning fee income of £20k in this financial year and a further £40k in the next arising from the planned fee increase.

### 8.2 Environment and Sustainability Implications

- 8.2.1 Some of these proposals will undermine the Council's overall strategy of promoting sustainable development within a recognised settlement hierarchy.

### 8.3 Links to Council Priorities

- 8.3.1 Whilst the increased fee income will assist the Council's financial position, some of the other proposals are likely to adversely impact on the Council's priority of protecting the Borough's rural character.

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

### Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	DCLG	Letter	3.7.12