

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

For the information of other Members of the Council

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

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

16 JANUARY 2012

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 16 January 2012 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests.**
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Lea, B Moss and Sweet and membership of the various Town/Parish Councils

of Councillors Barber (Ansley), Butcher (Polesworth), B Moss (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) are deemed to be declared at this meeting.

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

4 **Corporate Plan 2012- 13** - Report of the Chief Executive

Summary

The Corporate Plan is updated on an annual basis. The purpose of this report is to seek the Board's approval for the Corporate Plan Key Actions for which it is responsible and to agree the 2012-13 Service Plans for Development Control and Forward Planning.

The Contact Officer for this report is Jerry Hutchinson (719200).

5 **General Fund Fees and Charges 2012/2013** - Report of the Assistant Director (Corporate Services) and the Assistant Chief Executive and Solicitor to the Council

Summary

The report covers the fees and charges for 2011/12 and the proposed fees and charges for 2012/13.

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

6 **General Fund Revenue Estimates 2011/12** - Report of the Deputy Chief Executive

Summary

This report covers the revised budget for 2011/12 and an estimate of expenditure for 2012/13, together with forward commitments for 2013/14, 2014/15 and 2015/16.

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

7 **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).

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

16 January 2012

**Report of the
Chief Executive**

Corporate Plan 2012 - 13

1 Summary

- 1.1 The Corporate Plan is updated on an annual basis. The purpose of this report is to seek the Board's approval for the Corporate Plan Key Actions for which it is responsible and to agree the 2012-13 Service Plans for Development Control and Forward Planning.

Recommendation to the Executive Board

- a That those Corporate Plan Key Actions as set out in Appendix A to the report for which the Planning and Development Board is responsible be agreed; and**

Recommendation to the Board

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

2 Consultation

- 2.1 Councillors with responsibility for the relevant areas have been involved in discussions relating to issues contained within the Appendices.

3 Report

- 3.1 Corporate Plan Key Actions and Divisional Service Plans are normally agreed in the January/February cycle of meetings and adopted by Full Council in February at the same time as the Budget.
- 3.2 At its September 2011 meeting the Council agreed its Vision and Priorities together with Key Actions for the remainder of 2011-12 and this report seeks approval for the Corporate Plan Key Actions for 2012-13.
- 3.3 Appendix A sets out proposals for those Key Actions which fall within the remit of the Planning and Development Board. Members are requested to recommend to the Executive Board that the Corporate Plan Key Actions set out in Appendix A are agreed.

...

3.4 A report will be presented to Boards/Sub-Committees after the end of the financial year to show the year end out-turn on the 2011-12 Key Actions. Proposals for 2012-13 will form part of the 2012-13 Corporate Plan which covers the Council's top level priorities.

3.5 It is also important, however, that Members are aware of and agree the significant amount of work carried out within the Divisions to provide services to local people. This information appears in a single document for each Division, the Divisional Service Plan, which is the key management tool for ensuring that services deliver their annual work programme.

... 3.6 The Service Plans for Development Control and Forward Planning comprise Appendix B to this report, as most of these programmes relate to work carried out for this Board.

3.7 Where there are any budget implications for another Board/Sub-Committee arising out of this work programme, those implications will be drawn to the attention of the relevant Board/Sub-Committee in the Budget report going to this cycle of meetings. Similarly, any budgetary implications for this Board from Divisional Plans being reported to other Boards/Sub-Committees are dealt with in the Budget Report also on this agenda.

3.8 Once the Corporate Plan Key Actions and Divisional Service Plans have been agreed, they will all be subject to the usual reporting procedures for monitoring performance as for last year, ie:-

- Monthly reports are considered by Management Team;
- A traffic light warning indicator is used:-
 - Red – target not likely to be achieved.
 - Amber – target currently behind schedule and requires remedial action in order to be achieved.
 - Green – target currently on schedule to be achieved;
- Progress reports to each Board/Sub-Committee meeting, and
- The Scrutiny Board to monitor the performance of indicators and targets where the traffic light is amber and red.

4 **Report Implications**

4.1 **Finance and Value for Money Implications**

4.1.1 Where possible, key actions and indicators for 2012-13 will be achieved from within existing Board/Sub-Committee resources. Details of any additional funding are included in the right hand column of the table in Schedule A and in the Budget report and will be in appropriate cases, the subject of reports to the Board.

4.2 Human Resources Implications

4.2.1 Any Human Resources implications resulting from the proposals in the Schedule will be the subject of further reports to the Board.

4.3 Risk Management Implications

4.3.1 The main risk is ensuring that the Council prioritises its resources to enable it to deliver its priorities. The performance monitoring arrangements set out above provide the mechanism to ensure that remedial action can be taken to review progress and ensure that priority outcomes are delivered.

4.4 Links to Council's Priorities

4.4.1 These are set out in the Appendices.

The Contact Officer for this report is Jerry Hutchinson (719200).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

CORPORATE PLAN TARGETS – 2012/13

PLANNING & DEVELOPMENT BOARD

Priority	Target	Board/Lead Officer	Additional Training/ Financial Implications
Local Employment	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.	Planning and Development Board/ACE&StC, ACE (CS)	Use of Section 106 funding.
Countryside and Heritage	To report the outcome of the consultation on the draft Core Strategy and recommend a revised draft in April 2012. To consult on the revised draft from June to August 2012. To report on the outcome of that consultation and recommend a final Core Strategy in September 2012 and submit that to the Government by December 2012.	Executive Board/Planning & Development Board/LDF Sub-Committee/ACE&StC	To be met within existing budgets.

Priority	Target	Board/Lead Officer	Additional Training/ Financial Implications
Countryside and Heritage	<p>To continue to:-</p> <p>(a) Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy;</p> <p>(b) Ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings; and</p> <p>(c) Use the Design Champions to ensure the best achievable designs are implemented and developed.</p> <p>To report on these approaches by March 2013.</p>	<p>Planning & Development Board/Design Champions/ACE&StC</p>	<p>To be met within existing budgets.</p>
Access to Services	<p>Looking to improve transport links to local employment.</p>	<p>Planning & Development Board</p>	<p>Section 106 funding.</p>

Development Control Service Service Plan 2012/13

Introduction

The past year has seen some of the key changes which the Government is proposing to introduce shortly – the Localism Bill introducing Neighbourhood Planning and confirming the abolition of the Regional Spatial Strategy; the draft National Planning Framework, the introduction of The Planning Guarantee, local planning fees, and the proposed relaxation of the Use Classes Order. These will change the way that the service is delivered and how also how decisions are taken. Their impacts on the service and North Warwickshire will be better assessed once the detailed regulations are published. However there has already been delay to this process - eg. planning fees.

These changes are occurring against a continuing economic downturn. New developments projects are limited, particularly for larger developments with major regeneration schemes in Atherstone and Coleshill being held back. Housing proposals are badly affected both in the private sector and the delivery of affordable housing is being limited through changes to its funding.

The service continues to determine applications in a timely way and to manage new development proposals in order to secure the best outcome whether that is in design terms or through the provisions of Section 106 Agreements. This has led to longer determination periods for some applications, but accepted by applicants as a better way to “do business” rather than to adhere to a target driven process. Preparation for the introduction of local planning fees is showing that the registration/validation process needs review because of the time taken. This has a cost. The investigation and enforcement side of the service continues to work through mediation and voluntary remedial action, but there are a number of high profile cases where enforcement and subsequent Court action continues.

The publication during the year of the draft Core Strategy is significant. It sets the framework for the determination of applications within the changing environment referred to above, and it will encourage the preparation and adoption of further Development Plan Documents to be used in the decision making process.

1. A Review of Last Year

What has gone well?

- Overall performance remains strong
- Significant planning decisions made eg: the Vero Works in Atherstone
- Variety of applications remains wide
- Appeal record remains good
- Section 106 Agreements securing significant contributions where possible
- No mal-administration findings by the Ombudsman
- Enforcement work remains substantial with high profile cases
- Draft Core Strategy published
- Member training sessions undertaken
- Parish Council training sessions held
- Building Control Partnership extended (?)
- Electronic submissions (?)
- TRIM introduced into the service
- Introduction of Public speaking at Planning Board
- Change in constitution to enable Planning Board to adopt planning advice and guidance

What has not gone well?

- Planning fee income not recovering
- Local planning fees not introduced due to Government delays
- Delay in decisions on high profile cases due to Legal Challenges
- High profile enforcement cases require significant planning input
- Supplementary Planning Guidance not prepared
- Support from Central Services coming under strain
- Registration/Validation is taking time and causing some customer frustration
- Overall standard of planning submissions remains low
- Impact of reduced income on Building Control service provision

Staffing

- No changes

2. Service Plan for the Following Year

External Assessments

- 8 and 13 week “targets” to remain
- To be supplemented by the yet unknown detail of “The Planning Guarantee”

New Legislation

- Local Planning Fees – introduction date still unknown
- Localism Bill being amended and so details remain unknown on Neighbourhood Planning and the impact of Local Development Orders
- Draft National Planning Policy Framework published, introducing changes for the determination of applications
- Potentially significant changes to the Use Classes Order
- Enforcement legislation likely to be “tightened”.

New Practice or Codes

- Standards of Energy Efficient houses being reviewed (?CN?)
- Approach to Building Control accounting – annual break even
- Public speaking at Planning Board

Value for Money/Efficiency

- Local Planning Fees to be introduced
- Pre-application charging to be linked to their introduction
- Greater plotting of “planning constraints” electronically enabling more electronic consultations
- Web site constantly updated
- Reviewing the pre-application/registration/validation process

Performance Indicators

- Well established systems in place to audit performance
- No change to PI’s – regular reports to Board
- Annual Performance Report to Board.

Use of Technology

- Protocols for procedures with Statutory consultees extending and constantly updated
- Further digital plotting of planning constraints being undertaken.
- Software supplier – Northgate – to overhaul system in next few years
- Scanning/Printing equipment needs replacing in next few years

Risk Management

- Annual Moderation of Service Risks
- Risks identified in Board reports
- Business Continuity Plan reviewed

Customer Surveys/Consultations

- None undertaken
- To undertake consultation in advance of introduction of planning fees
- Parish Council training sessions
- Local Agents Forum held
- Investigation of Complaints

Corporate Working

- Close links with other services in delivery of Corporate objectives – affordable housing; open space enhancement and training opportunities
- Close links with Forward Planning on preparation of the draft Core Strategy and particularly on forthcoming additional Documents
- Infrastructure Planning – CIL and its implementation.

Corporate Plan 2012/13

- Local Employment – particularly through Section 106 Agreements eg: Birch Coppice
- Countryside and Heritage – development management; protection of the rural character of the Borough, good quality design
- Housing – delivery of affordable housing

Sustainable Community Strategy 2009/2026

- Raising Aspirations – use of Section 106 Agreements
- Developing Healthier Communities – design of new developments and the use of Section 106 Agreements; potential CIL options
- Improving Access to Services – design of new developments and the use of Section 106 Agreements; potential CIL options

Vision

- Delivery of Corporate and Community Plan objectives
- Development Management rather than the Control of Development

Strategies

- Delivery and focus on the future Core Strategy and the Sustainable Community Strategy

Climate Change

- Core Strategy to introduce approach
- Supplementary Planning Documents to be prepared

Workforce Planning Issues

- Overall sickness record is good
- Exceptionally stable staff
- Succession Planning
- Retention of younger experienced staff
- Cascading technical information through Central Support
- Skills Gaps – ie. climate change

Process and Policy

- Awaiting detail of Government changes
- Climate change and CIL issues still to be developed

Health and Safety

- no current issues

Equalities

- Issues covered in Board reports – particularly on enforcement work/or matters with human rights issues.

Data Quality

- Written procedures for all NI's, with audit checks.
- Written procedures for use of SX3 software

Communications

- Weekly list of applications and decisions
- Accessible website – latest news items
- Agents Forum
- Parish Council training sessions
- Local Requirements Document to be reviewed

Previous Year

- Action 1 – To introduce local Planning Fees: Not completed due to delays in Government preparing the details of the framework in which to set those fees. Its consultation evidenced major differences of approach. Clarification is needed before progressing further. The service has prepared however. We know the full details of the recoverable costs for chargeable activity, and we have a six month record of time sheets recording time taken to deal with all applications. A fee calculation spread sheet is also available. Initial

benchmarking with neighbouring Districts has not yet been followed through in detail because of Government delays.

- Action 2 – To prepare Supplementary Planning Documents: These were to be prepared following the publication of the Core Strategy, and to be introduced in 2012. No further work has progressed until the scope of the future documents has been established within the Core Strategy.

3. Resource Implications

- Local Planning fees potentially to raise £110k
- High profile cases “skew” the service and are resource hungry
- Building Control Partnership impacts

4. Performance Indicators 2012/13

Our current PI's are a local application of the former National Indicators and thus deal with targets for the determination of planning applications. At present these are 50% of all major applications in 13 weeks; 85% of minor applications within 8 weeks and 95% of other applications in 8 weeks.

These can remain for 2012/13. However these will need review during that year for two reasons. Firstly, the Government is considering introducing a “Planning Guarantee” which would set an overall time period within which all applications should be determined – 12 months is being suggested. Secondly, the service will be undertaking a “lean systems” review next year, and performance indicators will be more likely to take the form of measures rather than be targets.

**PLANNING AND DEVELOPMENT DIVISION
SUMMARY SERVICE PLAN 2012/13**

Action	Community Plan/Corporate Priorities	Lead Officer	Start Date	End Date	Priority	Measurement of Success	Resource/Training Implications
1) To introduce our own Scale of Planning Fees	Public Services and Council Tax	Head of Development Control	Potentially April 2012, but dependant on Government Timetable	Potentially March 2013	1	<ul style="list-style-type: none"> • Scale of Fees adopted by March 2013 • Fees recovering the cost of "chargeable" activity • Pre-application charges incorporated into the arrangements 	<ul style="list-style-type: none"> • Reduction in costs to the Council • Regular reviews of the scale of fees
2) To commence work on a Lean System Review of the Services	Public Services and Council Tax; Access to Services	Head of Development Control	April 2012	March 2013	1	<ul style="list-style-type: none"> • Timetable to be prepared and managed with regular review • Changes introduced • Reduced costs • Greater user satisfaction 	<ul style="list-style-type: none"> • Outside resources needed • Time to undertake the review • Involvement of other services • Staff training/involvement • Heavy commitment

Action	Community Plan/Corporate Priorities	Lead Officer	Start Date	End Date	Priority	Measurement of Success	Resource/Training Implications
3) To prepare a Development Plan Document on Development Management Policies; a Supplementary Plan Document on Residential Design and Design Briefs for Development Sites	Countryside and Heritage	Head of Development Control	Following consultation on the draft Core Strategy	Into 2012/13	2	<ul style="list-style-type: none"> • Publication of draft DPD, SPD and Guide • Member Training Sessions • Post development site visits 	<ul style="list-style-type: none"> • Member training • Reduction in performance through prioritisation of staff to do the DPD and SPD

Workforce Implications of the Corporate & Divisional Plans

Workforce Area	Long Term Objectives	Objectives 2012/13	Action By	Performance Measure	Milestone Dates
Skills	<ul style="list-style-type: none"> All staff more knowledgeable Better resilience Widen range/base of knowledge/skills 	<ul style="list-style-type: none"> Greater general planning knowledge in Central Support 	Within 2012	<ul style="list-style-type: none"> Less avoidable contact 	
Jobs and Job Roles	<ul style="list-style-type: none"> Greater variety of work 	<ul style="list-style-type: none"> Role out of SPD by different members of staff 	Within 2012/13	<ul style="list-style-type: none"> SPD published Explore job satisfaction in staff appraisals 	
Equalities					
Recruitment & Retention	<ul style="list-style-type: none"> Retain experienced staff Challenge staff Delegation of responsibilities Widen skills base 	<ul style="list-style-type: none"> Look at "management skills" for the service 	Within 2012		
Learning & Development	<ul style="list-style-type: none"> Training integral to work Training focused on known gaps 	<ul style="list-style-type: none"> Focused Training Plan 	Within 2012	<ul style="list-style-type: none"> Training completed Evidence of knowledge in reports 	

Workforce Implications of the Corporate & Divisional Plans

Workforce Area	Long Term Objectives	Objectives 2012/13	Action By	Performance Measure	Milestone Dates
Succession & Career Planning	<ul style="list-style-type: none"> • Challenging work • Increase variety 	<ul style="list-style-type: none"> • Increase variety and challenge • Introduce "management skills" 	Within 2012		
Employee Relations					
Health Safety & Welfare	<ul style="list-style-type: none"> • Safe office environment • Safe out of office procedures • Annual risk assessments 	<ul style="list-style-type: none"> • Regular safety audits 	Within 2012	<ul style="list-style-type: none"> • Annual Risk Assessments 	
Pay & Rewards					
Flexible Working	<ul style="list-style-type: none"> • More flexible working (in office) • Electronic case files 	<ul style="list-style-type: none"> • React to Corporate Initiatives • Expand electronic case files • Expand CITRIX 			

Divisional Plan – Forward Planning Team 2012

1 A Review of Last Year (2010/11)

- ◆ What went well – what did the Team achieve in relation to its previous year’s plan
 - Publication of the Draft Core Strategy – October 2011
 - Evidence base increasing:
 - Employment Topic Paper
 - Sub-regional Green Infrastructure Study
 - Affordable Housing Viability Assessment
 - LDF Sub-committee taking over from LDF Advisory Panel
 - Meetings with stakeholders, landowners and agents
 - Working in partnership has continued to achieve economies of scale reducing the pressure on the budget
 - Negotiating of S106 especially for affordable housing and open space provision
 - Annual Monitoring Report 2010 was completed on time
 - Timely responses to planning applications from both planning policy and heritage and conservation perspectives
 - National and regional figures completed on time
 - Continued input into sub-regional working
 - Adoption of Interim Planning Policy Statement
 - Work on HS2
 - Work on Cross border Partnership, including Regional Growth Fund bids and Enterprise Zone for MIRA
 - Member training on Changes to Planning Policy and Draft Core Strategy
 - Response to Draft NPPF
 - Meeting, facilitated by PAS, with Lichfield, Tamworth and Cannock Chase to discuss cross border working to achieve sound Core Strategies

- ◆ What has not gone quite so well?
 - Staff capacity to keep on top of changes taking place
 - Slow progress of Conservation Area Appraisals
 - Expected abolition of RSS and other uncertainties over future of LDF work
 - Outside consultation responses not tying up with Board dates

- ◆ Staffing issues – leavers, joiners, exam successes
 - No change

2 Service Plan for the following Year

2.1 External Influences

- ◆ Is there any legislation that will impact on the Division?
 - Decentralisation & Localism Act expected – impact on how service is delivered
 - Abolition and then reinstatement of the RSS
 - New National Planning Policy Framework
 - Neighbourhood Planning
 - Possible introduction of Community Infrastructure Levy
 - Changes following the Sub-national review and the way AWM / County will work in the future. Influence and linkages to sub-regional working is on-going – LEP, SRIS

- Setting by Borough Council own planning fees
 - Changing LEP status
 - Changing funding opportunities for infrastructure and affordable housing.
- ◆ Any professional codes of practice or best practice statements to be implemented?
 - The Planning Advisory Service continually updates their Best Practice Guidance which will need to be reviewed on a continual basis.
 - ◆ Are there any resource implications?
 - A lot of changes expected over a relatively short time
 - Infrastructure Delivery Plan required
 - Changes to Neighbourhood Planning could be staff resource intensive – situation should be clearer in the New Year with regulations being produced
 - Involvement in Land Disposals

2.2 **External Assessment**

None expected

2.3 **Value for Money/Efficiency**

Efficiencies identified

Continuing to seek partnership working to reduce costs wherever possible.

Resource Implications

- Uncertainty of when local Planning Fee increase will take place
- Abolition of RSS and the regional structures has implications on the need to provide more in-house monitoring resources

2.4 **Performance Indicators**

- Systems in place for all BVPI's; Government annual and quarterly returns together with local PI's. (Written procedures with internal checks)
- All Risk Assessments moderated annually
- Policy development must be accompanied by monitoring and this can be expanded and explored.

- ◆ National Indicators that apply to the Service

154	Net additional homes provided	Existing – unchanged indicator or uses existing data return with no recalculation	NWBC report to Housing Flows Return	S Maxey	D Barratt
155	Number of affordable homes delivered (gross)	Existing – unchanged indicator or uses existing data return with no recalculation	NWBC returns to DCLG (S106 and P2)	S Maxey / C Brewer	D Barratt / P Roberts
159	Supply of ready to develop housing sites	Existing – unchanged indicator or uses existing	Local Planning Authority	S Maxey	D Barratt

		data return with no recalculation			
197	Improved local biodiversity – active management of local sites		Local Sites Partnership	S Maxey (information supplied by WCC)	D Barratt

Table 2: NWBC will be monitored on but reported elsewhere

189	Flood and coastal erosion risk management	New indicator	Environment Agency
-----	---	---------------	--------------------

◆ Local Targets

BVPI 200	a	Did the local planning authority submit the Local Development Scheme (LDS) by 28th March 2005 and thereafter maintain a 3-year rolling programme? :	Yes	Yes	Green	
BVPI 200	b	Has the local planning authority met the milestones which the current Local Development Scheme (LDS) sets out? :	Yes	Yes	Green	
BVPI 219	b	Percentage of conservation areas in the local authority area with an up-to-date character appraisal. :	20%	On target	Green	Atherstone complete (although further update required) and work on Coleshill started
BVPI 106	-	Percentage of new homes built on previously developed land. :	85%	87%	Green	

2.5 Use of Technology

- The Local Plan is interactive on-line but could be improved and hosted on Council's own servers – issue that GIS is no longer updated and cost of bringing back Local Plan in a printable version.
- New web pages have been finalised and web links extended
- Document Management System now in use –scanning of old files to make space in offices is to be pursued as and when staff time available in Central Services
- Due to costs web based consultation has not be pursued.

2.6 Risk Management

- Annual Moderation of Risks

2.7 Customer Surveys/Consultation

Consultations will be carried out in relation to the development of the Core Strategy but not directly about the service that Forward Planning provides. These will be both formal consultation periods as well informal meetings with key stakeholders.

There are resource implications in terms of staff time that it takes to organise and then run events. The LDF Budget covers the financial costs.

2.8 Community Plan/Corporate Plan

Community Plan (2010)

- The three key themes are interlinked to the work of the team

Corporate Plan (2010)

2.9 Vision

- The teams work is cross cutting but mainly it is through the Development Plan policies and delivery of outcomes, community links, implementing National and Regional Policy, joint working with other Agencies and Authorities.
- Forward Planning cuts across practically all of the Council's current seven priorities if objectives are to be delivered.

2.10 Strategies

- The service is grounded in long term strategic planning most of which shapes Council activity
- It heeds and takes up internal Corporate Strategies
- Its focus is external strategic working and linkages
- The service links with all Portfolio groups and with Corporate Priorities

2.11 Staff Issues

- Sickness levels have improved
- Morale of team is generally although the general state of local government is a concern.

Action

To keep a check on the effect of the changes in local government

By When

Continually review

By Whom

Dorothy Barratt

2.12 Process and Policy

- LDF process in place
- LDS updated programme needs to be agreed on a regular basis with the LDF Sub-committee
- Electronic service delivery programme in place but could be improved
- Identified gap in respect of climate change issues being addressed

2.13 Health and Safety

- Risk Assessments undertaken
- Audits need to be undertaken

2.14 Equalities

The team continue to use the EIA when developing policy.

2.15 Communication

The FP Team have the Statement of Community Involvement (adopted January 2007), which it uses when consulting the public, stakeholders and other organisations.

2.16 **Climate Change**

- A Renewable Energy and Low Carbon Development Feasibility Study has been completed.
- A Renewable Energy Toolkit has been introduced in April 2011. Training was carried out by Encraft for officers. Member training still awaited on system.

2.17 **LSP**

As the work of the Forward Planning Team is cross cutting planning policy can have an influence on a range of targets.

2.18 **Previous Years**

As the work of the team is long ranging most actions from the previous year need to be carried forward.

3.0 **Resources**

The team is busy. Work is escalating in the Cross-border partnership and with it economic development work, as well as HS2 proposals.

SUMMARY ACTION PLAN

Action	The Community Plan Objective Corporate Objective Divisional Objective or Policy the task contributes to	Lead Officer	Start Date	End Date	Priority	Measurement of Success	Resource/Training Implications
1. Review and keep LDS up to date	Community Plan: All themes	Forward Planning Manager	September 2009	Ongoing	1	GOWM raising no objections and it becoming effective	Keeping up to date with changing requirements both nationally and regionally
2. Implementing the LDS work programme including gathering the evidence base	Community Plan: All themes	Forward Planning Manager	March 2005	Ongoing	1	Delivery of projects as part of the LDS on time and with a high expectation of being found to be sound	Keeping up to date with changing requirements both nationally and regionally
3. Prepare & Submit Annual Monitoring Report	Community Plan: All themes	Forward Planning Manager	September 2009	Every year by 31 st December	1	Meeting the statutory requirement to submit an AMR each year by 31 st December	Keeping up to date with changing monitoring requirements both nationally and regionally
4. Prepare and keep under review the five year housing supply	Community Plan: All themes	Forward Planning Manager	September 2009	Every year by 31 st December	1	Maintaining information on our five year supply	Staff time; attracting outside sources of funding to maintain a supply
5. Cross-Border Partnership	Community Plan: All themes	Forward Planning Manager	September 2010	ongoing	1	Delivery of projects that deliver results hitting the SCS targets	Staff resource and possible future budget issues

6. Maintain advice on planning control matters including policy advice and specialist heritage advice.	Community Plan: All themes	Forward Planning Manager		ongoing	1		
7. Involvement in specialist projects such as HS2, Tame Valley Partnership.	Community Plan: All themes	Forward Planning Manager		ongoing	1		
8. Annual Moderation of Risk Management	Risk Management	Forward Planning Manager		Annually			
10. Equalities - Continuing to prepare EIA's for new policy areas	Equalities	Forward Planning Manager		Before policy presented to Board		All new policy areas accompanied by EIA	
11. Health & Safety Audits	Health & Safety	Forward Planning Manager		Annually		All required audits completed and remedial action taken where necessary	

Report of the Assistant Director Corporate Services and the Assistant Chief Executive and Solicitor to the Council

General Fund Fees and Charges 2012/2013

1 Summary

- 1.1 The report covers the fees and charges for 2011/12 and the proposed fees and charges for 2012/13.

Recommendation to the Board

That the schedule of fees and charges for 2012/13, set out in the report be accepted.

2 Report

2.1 Introduction

2.1.1 At its meeting in September, the Executive Board agreed the budget strategy for 2012/16, which included an expected allowance for price increases of 2% equating to £7,290 additional income from Land Charges, Street Naming and Numbering and Planning Control fees.

2.1.2 Although Planning Control is under the control of this board the fees and charges have not been included in this report as they are set nationally by Government and the proposed fees and charges for 2012/13 have not yet been announced.

2.1.3 Fees for an Official Land Charge Register search only and any Additional Questions have stayed at the same level as the 2011/12 fees to counter the impact of Personal Search Companies offering similar services whilst ensuring the service runs at cost recovery only.

... 2.1.4 Attached for the Board's consideration at Appendix A are details of present and proposed fees and charges for the financial year 2012/13. The amounts shown have already been included in the revenue estimates for 2012/13.

3 Report Implications

3.1 Financial Implications

3.1.1 The pricing structure contained in this report is expected to generate an additional £1,290 of income on Street Naming and Numbering and Land Charges in 2012/13. No allowance for fee increases has been budgeted for on Planning Control. The revised fees are contained within the Deputy Chief Executive's report on the General Fund estimates 2012/13, presented elsewhere within the agenda for this meeting. A 1% change in

income generated by services reporting to this Board would result in an increase or decrease in income of £650 (Street Naming and Numbering and Land Charges).

3.2 Risk Management Implications

3.2.1 Changes to fees and charges may impact on the level of demand. However, this has been considered in proposing the revised charges.

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

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

NORTH WARWICKSHIRE BOROUGH COUNCIL
PLANNING AND DEVELOPMENT BOARD
FEES AND CHARGES FROM 1 APRIL 2012

	2011/12 TOTAL CHARGE	2012/13 TOTAL CHARGE	VAT RATING
LAND CHARGES			
Official Land Charges Register search (LLC1)	29.00	29.00	Outside Scope
Each additional parcel of land	2.90	2.90	"
Con29 R Search	78.00	79.00	"
Each additional parcel of land	7.80	7.90	"
Full Search (LLC1 & Con29 R)	107.00	108.00	"
Each additional parcel	10.70	10.80	"
Additional Question (Con2 90 / Con29 R) - first question	16.50	16.50	"
Every additional question	1.00	1.00	"
Common Land Enquiry (if submitted as part of search)	N/A	10.25	"
STREET NAMING & NUMBERING			
Add a new property name	52.00	53.00	Outside Scope
Correct an address anomaly	26.00	26.50	"
New development (per plot up to 10 plots)	104.00	106.00	"
New development (per plot above 10 plots)	13.00	13.00	"
Rename/renumber	52.00	53.00	"
Name a new street	104.00	106.00	"
Amend development layout (per plot)	26.00	26.50	"
Commercial property (per unit)	26.00	26.50	"

PHOTOCOPYING AND PRINTING CHARGES	2011/12 TOTAL CHARGE	2012/13 TOTAL CHARGE	VAT RATING
	£	£	
Planning decision notice (domestic)	0.12	0.15	Including VAT at standard rate
Planning decision notice (commercial) (Including building regulation completion certificate)	0.12	0.15	"
Correspondence	0.12	0.15	"
Committee report	0.12	0.15	"
Copies of letters	0.12	0.15	"
A4 plans	0.12	0.15	"
A3 Plans	0.12	0.15	"
A2 Plans	1.26	1.30	"
A1 Plans	1.26	1.30	"
A0 Plans	1.26	1.30	"
Tree Preservation Order	0.12	0.15	"
Section 106 ,52 & 38	0.12	0.15	"
Weekly List (copy charge) per list	0.12	0.15	"
Listed Building Extract	0.12	0.15	"
Planning Site History (Domestic)	0.12	0.15	"
Planning Site History (Commercial)	0.12	0.15	"
Detailed Information Requests/Research (any other request not incorporated in above charges)	26.40	27.00	"

SCALE OF CHARGES FOR PLANNING AND ADVERTISEMENT APPLICATIONS

These charges are set by central government and are contained within the Town and Country Planning Regulations.

Details of current charges can be obtained from the Council's Development Control section :

Telephone
 Fax
 e-mail
 Web site

01827 715341
 01827 719363
planningcontrol@northwarks.gov.uk
www.northwarks.gov.uk

Agenda Item No 6

Planning and Development Board

16 January 2012

Report of the
Deputy Chief Executive

General Fund Revenue Estimates
2011/12

1 Summary

- 1.1 This report covers the revised budget for 2011/12 and an estimate of expenditure for 2012/13, together with forward commitments for 2013/14, 2014/15 and 2015/16.

Recommendation to the Board

- a To accept the revised budget for 2011/12; and
- b To accept or otherwise vary the Estimates of Expenditure for 2012/13, as submitted, for them to be included in the budget to be brought before the meeting of the Executive Board on 6 February 2012.

2 Report

2.1 Introduction

2.1.1 In consultation with other Assistant Directors, the Assistant Director (Finance and Human Resources) has prepared an estimate of net expenditure for 2012/13 and this, together with a revised budget for 2011/12, appears in Appendices A and B. To provide a more complete picture of the spending pattern of the service, the actual figures for 2010/11 are shown.

2.1.2 At its meeting in September, the Executive Board agreed the budget strategy for 2012-2016 which required savings of £1.7 million over a four year period. This required budget savings of £563,000 in 2012/13 with additional savings of £420,000, £410,000 and £300,000 in 2013/14, 2014/15 and 2015/16 respectively. No provision for growth was built into the strategy.

2.1.3 Assistant Directors were asked to identify areas where savings could be made, either by a reduction in expenditure or through the generation of additional income. None of the areas identified relate to the estimates for 2012/13 being considered by this Board.

2.1.4 Board requirements have been prepared, taking into account the following assumptions:

- No increase in the level of service except where Council approval has already been given
- A zero pay award for 2012/13 with an increase of 2% for 2013/14 to 2015/16
- Increases in the Council's pension contribution rate of 1% per annum.
- A general provision for inflation of 0% in 2012/13 although where contractual obligations require a price increase in line with inflation, these have been provided. A general inflationary increase of 2% has only been given in alternate years, in order to encourage efficiencies in procurement.

2.1.5 An increase in income has been allowed to reflect the increases included in the fees and charges report elsewhere on this agenda.

2.1.6 A subjective analysis of the Board's requirement is shown below:

	Approved Budget 2011/12 £	Revised Budget 2011/12 £	Original Budget 2012/13 £
Employee Costs	479,040	476,160	479,170
Supplies and Services	139,140	149,470	130,150
Miscellaneous Items	34,260	40,430	-
Earmarked Reserves	(34,260)	(40,430)	-
Gross Expenditure	618,180	625,630	609,320
Income	(298,670)	(302,710)	(342,030)
Net Controllable Expenditure	319,510	322,920	267,290
Departmental Support	128,140	128,300	122,040
Central Support	220,520	198,090	198,870
Capital Charge	20,630	20,630	20,630
Net Expenditure	688,800	669,940	608,830

3 Capital Charges

3.1 The Council values all of its assets using a five year rolling programme, and this can affect the level of capital charges that are made to services and can therefore significantly affect the net service cost. Although few assets are used for the services within this Board, changes in net service expenditure that are as a result of increases or decreases in capital charges are shown below net operating expenditure in the following pages.

4 Comments on the 2011/12 Revised Budget

4.1 The revised budget for 2011/12 is estimated to be £669,940; a decrease of £18,860 on the approved provision. The main reasons for variations are set out below:

4.2 **Employee Expenditure** has decreased as a result of adjustments to staff time allocations to services in other Boards.

(£2,880)

- 4.3 **Supplies and Service** expenditure has increased mainly due to the virement of £8,470 into the Street Naming and Numbering budget. There has also been an increase in Land Charge payments to Warwickshire County Council of £1,010, an increase of £610 on the Software Maintenance recharge on Planning Control and Local Land Charges and other general increases of £240.
- £10,330**
- 4.4 **Miscellaneous Items** have increased as within the Planning Delivery Grant holding budget there has been an increase in the grant allocated to service budgets in the year for Planning Delivery Grant funded posts, as additional grant was carried forward from last year than budgeted.
- £6,170**
- 4.5 The use of **Earmarked Reserves** has increased in the revised budget to reflect the above increase in expenditure on Miscellaneous Items
- (£6,170)**
- 4.6 **Income** has increased as a result of the additional Planning Delivery Grant income available to fund salary costs.
- (£4,040)**
- 4.7 **Departmental and Central support recharges** have decreased due to a reduction in recharges from Information Services, Central Services and Postage and Franking within the Planning Control budget.
- (£22,270)**
- 5 **Comments on the 2012/13 Estimates**
- 5.1 The total estimated net expenditure for 2012/13 is £608,830; a decrease of £79,970 on the 2011/12 approved budget and a decrease of £61,110 on the revised 2011/12 budget. The main variations from the revised estimate are given below.
- 5.2 **Employee** costs have increased due to the provision for increments and the increase in superannuation.
- £3,010**
- 5.3 **Supplies and services** have decreased as the additional costs of the Building Control Partnership included in the budget for 2011/12 have been removed, on the basis of proposed savings being achieved by the Partnership. This decrease has been partially offset by the reinstatement of the Planning Control professional fees and advertising & promotion which were reduced in the 2011/12 budget.
- (£19,320)**
- 5.4 Expenditure on **Miscellaneous Items** and usage of **Earmarked Reserves** have both reverted to zero as the Planning Delivery Grant reserve will have been fully utilised.

5.5 **Income** has increased as a result of the following changes;

	£
Planning Fees – reinstatement of some fee income reduced in 2011/12 approved budget	(65,000)
Inflationary Increases on fees	(1,520)
No further use of Planning Delivery Grant to fund salary costs as the fund will have been fully utilised.	27,200
	(39,320)

6 **Growth Items**

6.1 A provision for growth was not included in the Council's Budget Strategy, approved in September 2011 by the Executive Board. There are no growth items related to the services covered by this board.

7 **Income**

7.1 Changes to the levels of fees and charges for services under the responsibility of this Board are covered in another report on tonight's agenda. Income on fees and charges is expected to contribute to the achievement of income targets.

8 **Risks to Services**

8.1 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.
- The proposed lean systems review and cost savings exercise for the Building Control Partnership does not result in the estimated savings level.
- Decline in planning applications leading to a reduction in Planning Income, due to the current economic climate.

8.2 A risk analysis of the likelihood and impact of the risks identified above are included in Appendix C.

...

9 **Future Year Forecasts**

9.1 In order to assist with medium-term financial planning, Members are provided with budget forecasts for the three years following 2012/13. The following table provides a subjective summary for those services reporting to this Board:

	Forecast Budget 2013/14 £	Forecast Budget 2014/15 £	Forecast Budget 2015/16 £
Employee Costs	491,070	503,430	516,290
Supplies and Services	132,760	133,050	135,700
Gross Expenditure	623,830	636,480	651,990
Income	(348,870)	(355,850)	(362,960)
Net Controllable Expenditure	274,960	280,630	289,030
Departmental Support	126,240	129,260	131,610
Central Support	205,200	210,800	216,090
Capital Charge	20,630	20,630	20,630
Net Expenditure	627,030	641,320	657,360

9.2 The forecasts given above have used a number of assumptions, which include pay awards of 2% each year, increases in contracts of 2% each year, increases in supplies and services of 2% in 2013/14, 0% in 2014/15 and 2% in 2015/16. In total, net expenditure is expected to increase by 3% in 2013/2014, by 2.3% in 2014/15 and by 2.5% in 2015/2016.

9.3 These forecasts are built up using current corporate and service plans. Where additional resources have already been approved, these are also included. However, these forecasts will be amended to reflect any amendments to the estimates, including decisions taken on any further corporate or service targets.

10 Report Implications

10.1 Financial Implications

10.1.1 As detailed in the body of the report.

10.2 Environment and Sustainability Implications

10.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources without disruption of essential services.

10.3 Risk Management Implications

10.3.1 There are a number of risks associated with setting a budget, as assumptions are made on levels of inflation and demand for services. To minimise the risks, decisions on these have been taken using past experience and knowledge, informed by current forecasts and trends. However, the risk will be managed through the production of regular budgetary control reports, assessing the impact of any variances and the need for any further action.

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

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

NORTH WARWICKSHIRE BOROUGH COUNCIL
PLANNING AND DEVELOPMENT BOARD
SUMMARY OF GENERAL FUND REVENUE ESTIMATES

Description	Actual 2010/2011 £	Approved Budget 2011/2012 £	Revised Budget 2011/2012 £	Original Budget 2012/2013 £
Planning Control	(125,118)	237,870	232,860	200,940
Building Control	50,679	88,570	88,570	58,570
Conservation and Built Heritage	(14,585)	27,590	26,500	32,720
Planning Delivery Grant	(302)	-	-	-
Local Land Charges	(51,166)	(31,180)	(30,140)	(30,000)
Street Naming and Numbering	(2,244)	(3,340)	5,130	5,060
Net Controllable Expenditure	(142,736)	319,510	322,920	267,290
Departmental Support	131,744	128,140	128,300	122,040
Central Support	210,731	220,520	198,090	198,870
Capital Charges	20,631	20,630	20,630	20,630
Planning and Development Board Total	220,370	688,800	669,940	608,830

4009 - PLANNING CONTROL

A statutory service which determines planning and listed building applications submitted to the Council and the enforcement of contraventions of the Planning Acts.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2010/2011	BUDGET 2011/2012	BUDGET 2011/2012	BUDGET 2012/2013
Employee Expenditure	179,373	421,050	418,550	421,180
Premises	178	-	-	-
Supplies and Services	37,220	33,780	34,230	44,760
Miscellaneous Expenditure	300,000	-	-	-
Earmarked Reserves	(94,250)	-	-	-
GROSS EXPENDITURE	422,521	454,830	452,780	465,940
GROSS INCOME	(547,639)	(216,960)	(219,920)	(265,000)
NET CONTROLLABLE EXPENDITURE	(125,118)	237,870	232,860	200,940
Departmental Support	97,020	94,360	96,530	91,550
Central Support	176,158	182,410	159,960	161,480
Capital Charge	15,932	15,930	15,930	15,930
NET EXPENDITURE	163,992	530,570	505,280	469,900

Contributes to corporate priorities :

- Protecting and improving our local environment
- Protecting and improving our countryside and heritage

KEY PERFORMANCE INDICATORS

Number of Planning Applications	787	740	740	740
Gross cost per application	£ 883.99	£ 988.65	£ 958.47	£ 971.58
Net cost per application	£ 208.38	£ 716.99	£ 682.81	£ 635.00
Caseload per officer	145	137	137	137

4010 - BUILDING CONTROL

A statutory service which ensures the health and safety of the occupants of buildings by achieving acceptable standards of building work through the enforcement of the Building Regulations. The Building Control service has been provided in Partnership with Nuneaton and Bedworth Borough Council since November 2007.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2010/2011	BUDGET 2011/2012	BUDGET 2011/2012	BUDGET 2012/2013
Employee Expenses	(5,122)	-	-	-
Supplies and Services	55,801	88,570	88,570	58,570
NET CONTROLLABLE EXPENDITURE	50,679	88,570	88,570	58,570
Departmental Support	1,540	1,530	1,550	1,540
Central Support Services	11,509	12,220	16,550	16,510
NET EXPENDITURE	63,728	102,320	106,670	76,620

Contributes to corporate priorities :

- Protecting and improving our local environment
- Protecting and improving our countryside and heritage

4012 - CONSERVATION AND BUILT HERITAGE

This service looks to maintain the historical built heritage within the Borough

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2010/2011	BUDGET 2011/2012	BUDGET 2011/2012	BUDGET 2012/2013
Employee Expenditure	20,178	44,040	43,870	44,170
Supplies and Services	-	50	50	50
GROSS EXPENDITURE	20,178	44,090	43,920	44,220
GROSS INCOME	(34,763)	(16,500)	(17,420)	(11,500)
NET CONTROLLABLE EXPENDITURE	(14,585)	27,590	26,500	32,720
Departmental Support	15,109	14,230	14,640	13,220
Central Support	5,957	5,970	5,640	5,650
NET EXPENDITURE	6,481	47,790	46,780	51,590

Contributes to corporate priorities :

- Protecting and improving our local environment
- Protecting and improving our countryside and heritage

4013 - PLANNING DELIVERY GRANT

Government provided a grant to deal with Planning Delivery across the Country. In 2008/09 and 2009/10 this was to assist the Planning Service deal with housing supply, plan making, joint working and strategic housing market assessments. The grant was withdrawn in 2010/11.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2010/2011	BUDGET 2011/2012	BUDGET 2011/2012	BUDGET 2012/2013
Employee Expenditure	(302)	-	-	-
Miscellaneous Items	156,034	34,260	40,430	-
Earmarked Reserves	(156,034)	(34,260)	(40,430)	-
NET CONTROLLABLE EXPENDITURE	(302)	-	-	-
Central Support	1,028	1,080	840	-
NET EXPENDITURE	726	1,080	840	-

Contributes to corporate priorities :

- Protecting and improving our local environment
- Protecting and improving our countryside and heritage

4014 - LOCAL LAND CHARGES

The Council is obliged to maintain a register relating to its area which includes any details of developments, road proposals, closing orders etc., which may affect properties and details of any charge (financial or otherwise) that is registered against each property. In addition the Council provides details on enquiries made by solicitors acting on behalf of prospective purchasers. The income received from search fees is based upon charges that the Council is free to set itself.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2010/2011	BUDGET 2011/2012	BUDGET 2011/2012	BUDGET 2012/2013
Employee Expenditure	(2,556)	13,950	13,740	13,820
Supplies and Services	16,921	16,740	18,150	18,300
GROSS EXPENDITURE	14,365	30,690	31,890	32,120
GROSS INCOME	(65,531)	(61,870)	(62,030)	(62,120)
NET CONTROLLABLE EXPENDITURE	(51,166)	(31,180)	(30,140)	(30,000)
Departmental Support	11,534	11,480	8,900	9,010
Central Support	14,954	17,720	13,890	14,020
Capital Expenditure	4,699	4,700	4,700	4,700
NET EXPENDITURE	(19,979)	2,720	(2,650)	(2,270)

Contributes to corporate priority :

- Protecting and improving our local environment

KEY PERFORMANCE INDICATORS

Number of Local Land Charge Searches	990	1,230	1,054	1,010
Gross cost per search	£ 41.27	£ 48.69	£ 51.88	£ 54.60
Net cost per search	-£ 20.18	£ 2.21	-£ 2.51	-£ 2.25

4018 - STREET NAMING & NUMBERING

This function covers naming and numbering of new and existing properties and streets, to ensure consistency and reliability of addressing, which then feeds into the Council's Land and Property Gazetteer.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2010/2011	BUDGET 2011/2012	BUDGET 2011/2012	BUDGET 2012/2013
Employee Expenditure	(6,469)	-	-	-
Supplies & Services	6,709	-	8,470	8,470
GROSS EXPENDITURE	240	-	8,470	8,470
GROSS INCOME	(2,484)	(3,340)	(3,340)	(3,410)
NET CONTROLLABLE EXPENDITURE	(2,244)	(3,340)	5,130	5,060
Departmental Support	6,541	6,540	6,680	6,720
Central Support	1,125	1,120	1,210	1,210
NET EXPENDITURE	5,422	4,320	13,020	12,990

Contributes to corporate priority :

- Protecting and improving our local environment

Appendix C

Risk Analysis

	Likelihood	Potential impact on Budget
Need for public enquiries into planning developments	Low	Medium
The proposed lean systems review and cost cutting exercise for the Building Control Partnership do not result in the estimated savings level	Low	Medium
Decline in planning applications leading to a reduction in Planning Income.	Low	Medium

Agenda Item No 7

Planning and Development Board

16 January 2012

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 Availability

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site www.northwarks.gov.uk

- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday 13 February 2012 at 6.30pm in the Council Chamber at the Council House.

Information relating to public speaking at Planning and Development Board meetings can be found on the following link

www.northwarks.gov.uk/downloads/file/4037/public_speaking_at_planning_and_development_board

If you wish to speak at a meeting of the Planning and Development Board, you may either:

- e-mail democraticservices@northwarks.gov.uk
- ring on telephone number (01827) 719222.
- Write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2011/0591	4	62 Eastlang Road, Fillongley, Coventry Conversion of part of the existing community center into a dwelling	General
2	PAP/2011/0597	14	Homestead, Wishaw Lane, Middleton, Tamworth Retrospective change of use of garage/workshop to vehicle repair workshop and MOT testing station	General
3	PAP/2011/0605	22	Spinney, Trajan Hill, Coleshill Works to trees protected by a tree preservation order that are adjacent to No.24 Trajan Hill to prune tree, fell trees and remove branch over hanging. Fell dead Elm tree.	
4	PAP/2011/0606	30	Land at Birmingham Road, Coleshill Works to trees in conservation area	General
5	PAP/2011/0646	38	Land rear of 17 to 21 Queensway, Hurley Residential development consisting of 7no: 3 bed and 8no: 2 bed housing, associated parking and new access	General
6	Consultation by Warwickshire County Council	49	Dunton Recycling Centre, Lichfield Road, Curdworth Application to consolidate existing planning permissions under one consent to facilitate the continued use of recycled aggregates and the extraction of sand and gravel	

General Development Applications

(1) Application No PAP/2011/0591

62 Eastlang Road, Fillongley, Coventry

Conversion of part of the existing community centre into a dwelling for

Mr Peter Collins, North Warwickshire Borough Council

Introduction

The application is brought before the Board given the site is under the ownership of the Borough Council.

The Site

The existing building dates back to the early 1970's and was approved to be a community centre building with a communal room, kitchen and ancillary facilities, along with a first floor flat, which can be viewed in Appendix A. The site is along an existing residential road, containing bungalows and two storey houses. The site is within the Fillongley development boundary.

The Proposal

The layout of the ground floor is proposed to be revised from the existing layout as can be seen in Appendix B, to the proposed layout as can be seen in Appendix C. The proposal would lead to the formation of a one bedroom flat. The conversion will provide one unit for social housing and will be let to an applicant from the Councils housing list.

The existing communal room is proposed to be divided into a bedroom and lounge area, with a new kitchen where the existing office is sited. The existing toilets will be changed to a store area and bathroom. The existing kitchen area will become the function room, with kitchen facilities and new internal toilet facilities. The ground floor of the building will still retain a community function room, albeit with a slightly reduced area. The first floor of the building will remain as a Council owned flat.

The original building was constructed with a large kitchen to provide meals on wheels, which is no longer in use for that purpose.

The site has existing vehicle parking. Photographs of the existing building can be viewed in appendix D.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006: ENV11(Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), Core Policy 2 (Development Distribution), HSG2 (Affordable Housing), COM2 (Protection of Land and Buildings for existing Community Facilities in the Main Towns and Market Towns)

Other Relevant Material Considerations

Government Advice - The draft National Planning Policy Framework 2011 and Planning Policy Statement 3: Housing

Consultations

Environmental Health Officer - Agrees with the findings of the sound insulation report. Should planning permission be granted then sound insulation measures will be required, in between the floors, in line with the recommendations of the submitted report.

Representations

Fillongley Parish Council - No objection

Observations

The proposal to use part of the ground floor for an additional flat for social housing from the Council's housing list is considered to be acceptable and not contrary to the saved Local Plan.

The site is not within a main town or market town as covered by saved Local Plan Policy COM2, and therefore the changes to the community facilities are acceptable. The existing kitchen will be converted to become a new function room, and thus retaining an existing community facility.

The works are not considered to result in any external changes to the building. The separation distances of approximately 20 metres between the lounge, bedroom and kitchen to the dwelling houses opposite will be retained. Above the proposed flat is an existing flat. However a sound insulation report has been provided, which sets out how that first floor accommodation would not be subject to noise nuisance. The Council's Environmental Health Officer agrees with the findings of the sound insulation report, and suggests a relevant condition. Given that the works are internal to the building, it is considered that the proposal is not considered to impact upon any neighbouring properties, concerning loss of amenity, privacy or loss of light.

The site has sufficient vehicle parking to the side to accommodate occupants of the proposed flat.

Recommendation

That the application be **Granted** Subject to the following conditions:

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 002 (proposed layout plan) received by the Local Planning Authority on 15th November 2011 and the site location plan received by the Local Planning Authority on 25th November 2011.

REASON

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

3. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner, unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To protect the privacy of the occupiers of adjoining properties.

4. The sound insulation measures will be required to be installed, in between the floors, in line with the recommendations of the submitted report entitled Measurement of Sound Insulation report received on 15th November 2011.

REASON

To protect the amenities of nearby residential property.

5. The ground floor dwelling shall only be let to a person from the Councils Housing List and shall remain as social housing at all times.

REASON

To protect the amenities of nearby residential property.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.

3. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies):
ENV11(Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), Core Policy 2 (Development Distribution), HSG2 (Affordable Housing), COM2 (Protection of Land and Buildings for existing Community Facilities in the Main Towns and Market Towns)

Other Relevant Material Considerations

Government Advice:

The draft National Planning Policy Framework 2011
Planning Policy Statement 3: Housing

Justification

The proposal to convert part of the existing community centre into a one bedroom flat is considered to be acceptable. No external alterations are proposed. The ground floor is proposed to be revised so to still provide a smaller community function room. Insulation works are proposed to reduce the impact upon the flat on first floor. The proposal is not considered to result in a loss of amenity, privacy or loss of light that would result in an unacceptable loss of amenity and privacy in the area. The proposal complies with the relevant planning policies and guidance.

BACKGROUND PAPERS

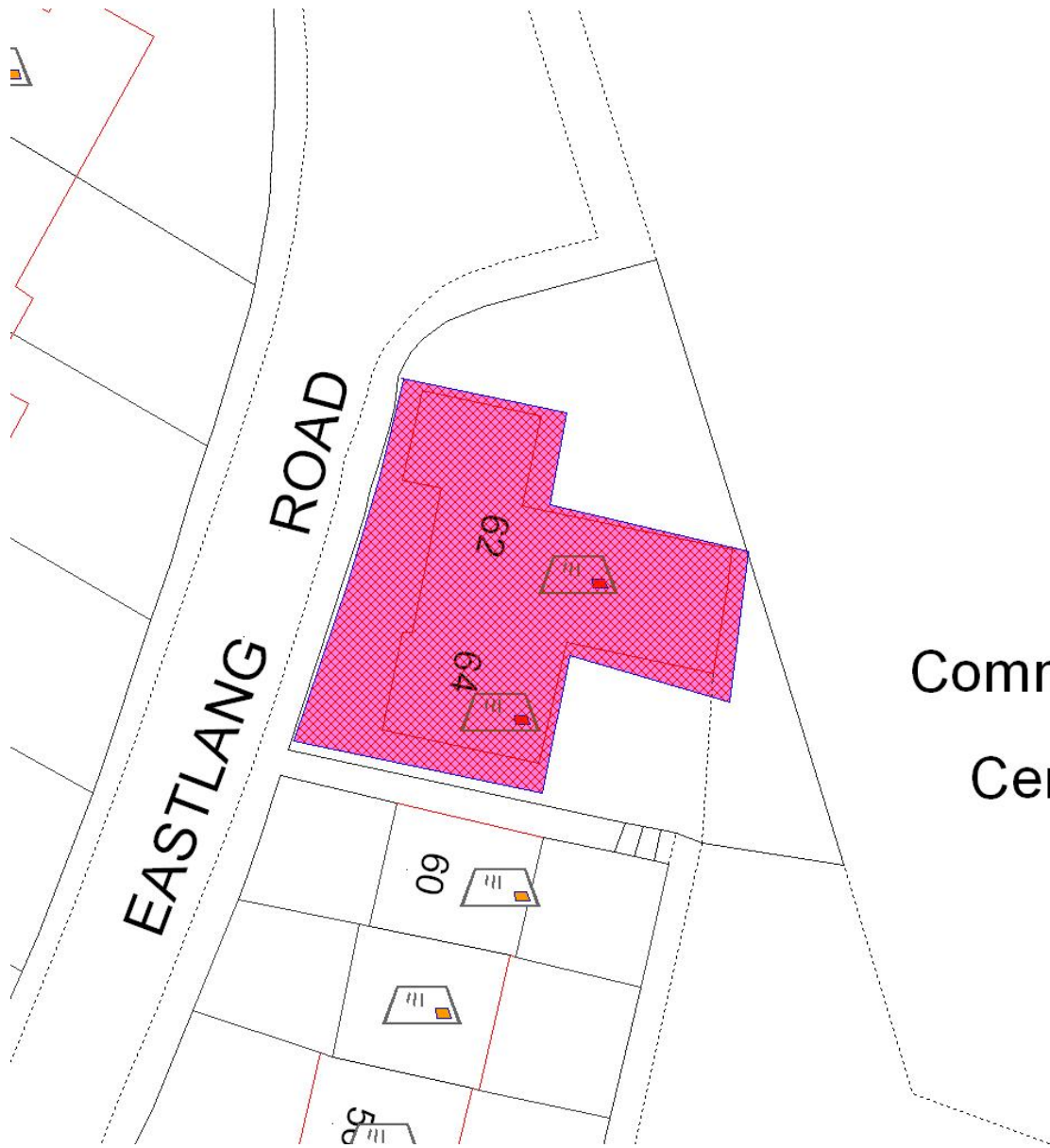
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0591

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans Valid application	25/11/11
2	Case officer	File note having spoken to agent	21/12/11
3	Fillongley Parish Council	Consultation response	20/12/11

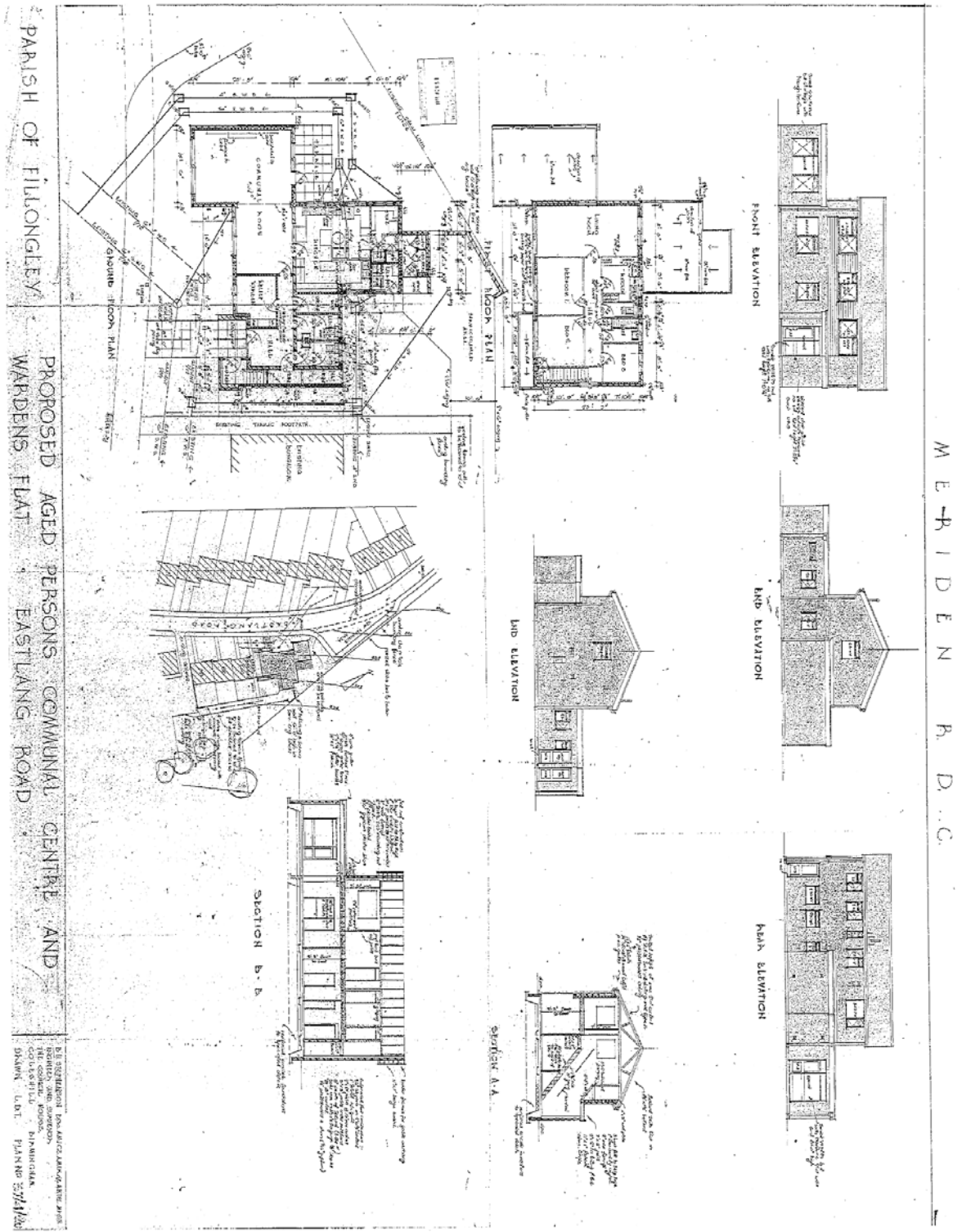
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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



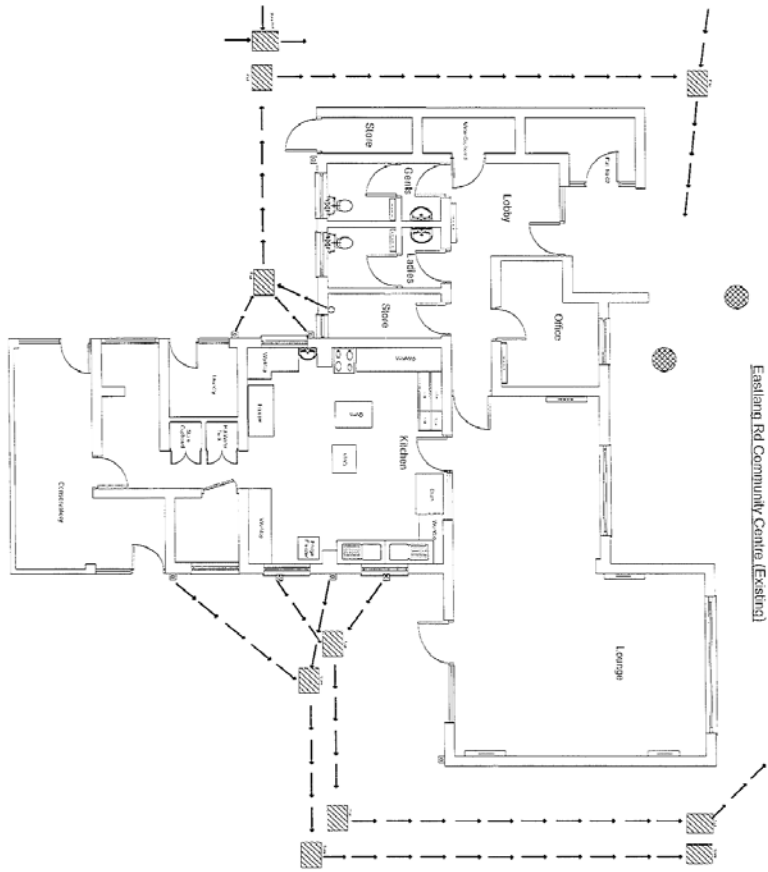
Commun
Centre

APPENDIX A – Original Plan



APPENDIX B – Existing layout

DRAWING NO: 1001
 DATE: 15 APR 2011
 PROJECT: EASTLING RD COMMUNITY CENTRE

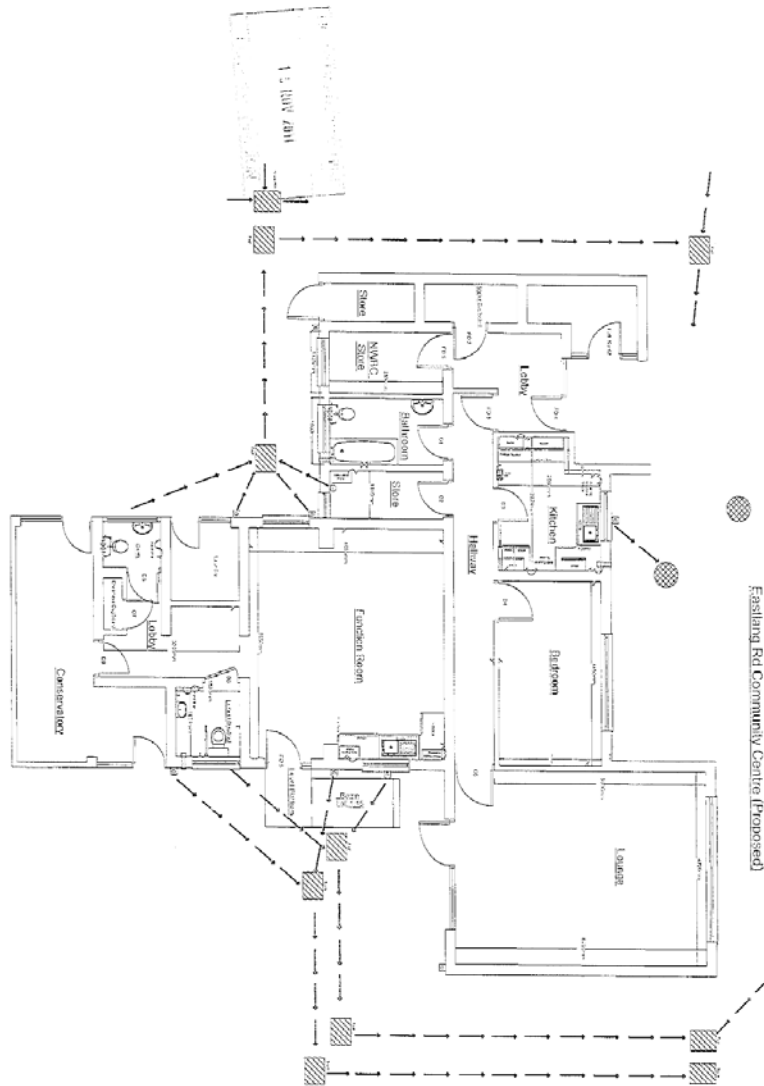


2011 / 0591

North Warwickshire Borough Council
 Housing Contracts
 Eastling Road Community Centre
 (Existing Floor Plan)

Drawn By: I. Gibson
 Date: 08/2011
 Scale: 1:100
 Drawing No: 001

APPENDIX C – Proposed layout



2011 / 0501

North Warwickshire Borough Council
 Housing Contracts
 Fastling Road Community Centre
 (Proposed Floor Plan)

Drawn By: L. Gibson
 Date: 27/02/2011
 Scale: 1:100
 Drawing No: 002

APPENDIX D - Photos



(2) Application No PAP/2011/0597

Homestead, Wishaw Lane, Middleton, Tamworth

Retrospective change of use of garage/workshop to vehicle repair workshop and MOT testing station,

Mr R Horton – RJB Repairs Ltd

Introduction

This application is being referred for determination to the Board in light of the recommendation being contrary to a consultation response from the Highway Authority and in view of Development Plan policy in regard of the re-use of rural buildings.

The Site

This is an existing detached workshop measuring some 168 square metres in floor area and about 4.5 metres to its ridge, to the south of but within the residential curtilage of the property known as The Homestead, one of a group of three terraced properties facing Wishaw Lane. This group is isolated and stands in open countryside about a kilometre south east of the village of Middleton. There is a detached house to the south of the site, otherwise the area is agricultural in character. The Lane here is a single carriageway country lane.

The whole area is in the Green Belt.

The Proposal

This seeks a retrospective permission for the use of an existing workshop for vehicle repairs including MOT tests.

Background

Attention was drawn to this particular building during 2010 when it was established that a breach of planning control had occurred, in that condition 4 of a 2001 planning permission for the construction of the workshop, limiting its use solely for personal use of the occupant of The Homestead was not being complied with. As a matter of fact it was being used for commercial purposes. This 2001 planning permission permitted a replacement building for a similar, but smaller workshop already present within the residential curtilage of The Homestead. Investigations revealed that the former building had been demolished and that its replacement was constructed and in use. The 2001 permission had thus been implemented. However, the new building was being used for commercial vehicle repairs and for MOT testing and not just for the personal enjoyment of the occupier. A Planning Contravention Notice was issued and the response indicated that a commercial vehicle repair use had been continuing from the site, both from the former building and then more recently from the 2001 building. The owner submitted an application for a Certificate of Lawfulness, which would necessarily have to include the evidence to show ten years of continual use of the site for commercial vehicle repairs if that Certificate was to be granted and a commercial use become lawful, thus remedying the breach. That application was submitted (2010/0403) together with supporting evidence, but has not been determined. This is because the application specifically refers to the new building. As

that was only constructed in 2002, it can not by fact, have been used for ten years as it has not been in existence for such a time period. As a consequence in order to remedy the breach, the owner has submitted this current application seeking retrospective consent for the new building to be used for commercial vehicle repairs. He has submitted the historical evidence again, including that relating to the pre-2001 building, and argues that this is of sufficient weight to become a very special circumstance in favour of the grant of that permission.

The evidence submitted with the Certificate application included:

- A letter from a Chartered Accountant confirming that they have acted for RJB Repairs Ltd since 2005, and that the Company's address is The Homestead. They add that prior to incorporation of RJB Repairs, they acted for the applicant's father in excess of 20 years and that he too traded from this address.
- Names of 13 regular customers, whom it is said, have used the service provided at this address. The time periods cover 35 to 11 years, with half being over 20 years.
- A letter from the Parish Council saying how important the service is to local people.

The current application also includes letters from five of those on the list of the 13 referred to above. Hermitage Farm says that they have used the repair services for the past 11 years and that these were carried out by the current owner. Prior to this his father operated a vehicle repair service from the site. John Watts Farms says that they have used the service here for at least 20 years. Mr Wilkes confirms 25 years; Mr Rawlins 30 years and Mr Butler some 35 years.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 6 (Local Services and Facilities), ENV4 (Green Belt), ENV11 (Neighbour Amenities), ENV14 (Access Design), ECON9 (Re-use of Rural Buildings)

Other Material Planning Considerations

Government Planning Policy and Guidance – PPG2 (Green Belts), PPS6 (Sustainable Economic Development), PPG13 (Transport)

Draft National Planning Policy Framework (NPPF) 2010

Consultations

Environmental Health Officer – The site is adjacent to other residential property in a quiet rural location. In order to reduce the potential for noise and other nuisance, conditions are recommended relating to operating hours and that there be no outdoor working.

Warwickshire County Council as Highway Authority – Objection because of the traffic likely to be generated by the use of the site where there is limited visibility that can not meet the standards required by the Authority. A speed survey is needed to establish the speed of passing traffic and this would then set the visibility standard. However even those for an average 30 mph speed could not be met on site.

Observations

The site of this building is in the Green Belt where the re-use of a building may not necessarily be inappropriate development. The critical criterion is whether the new use would have any worse impact on the openness of the Green Belt than would the existing lawful use of the same building. The building here benefits from the grant of a planning permission as a workshop, and it has been constructed in accordance with the approved plans in terms of dimension, materials and appearance. It is thus lawful. The new use would not alter this in any way. Similarly the approved use, even controlled by the use condition number 4, would not preclude the use of the open area in front of the building for the parking of vehicles. The present use does involve some parking of vehicles outside of the building. There would thus be some loss of openness. However given the lawfulness of the building and the 2001 permitted use, it is considered that this impact is neutral, and thus the proposal is not necessarily inappropriate development in the Green Belt.

The Local Plan policy ECON9 is particularly relevant here. The location of this site is not in a sustainable location. It is isolated and without access by a range of modes of transport; including lack of pavements for pedestrian access. Access is wholly dependant on the private car. Moreover the use sought does not lend itself to other modes of transport. This aggravates the un-sustainability of the location. The proposal therefore does not meet the first pre-condition of Policy ECON9 and thus should not be supported.

As such, and given the objection from the Highway Authority, this application should be refused and enforcement action recommended given there being a significant breach of planning policy – ECON 9 and ENV14. Such action would require cessation of the commercial use of the building for vehicle repairs thus reverting to the 2001 lawful use. However before such a decision is taken, there are other material planning considerations which need to be considered first in order to establish whether they could outweigh this potential refusal. The first consideration is the use of the site over the past 30 years. The evidence submitted by the applicant in both this and the Certificate application is of significant weight. This, taken together, and on the balance of probability suggests that a vehicle repair use has operated from this site, utilising the former and now the present building, over at least the past 20 years. There would clearly have been a break given the need to replace the old building, but this should not be treated as material such that the break could be termed as abandonment or cessation of the use. There is some concern that a breach of the 2001 condition can not be proven over a ten year period, but if seen in the context of the site as a whole and the evidence related to that, then it is considered that the condition has probably always been breached since completion of the new building in 2002.

The second consideration is the full support from the Parish Council to the use of the site as a local vehicle repair service. This lends weight to the first consideration too, in that the local community recognises the presence of this use on the site over time. This support is significant given the current loss of facilities and services from rural communities. Retention would assist the viability clearly. Moreover the loss of the service could be argued to have a far greater impact on sustainability, as the local residents in Middleton would have to travel much further afield for a similar service. Although the site is isolated it is not that isolated in terms of its proximity to its customer base.

The third consideration follows on from this. If the pre-conditions of Policy ECON9 are met, then the preferred alternative use of a rural building is one that meets an economic development objective. If that also serves the local community then that adds weight too. Here the use would fall into such a category. This approach or preference is reflected in Government policy in its PPS6 and in the more recent draft NPPF. The Parish Council's support would also add weight to this local service/economic development objective. The hiatus here is clearly that the sustainability criterion of the pre-conditions in ECON9 is not met. However it is considered that when the combination of the preferences outlined in ECON9 are coupled with Government Planning Policy objectives; the alternative sustainability argument as set out as above, the history of the site and the local support, that the weight given to that pre-condition is weakened.

The fourth consideration is the impact of possible enforcement action. Clearly as indicated above, that would lead to the loss to the community of the use that appears to have been operating for some twenty years. Additionally there would be an issue in enforcing such action given that the building could still lawfully be used as a workshop, albeit for the personal enjoyment of the owner. It is thus considered that the expediency of enforcement action is in the balance here.

The highway objection is material. However this too is considered not to carry the full weight that it might. Firstly, the Authority does not conclude that this access has a high accident or incident history. Secondly, traffic generation arising from the use is not high or regular. Traffic usage of the lane is low. Drivers are likely to be local. Traffic speeds will be low because of the nature of the lane. Moreover the use of conditions can assist. Given these circumstances and those referred to above, then it is considered that the weight to be given to the objection is not overriding.

In conclusion it is considered that the weight to be given to the four considerations outlined above, together with those pertaining to the highway objection and the lack of objection from the Environmental Health Officers, or indeed from any neighbouring occupier, is sufficient to outweigh the sustainability objection and the limited objection in terms of the impact on the openness of the Green Belt.

Recommendations

A) That planning permission be **GRANTED** subject to the following conditions:

- i) The permission hereby granted shall enure solely for the benefit of Mr R Horton acting on behalf of RJB Repairs Ltd, and for no other person whomsoever, or Company whatsoever, and on his departure from the property known as The Homestead, this planning permission shall cease to have affect.

Reason: In recognition of the particular circumstances of the planning history of this site and in order to prevent the permanent establishment of this use from this site.

- ii) Standard Plan Numbers – Site Location Plans received on 16 November 2010

- iii) The use hereby approved shall not be operated at any times other than between 0800 and 1800 hours on any weekday; between 0800 and 1400 hours on any Saturday, with no use at all on Sundays and Bank Holidays.

Reason: In the interests of protecting the residential amenity of neighbouring occupiers.

- iv) All work being undertaken to vehicles shall be carried out within the building itself such that there is no outdoor working. The outside area shall be used solely for the parking of vehicles and for no other use whatsoever.
Reason: In order to reduce the visual impact of the use and to protect the residential amenity of neighbouring occupiers.

Notes

- i) Policies as referred to above

Justification

Whilst there will be some loss of openness to the Green Belt as a consequence of continuation of this use, and whilst the site does not accord with the first of the pre-conditions set out in planning policy ECON9 of the Development Plan in respect of the sustainability of the location, and notwithstanding the Highway Authority objection, it is considered that there are very special circumstances here of such weight to override these concerns. The first is the evidence submitted in respect of the history of the use of the site over the past twenty years. This, on the balance of probability, suggests that the use now sought, has been continuously operated from here during such a period. Secondly, the thrust of current and draft Government policy strongly supports local economic development where there is little if no adverse impact. Similarly local services and facilities are to be supported. These overall objectives are reflected in the Development Plan. Thirdly there is substantial support from the local Parish Council to retention of what it sees as a local service. The Highway objection has some weight. However given the lack of an accident record; the history of the site, the limited traffic generation of the use, the use of conditions and the low traffic usage of the road, it is considered that this weight is limited and not overriding. The weight given to these circumstances is sufficient to outweigh concerns such that the proposal accords with Government Planning Policy in its PPS 6 and in PPG2 together with Development Plan policy in saved Core Policy 6 and saved policy ENV11 of the North Warwickshire Local Plan 2006.

B) That planning application 2011/0403 for the Certificate of Lawfulness not be determined and thus be finally disposed.

BACKGROUND PAPERS

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

Planning Application No: PAP/2011/0597

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	16/11/11
2	Highway Authority	Consultation	15/12/11
3	Environmental Health Officer	Consultation	12/12/11

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

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



(3) Application No PAP/2011/0605

The Spinney, Trajan Hill, Coleshill

Works to trees protected by a Tree Preservation Order that are adjacent to No.24 Trajan Hill to prune tree, fell trees and remove branch over hanging. Fell dead Elm tree for

Mrs Alethea Wilson NWBC, Leisure and Community Development, NWBC

Introduction

The applicant is brought to the Board, given that North Warwickshire Borough Council is the applicant.

The Site

The group of trees known as the Spinney is sited between Trajan Hill and Hadrian Drive in Coleshill. The application site is surrounded by residential properties.

The Proposal

The works are to the protected trees and are to prune back tress adjacent to No.24 Trajan Hill by 2 metres; to fell trees adjacent to the property and to remove a branch over hanging the property, as well as to fell a dead elm tree is behind dwellings on Hadrian Drive. The siting of the works is set out in Appendix 1.

Background

The site has a range of trees which are protected by a Tree Preservation Order granted in 1979. It covers various sites within the area of North Coleshill.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies) - ENV11 (Neighbour Amenities)

Other relevant material considerations

Government Advice - Draft National Planning Policy Framework 2011

Representations

None have been received to date

Observations

The application was submitted by Warwickshire County Council Forestry Section in conjunction with the Borough Council. The trees can be viewed in Appendix 2.

The trees along the boundary to No.24 Trajan Hill do overhang the boundary to the residential dwelling and the works proposed are considered to be acceptable. The removal of the dead elm tree is considered also to be appropriate. No replacement is proposed because of the extensive cover already provided by the existing trees.

The works are not considered to harm the street scene. It is considered that the group of trees will continue to offer an important landscape feature with the Trajan Hill and Hadrian Drive area.

Overall the proposal is not considered to result in a loss of amenity, privacy or loss of light that would result in unacceptable loss of amenity and privacy in the area. The proposal complies with ENV11 of the Local Plan 2006.

Recommendation

That the application be **Granted** Subject to Conditions subject to the following conditions:

1. The works hereby approved as set out below shall consist only of those detailed in this consent and shall be carried out in accordance with British Standard BS 3998 "Recommendations for Tree work" and all up to date arboricultural best practice. The consent for this particular work is valid for 2 years from the date of consent.

For the avoidance of doubt the approved works are to prune back area 2496 adjacent to No.24 Trajan Hill by 2 metres and fell small paint marked trees adjacent to the property and remove branch over hanging property. Fell dead elm tree of 2495.

REASON

To ensure that the works are carried out in accordance with good arboricultural practices.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies):
ENV11 - Neighbour Amenities

OTHER RELEVANT MATERIAL CONSIDERATIONS:

Government Advice - Draft National Planning Policy Framework 2011

2. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard 3998 "Recommendations for Tree Work".

3. You are advised that when carrying out the works to the trees that nesting birds are protected and covered by the 1981 Wildlife and Countryside Act.

Justification

The works are to the protected trees and to prune back area 2496 adjacent to No.24 Trajan Hill by 2 metres and fell small paint marked trees adjacent to the property and remove branch over hanging property, and also to fell dead elm tree of area 2495. The works are considered to be acceptable. The Spinney at Trajan Hill has a number of trees which are in good condition and are considered to offer a positive contribution to the streetscene and area, offers significant amenity value to the locality. The works are not considered to impact upon the amenity or privacy to the neighbouring properties which would lead to an unacceptable adverse impact. The proposal is considered to comply with the relevant saved policies of the North Warwickshire Local Plan 2006.

BACKGROUND PAPERS

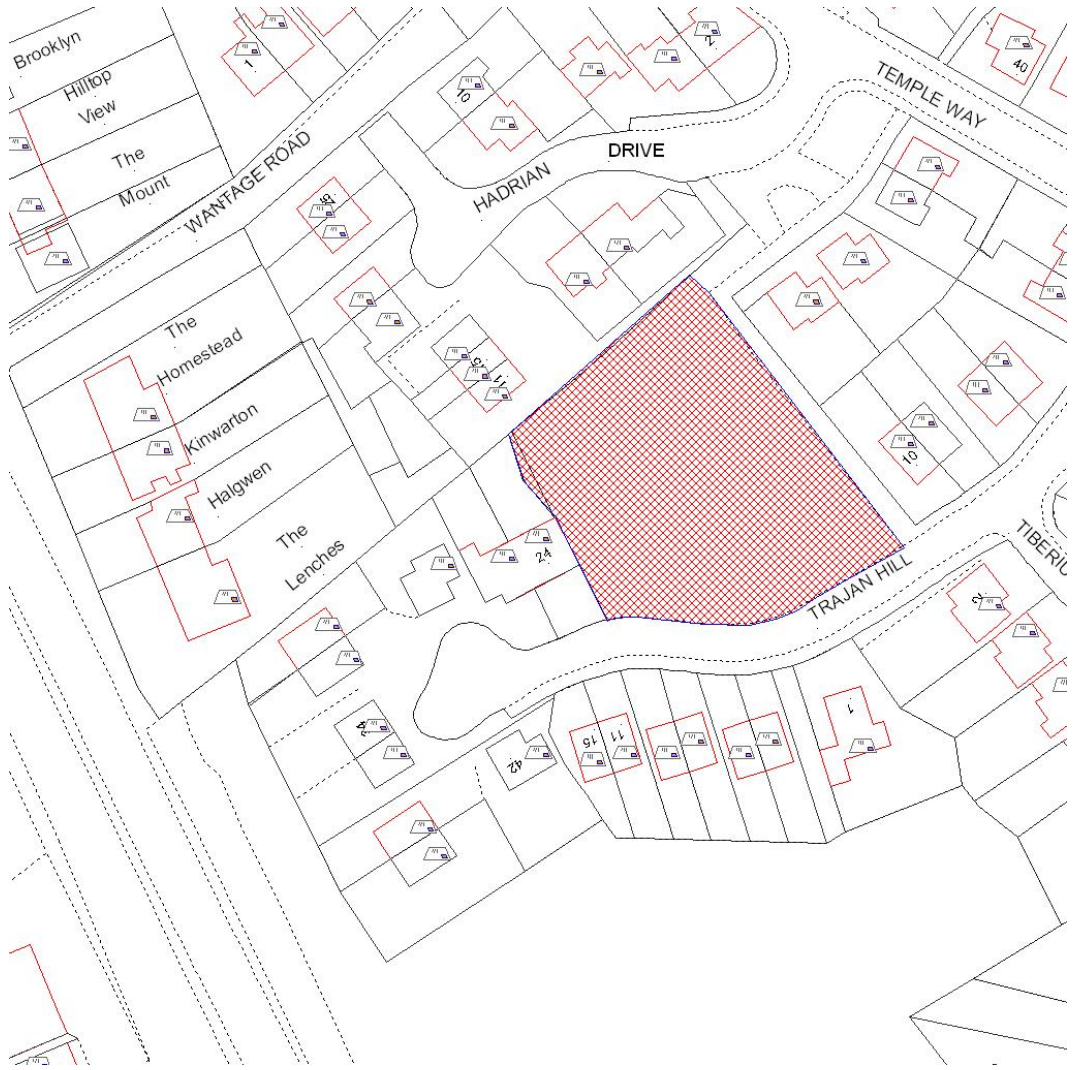
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2011/0605

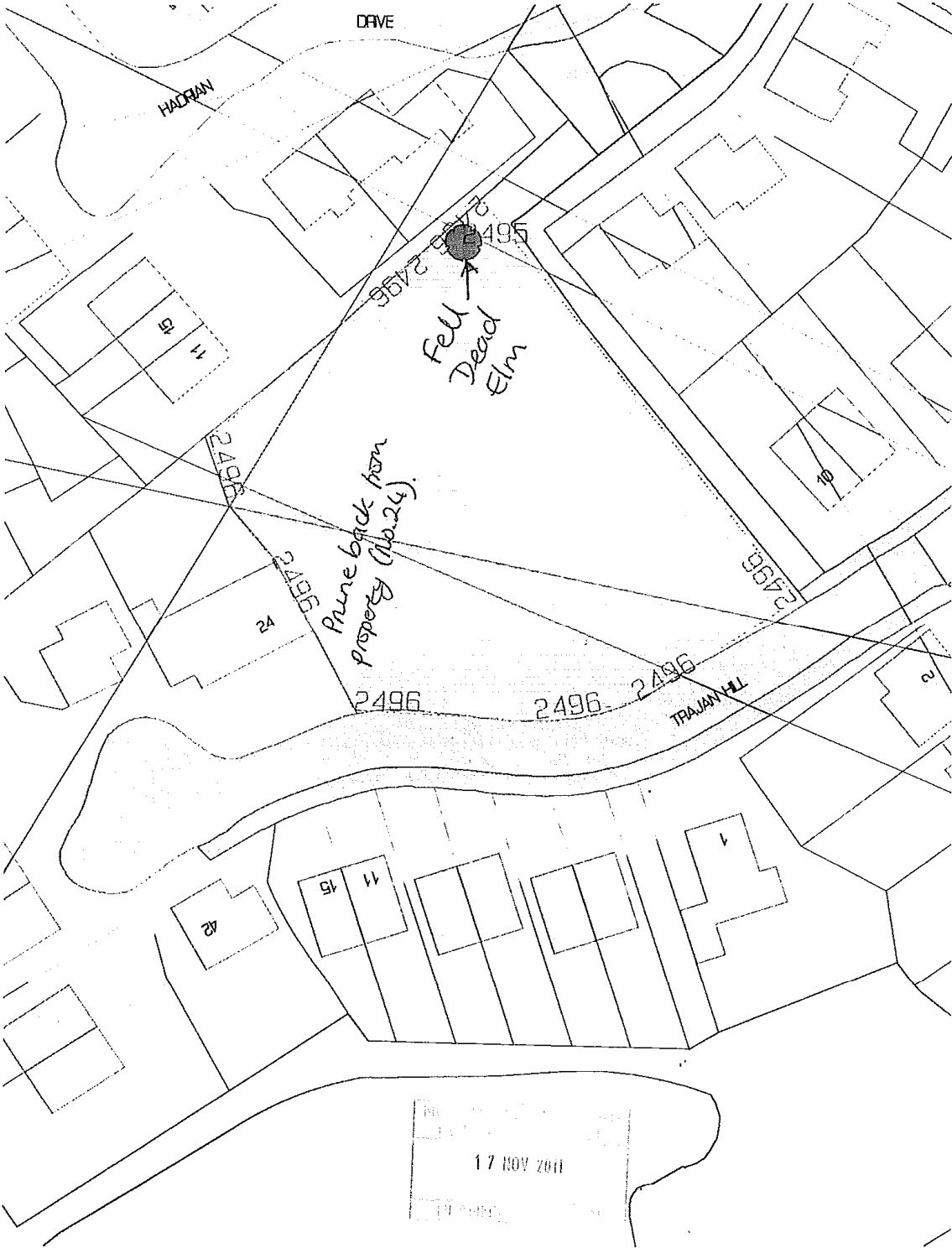
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	17/11/2011

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

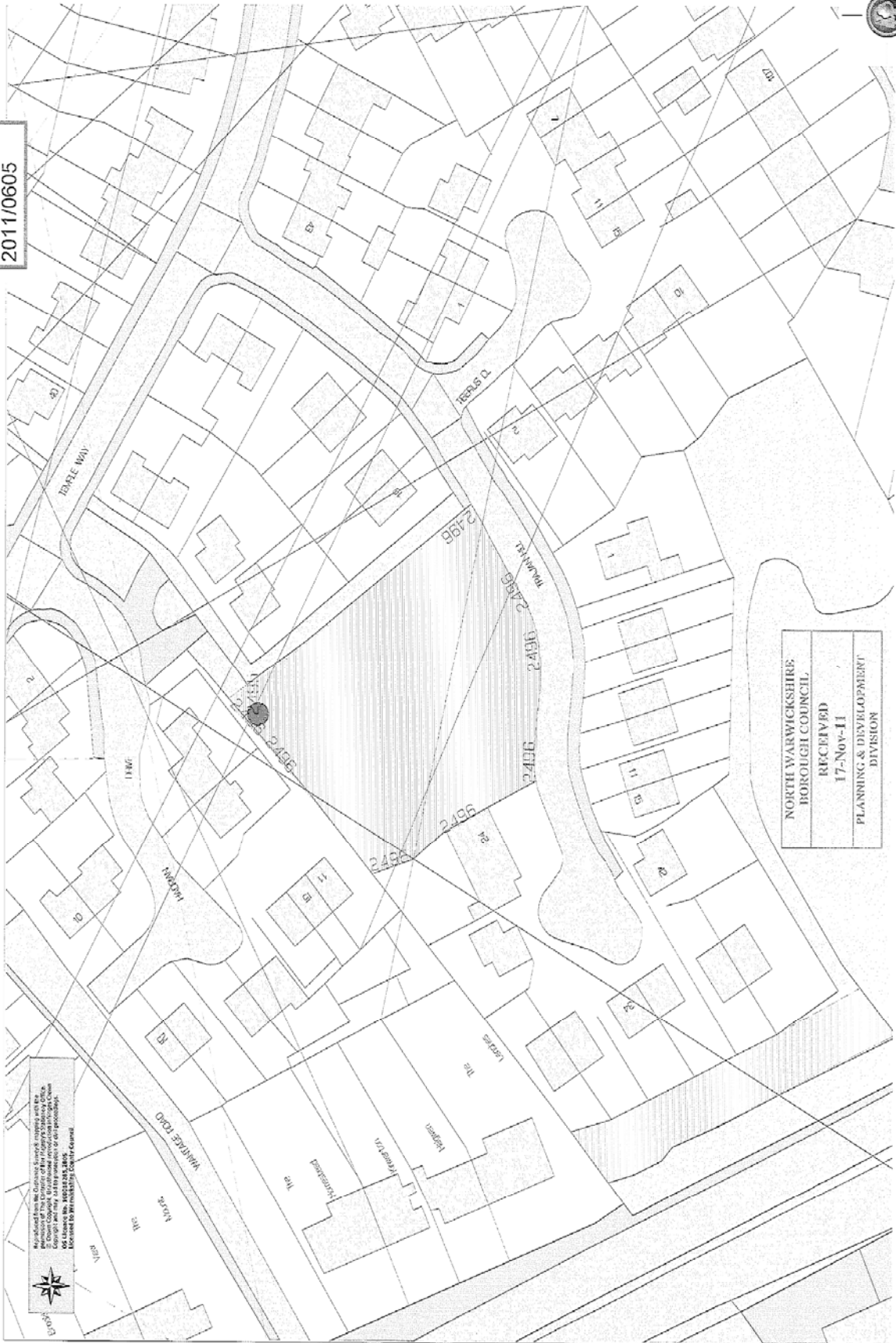
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



2011 / 0605



2011/0605



Reproduced from the City of Birmingham City Council Planning Department
 Planning Department, City of Birmingham City Council, City Hall, Corporation Street, Birmingham, B2 4GH
 04 Licence No: 10012125, 28-05
 Licensed to Birmingham City Council

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
17-Nov-11
PLANNING & DEVELOPMENT DIVISION

Appendix 2 – Photographs of the site



(4) Application No PAP/2011/0606

Land at Birmingham Road, Coleshill

Works to trees in conservation area for Mrs Alethea Wilson, Leisure and Community Development NWBC

Introduction

The application is brought to the Board given that North Warwickshire Borough Council is the applicant and part of the application site falls under the ownership of the Borough Council. The application was submitted by Warwickshire County Council Forestry Section in conjunction with the Borough Council

The Site

The application group of trees is sited on land off Birmingham Road, Fairview Mews and Parkfield Road at the rear of the Green Man Public House. The application site is surrounded by a mix of residential and commercial properties.

The Proposal

The works are to prune the trees giving at least a two metre clearance of foliage overhanging car park and footpaths. The siting of the trees is set out in Appendix A.

Background

The site falls within the Coleshill Conservation Area, and therefore consent is required for works to be undertaken.

Development Plan

North Warwickshire Local Plan 2006 (Saved Policies):
ENV11 – Neighbour Amenities
ENV15 – Conservation Area

Other relevant material considerations

Government Advice - Draft National Planning Policy Framework 2011, and Planning Policy Statement 5: Planning for the Historic Environment.

Representations

None have been received to date.

Observations

The trees are not covered by a Preservation Order but are within the Coleshill Conservation Area. In view of the proposal being for works to the trees, the Council's remit here is to decide whether the trees are worthy of an Order and should thus be retained in the current state. The key issue in determining whether to place an Order on a tree is whether it is "in the interests of public amenity" to do so. In this case it is considered not.

Given that there are a substantial number of trees that form the application site and further trees to the west, the pruning works are not considered to be of detriment to the character and appearance of the Conservation Area. It is considered the works do not require a formal order to be placed on the trees. Images of the trees can be viewed in Appendix B.

The works are considered acceptable and will not lead to harm along the street scene. It is considered that the group of trees will continue to offer an important landscape feature even if the works are approved.

When considering the amenity of the neighbouring properties that over look the trees within Fairview Mews and Parkfield Road, it is considered that the works would improve the residential amenity with the pruning works, whilst retaining the trees to allow enjoyment for the residential properties and the surrounding area.

Recommendation

That the application be that No Order is required subject to the following condition:

1. The works hereby approved shall consist only of those detailed in this consent and shall be carried out in accordance with British Standard BS 3998: "Recommendations for Tree work" and all up to date arboricultural best practice. The consent for this particular work is valid for 2 years from the date of consent.

REASON

To ensure that the works are carried out in accordance with good arboricultural practices.

Notes

1. Works to Trees - Works to trees should be carried out in accordance with British Standard BS 3998 "Recommendations for Tree work" and undertaken in accordance with arboricultural best practice.

2. You are advised that when carrying out the works to the trees that nesting birds are protected and covered by the 1981 Wildlife and Countryside Act.

3. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies):

ENV11 - Neighbour Amenities

ENV15 - Conservation Area

Justification

The Local Planning Authority raises no objection to pruning these trees to give 2 metre clearance of foliage overhanging car park and footpaths, which are within the Coleshill Conservation Area. The works are not considered to affect the amenity of the area and therefore making them the subject of a Tree Preservation Order. The trees are on land between Birmingham Road, Fairview Mews and Parkfield Road.

BACKGROUND PAPERS

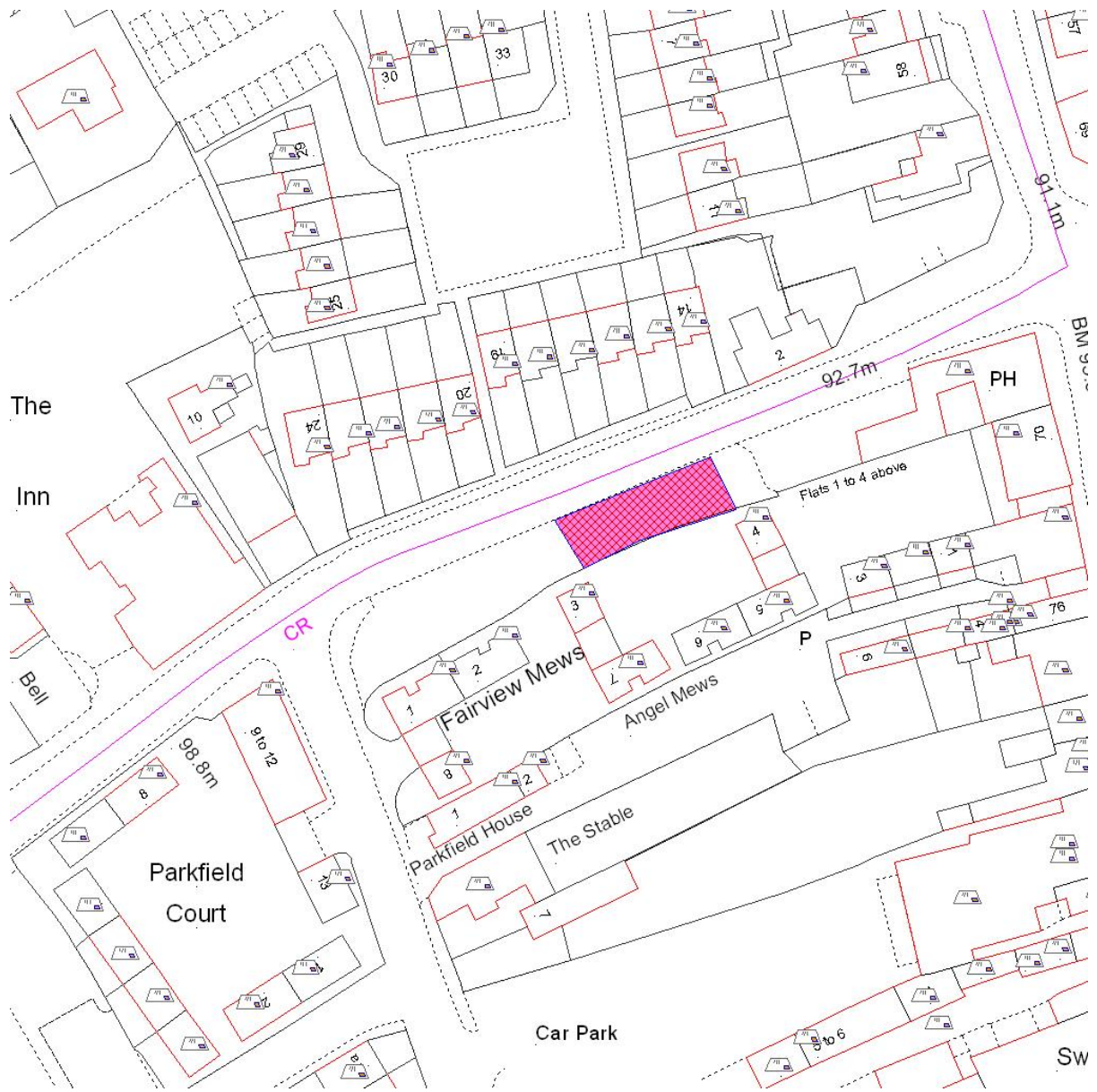
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

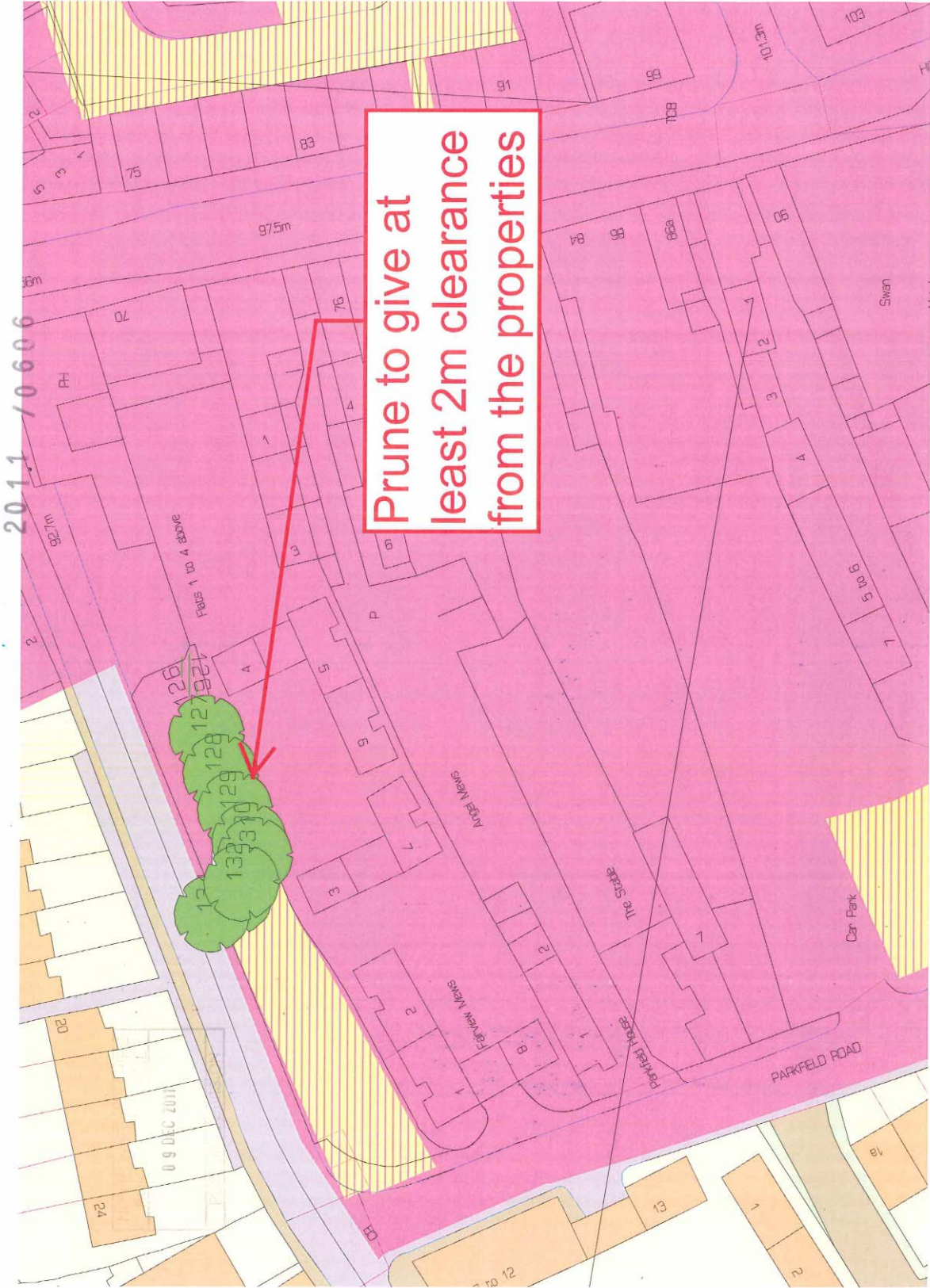
Planning Application No: PAP/2011/0606

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans – valid application	9/12/2011

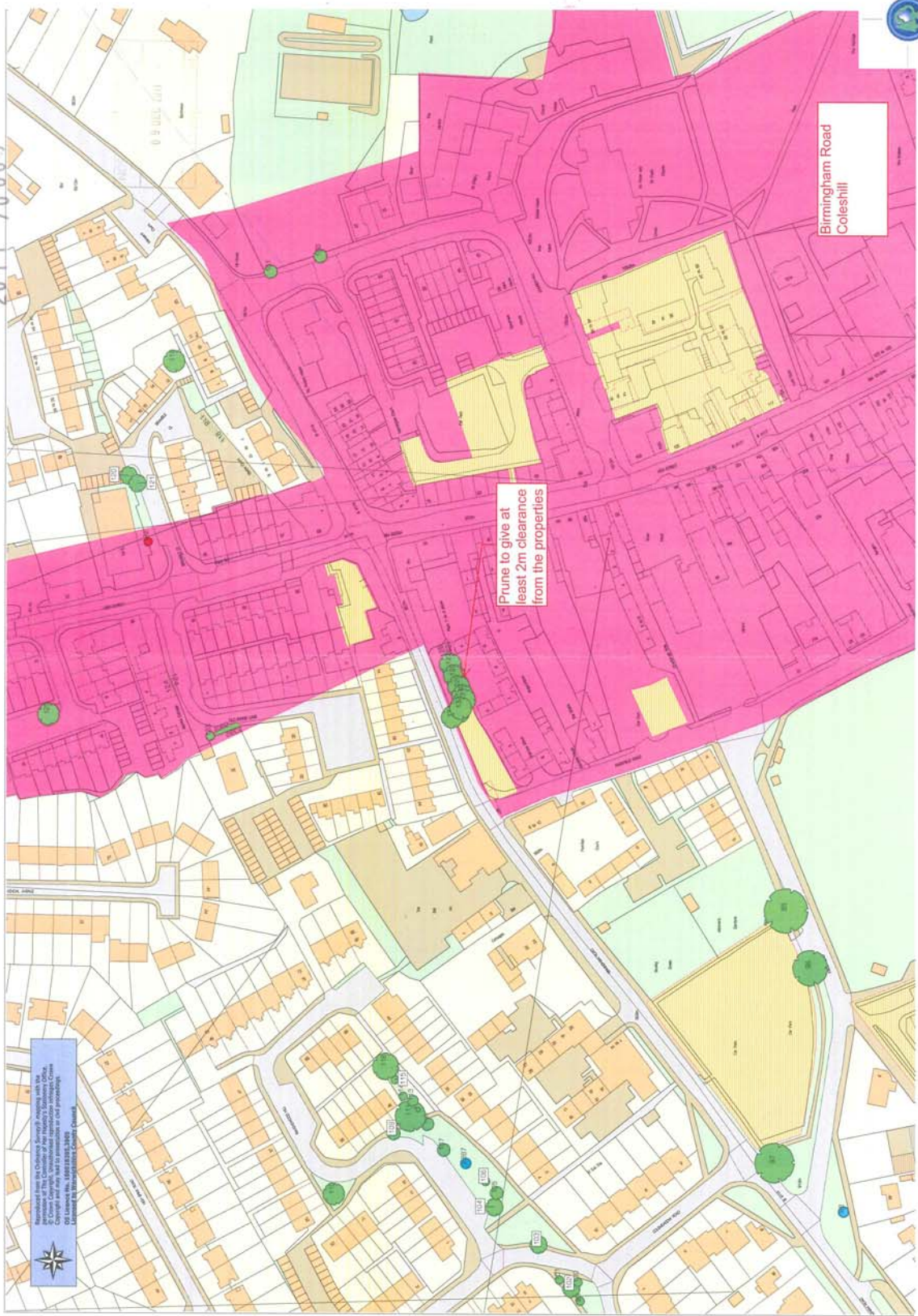
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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





2011 / 0605



APPENDIX B – Photographs of the site





(5) Application No PAP/2011/0646

Land rear of 17 to 21 Queensway Hurley

Residential development consisting of 7no: 3 bed and 8no: 2 bed housing, associated parking and new access, for

Waterloo Housing Association

Introduction

This application will be reported to the Board for determination in due course as the land is owned by the Council. This report is thus for information purposes only enabling Members to view the proposals at an early stage.

The Site

This is an area of 0.4 hectares of agricultural land being part of a larger field immediately to the north of Lime Grove and to the west of Queensway to which there is an access. This junction is 110 metres north of its junction with Knowle Hill. There is also residential development bounding its eastern boundary.

The site slopes down by about two metres from east to west and there are small trees randomly located along the eastern and southern boundaries.

The Proposal

This is to erect fifteen houses on the site – seven would have three bedrooms and eight would have two. The layout includes an improved access onto Queensway which would lead into a small cul-de-sac enabling a single row of cottage style semi-detached houses along the western boundary of the site, with a similar row on the northern side of the road. The trees referred to above are shown to be retained. The proposed layout is illustrated on the plan at Appendix A. The house design is illustrated at Appendices B and C.

For reference purposes, the distance of the southern gable of plot 15 from the rear elevations of the properties in Lime Grove is 27 metres, and that of the side elevation of plot 1 to the rear of the Queensway properties is 16 metres. Each property has two car parking spaces.

The proposed new access would include an improved vision splay and radius turn-in on its southern side taking some land from number 15 Queensway, which is a Council owned property.

The application is accompanied by a Design and Access Statement together with a Ground Conditions Report.

The applicant has indicated that the new units would all be “affordable” to meet the terms of the Development Plan, with the mix of tenure between rented and shared ownership to be agreed with housing officers of the Council.

Development Plan

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution); Core Policy 8 (Affordable Housing), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG4 (Densities), TPT6 (Vehicle Parking)

Other Material Planning Considerations

Government Planning Guidance – PPS3 (Housing), PPG13 (Transport)

The draft National Planning Policy Framework (2011)

The Council's Draft Core Strategy (Autumn 2011)

Observations

This site is inside the development boundary defined for Hurley by the North Warwickshire Local Plan 2006. It is not in the Green Belt. Indeed this piece of land has been so designated since the adoption of the Coleshill District Local Plan dating from 1984. This is because it was specifically allocated for housing development. This land has thus been “safeguarded” for housing purposes since 1984.

Apart from considering this background in respect of the principle of the proposed development, Members will be aware that design issues together with an assessment of the impact of the proposal on the amenity of existing residents will also be important. Access and highway matters will play a significant role in the case too.

The applicant has already undertaken pre-application consultation and a summary is attached at Appendix D.

In view of the nature of some of these responses, it is considered that the Board might wish to visit the site prior to determining the application.

Recommendation

That the Board undertakes a site visit prior to the determination of this application.

BACKGROUND PAPERS

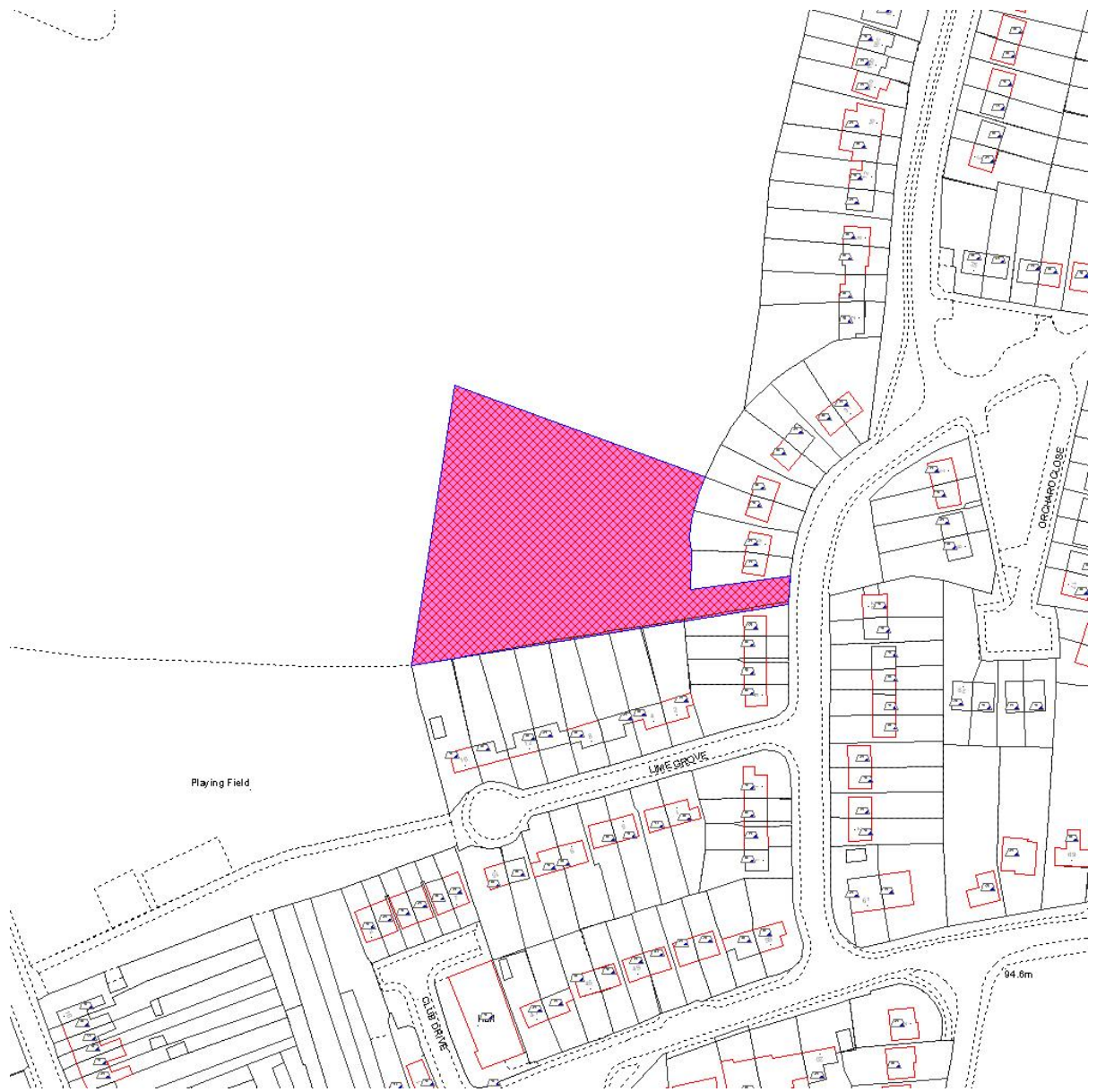
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

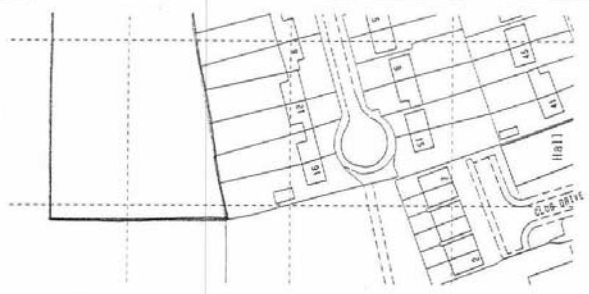
Planning Application No: PAP/2011/0646

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	9/12/11

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

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





**LOCATI
PLAN.**

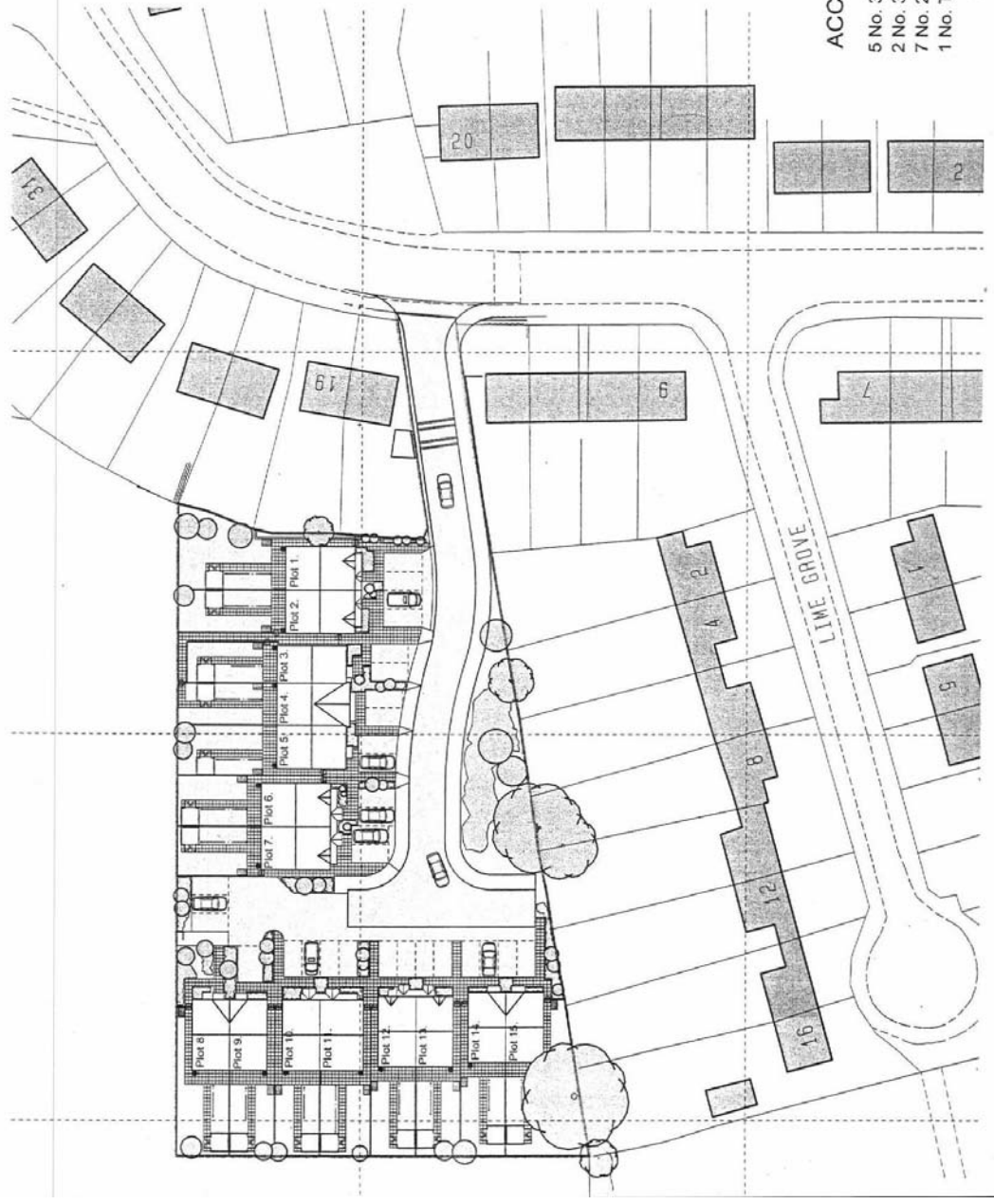
Scale 1/12:

THE MANOR
SHAFFERSHIRE
RESIDEN
CLIFFNIC

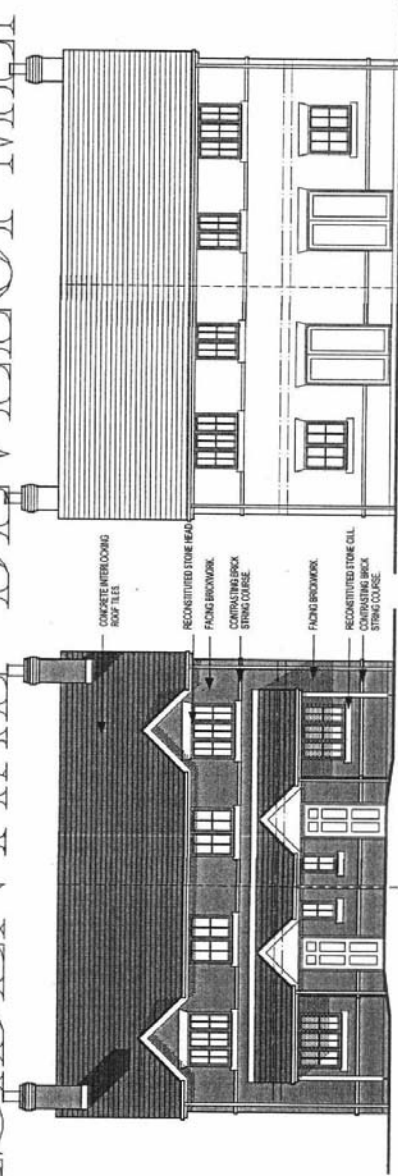
Appendix A

ACCOMMODATION.

- 5 No. 3 Bed Semi-Detached Houses
- 2 No. 3 Bed Terraced Houses.
- 7 No. 2 Bed Semi-Detached Houses.
- 1 No. Terraced Houses.



RESIDENTIAL DEVELOPMENT A



Plot 2 - Type A (Handed)

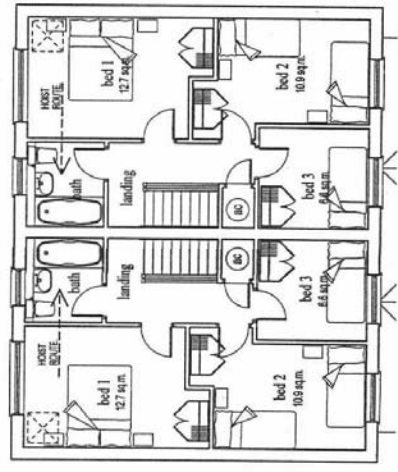
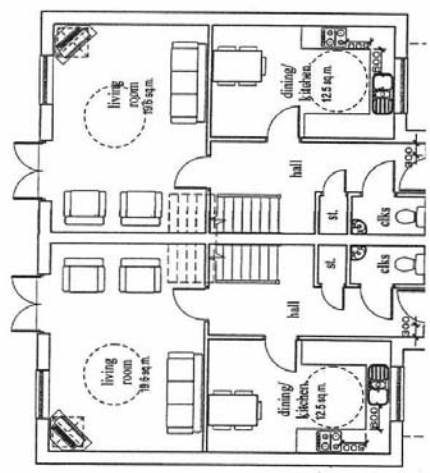
Plot 1 - Type A

FRONT ELEVATION - facing Lime Grove.

Plot 1.

Plot 2.

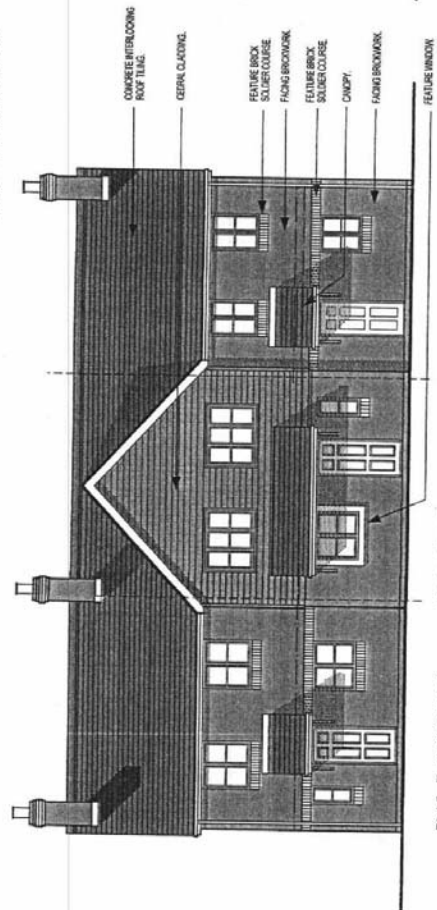
REAR ELEVATION.



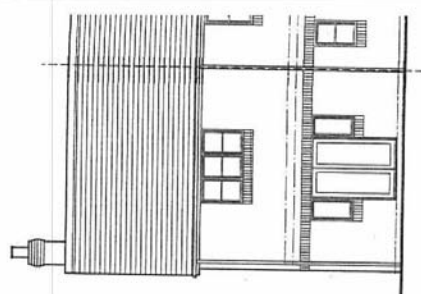
APPENDIX B

16

GROUND FLOOR PLAN.



FIRST FLOOR PLAN.



Plot 5 - Type B1 (Handed).

Plot 4 - Type B1.

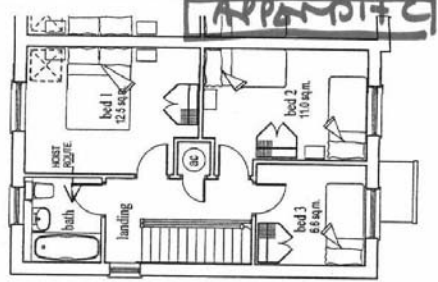
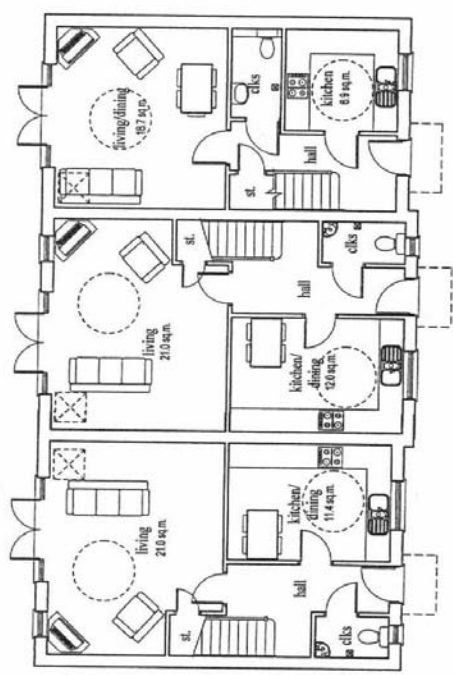
Plot 3 - Type Ct.

FRONT ELEVATION - facing Lime Grove.

Plot 3.

Plot 4.

REAR ELEVATION.



GROUND FLOOR PLAN

APPENDIX D

APPENDIX A

ANALYSIS OF RESIDENT CONSULTATION

Ref: 9094 - December 2011

Bailey Design Limited
The Manor House
Lichfield Street
Tamworth
B79 7QF

Analysis from Resident Consultation Meeting at Hurley

What do you consider the most important features of the area?

	No. of respondents
• Access to community facilities/schools/shops/	9
• Bus services	9
• Streets & footpaths	4
• Lighting	9
• Trees & open areas	11
• Low crime/feelings of safety	8
• Close knit community	13

Other:

- > Rubbish
- > Prefer shared ownership at rear of 18/19 Queensway
- > Jobs
- > Lack of proper bus service 4
- > Peace
- > Need bungalows

Do you think the proposals for the site are good or bad?

	Good	Bad
• Mix of houses/flats	2	2
• Size of houses/flats	4	2
• Building heights	5	2
• Design of buildings	3	2
• Materials used	3	2
• Level of car parking	4	2
• Location of car parking	3	2
• Open areas	5	3
• Landscaping - trees and shrubs	4	3
• Distance from other properties	5	4
• Impact on other properties	3	4

Comments:

- > Good in general terms, but 15 properties look a bit cramped. Would be better to reduce to 12.
- > Use of Sycamore not good, not native, spreads seedlings rapidly, trees prone to tar spot and nuisance to residents and farmer.
- > Could an outside hedge be planted beyond the fencing to blend in better when viewed from the field side? Native hedging preferably, trees available from Woodland Trust.
- > Whole idea not acceptable. Plenty of empty houses on estate, utilise these!
- > Not required.

Are there any problems with the site at the moment?

	No. of respondents
• Unkept/unsightly	2
• Litter	1
• Vandalism	
• Attracts anti-social behaviour	

Other:

- > Trees and open areas.
- > Hardly used - used for dog walking etc.
- > All of the above, but I do not feel the new houses are required.
- > Open land.

Do you think the proposals fit in with the surroundings?

	No. of respondents
• Yes	7
• No	5

Comments:

- > No, this needs to be kept an open space.
- > I think the quality of Waterloo houses are very good, but I do not want more houses in the village.
- > The new proposal makes the other houses look second class (and always will).

Do you have any other comments?

- > Access very dangerous.
- > Enough empty houses in Hurley already.
- > My son needs to buy a house as soon as possible and I think this is brilliant Waterloo. I think it's a very good idea - rent and buy.
- > We do not want the proposals to go ahead, the bend on Queensway to the left of the entrance is already an accident black spot, buses have trouble here as it is and increasing the volume of traffic will make this worse. It will also devalue the house we live in due to the view from our back garden being spoiled. There are empty houses in Hurley, why build more?
- > As a resident of Hurley, in particular Coronation Rd, I feel that this new development is not a good development. I have lived in the village for 10 years and bought my property purely for the views. However, I now feel that with this development, not only will it ruin land locally to me I have concerns that the development will eventually go further and affect other land, including land that at present is supposedly greenbelt. This in turn will affect house prices to the detriment of current owners.

- > We strongly disagree with this development as we think it will affect our house price, also who will they think of moving into our village, how long before they decide to build more and take over all our rural views? We don't want all the disruption that comes with it. We moved into Hurley as a rural area specifically as a rural area. This will dramatically affect the reason we decided to move to this area and is already causing stress.
- > Too much traffic into village leaving Lime Grove dangerous. Drains in Summer and floods in Winter at the moment. Footpaths used for 50 years plus and devalue my house by thousands of pounds. Land set aside for garages NOT houses, extra land brought in '80s.
- > Not sure, the boundary fence is very close to the new houses and existing houses on Queensway.
- > No, I understand the proposals.
- > As long as there are no more buildings being built other than the proposals put forward.
- > I object very strongly that you're looking to build on green fields, when there is ground within Hurley Village that could be used. Also there are empty housing within the Village. Also the access off Queensway not safe. Queensway already has a problem with parked cars and can be unsafe for pedestrians and children.
- > Affordable housing would definitely help our situation of needing a larger house without moving out of the village.
- > Concerns over traffic access all day/night and headlights into front room.
- > Proposals are not required.
- > I oppose the houses being built as there are plenty of houses in this village, owned by a private company that should be revamped. I also oppose the traffic that will increase.
- > No houses on the land. Traffic problems coming onto Queensway very dangerous, children playing could be dangerous.
- > More need for housing.
- > No objections, need bungalows.
- > In my opinion all new housing should be built with Photovoltaic solar panels. The panels could be purchased by N.W.B.C. fitted by your contractors. Benefits - N.W.B.C. to gain from the 'Feed in Tariff', resident benefits from some cheap electricity.
- > Road access very dangerous, especially in Winter. Empty houses on estate.
- > Empty houses in Hurley need using to stop vandalism. Bad access to proposed site.

**(6) Consultation by Warwickshire County Council
Dunton Recycling Centre, Lichfield Road, Curdworth**

Application to consolidate existing planning permissions under one consent to facilitate the continued use of recycled aggregates and the extraction of sand and gravel for

KSD Recycled Aggregates Ltd

Introduction

This application has been submitted to the Warwickshire County Council for determination as the Minerals and Waste Planning Authority. The Borough Council has been invited to submit its representations as the Local Planning Authority. The case is referred to Board given the Council's past objections relating to these activities at the site.

The Site

This is an area covering just over 7 hectares to the immediate east of the A446 Lichfield Road just south of the junction with the M42 Motorway and north of the Hams Hall junction. The A446 here is a dual carriageway. The area here is in open countryside. The nearest residential property to the site fronts the A446 close to the site entrance. Curdworth is about a kilometre to the west on the other side of the M42 and the M6 Toll road.

The Proposals

a) Background

It is considered important that prior to describing some of the detail in the application the relevant planning history is explained such that the current "base-line" can be established.

Planning permission was granted in 1952 for the extraction of sand and gravel from this site, together with subsequent infilling by solid inert materials. In 1997, new planning legislation introduced a mandatory review of all extant minerals permissions in order to bring them up to date to meet the higher environmental standards that were then required. The 1952 permission was thus revised through the introduction of a new set of conditions. The 1997 permission requires cessation of mineral extraction by 2042 with completion of restoration by 2044.

In 1995 planning permission was granted at appeal for the storage of reusable inert materials at the site. In 1998 this storage use together with the recycling of those materials was permitted by the County Council. This was a temporary consent limited to 2000. This was further extended at appeal until 2005, and this has again recently been extended until the end of 2011.

The situation is therefore that the site has consent for the extraction of sand and gravel up to 2042, together with final restoration through landfill by 2044. Additionally use of the site for the storage and recycling of imported reusable inert waste materials expired at the end of 2011.

The current application seeks consent for the continued use of the site for mineral extraction of the remaining sand and gravel deposits together with the continued use of the site for the recycling of imported waste capable of producing secondary aggregates, and the subsequent restoration of the site, all with an end date of 2021. The production of recycled aggregates is by the screening and crushing of remaining on-site materials already brought in to landfill the site following earlier mineral extraction, together with the importation of other inert material from surrounding areas – particularly from the main urban area.

b) Detail

The more detailed parts of this proposal are:

- i) Access arrangements remain unchanged from the existing.
- ii) Volumes of traffic are to be restricted to 200 vehicles in a working day – that is 20 vehicles in and out per hour. The current movement is 100 per day.
- iii) Hours of operation would be 0730 to 1730 on weekdays and 0730 to 1300 on Saturdays.
- iv) The plant and equipment within the site would be re-positioned in order to better assist in the movement of traffic within the site itself. This would involve a re-aligned route within the site itself and also have the effect of reducing the visual impact of the site when viewed from the road.
- v) A new earth embankment would also be provided at the site entrance in order to help achieve this, together with some re-alignment of the site perimeter bunds in order to provide consistent levels.
- vi) 28 permanent jobs would be retained.

The general layout as proposed is attached at Appendix A.

c) The Applicant's Case

The applicant's case is based on the continuing need to recycle and reuse waste materials including what is essentially demolition material from construction sites. This is evidenced by reference to a number of factors ranging from the landfill tax and the Aggregates Levy through to the Government's publications on Sustainable Development – particularly PPS10 on "Planning for Sustainable Waste Management"; the Waste Framework Directive, the 2007 Waste Strategy for England, the 2011 Waste Review, and the draft National Planning Policy Framework.

The applicant provides evidence to show the role of recycled aggregates. Government publications indicate that in 2005 just over half of construction and excavation waste was being recycled. The figure for the West Midlands was broadly similar. The Government's target for this particular waste stream is 70% by 2020. This site handled 400,000 tonnes of waste in 2006 but this has reduced to half of that figure at present due to the current economic circumstances.

In terms of the extraction of the primary aggregate from the site – sand and gravel – the applicant has submitted evidence based on the latest requirements for sand and gravel extraction which shows an ongoing requirement. The site would continue that commitment, as is already the case given the 2042 end date of the site.

The applicant also points out that the site has direct access to the primary road network; is ideally located close to urban areas, within an area of motorways and the Hams Hall Park, within a site with a lawful use for mineral extraction, and with few residential properties close by.

Development Plan

Minerals Local Plan for Warwickshire (1995) – saved policies M1 (Areas of Search and Preferred Areas), M4 (Sand and Gravel Extraction), M5 (Sterilisation of Mineral Reserves), M6 (Considerations and Constraints affecting Minerals Extraction), M7 (Mitigation), M9 (Restoration)

Waste Local Plan for Warwickshire (1999) - saved policies 1 (General Land Use), 3 (Land Filling), 6 (Materials Recycling Facilities), 13 (Proposed Facilities)

Saved policies of the North Warwickshire Local Plan 2006 - ENV2 (Green Belt), EMV6 (Land Resources), ENV8 (Water Resources), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV14 (Access Design)

Other Material Planning Considerations

Government Planning Policy – PPG2 (Green Belts), PPS10 (Planning for Sustainable Waste Management), PPG13 (Transport), MPS1 (Planning and Minerals)

2007 Waste Strategy for England

2011 Waste Review

Draft National Planning Policy Framework 2011

Warwickshire's Waste Minimisation Strategy 2007 -15.

Warwickshire County Council's Waste Development Framework Core Strategy – Preferred Option (2010): Policies CS1 (Waste Management Capacity), CS2 (Spatial Waste Planning Strategy for Warwickshire), CS3 (Strategy for locating large scale waste sites), CS7 (Landfill Developments), DM1 (Protection of the natural and built environment), DM2 (Managing Health and Amenity Impacts), DM3 (Sustainable Transportation), DM4 (Design), DM8 (Temporary Uses and their Restoration)

Observations

a) Introduction

This is a fresh application to continue to extract sand and gravel from this site, and to continue to import, store and recycle demolition and construction waste as well as to recycle such waste already deposited on the site through earlier land fill operations. It is proposed that these uses continue until 2021.

The site is in the Green Belt where there is a presumption against the grant of planning permission for inappropriate development. Government Planning Policy - in PPG2 – makes it clear that as the extraction of minerals can only take place at source, and as such, this use need not necessarily be inappropriate, provided high environmental standards are maintained and that the site is well restored. PPG2 does not refer specifically to materials and waste recycling activity, but such a use would come under the term of “other development” and as such would be inappropriate development, unless it maintained openness and did not conflict with the purposes of including land in the Green Belt. Advice in MPS1 reflects the approach in respect of minerals extraction as set out in PPG2. MPS 10 says that, amongst others, one of the key objectives in planning for sustainable waste management should be that whilst protecting green belts, some types of waste management facility and their locational needs are material considerations and should be given significant weight in determining applications. As a consequence, the overall thrust of this policy background suggests that a refusal of planning permission solely because this site is in the Green Belt, would probably carry insufficient weight at appeal.

Members will be familiar with the strategy of the Government in all of its publications referred to above. This is essentially to produce less waste and to re-use it by treating it as a resource wherever possible. This is all reflected in the County Council’s Preferred Options for its Waste Core Strategy, where the key objectives of national strategy are translated into the local Warwickshire situation. This document, whilst not adopted, will carry weight as it is the most up to date outline of the Waste Authority’s current policies; because it reflects up to date Government planning policy, and because it has come about with earlier public consultation. The two key policies in the document is CS2 and CS3. The former states that sites should be well located to sources of waste; well located to strategic transport infrastructure and do not have significant adverse environmental impacts. In particular preferences include sites already operating under existing waste management use; active mineral sites or landfills, and previously developed land. The second policy states that waste sites should also be evenly located generally throughout the County, particularly within or in close proximity to defined settlements - Coleshill is referred to amongst others. As a consequence, the weight that would be given to the waste policies of the Government and the Waste Planning Authority’s own emerging Development Plan policies would infer that a reason for refusal here would be difficult to defend.

This introduction to the policy background is important as it sets the parameters within which consideration of this application should be looked at. It is considered that this background suggests support in principle for the proposals now being put forward. However before making a recommendation along such lines, it is considered that there are considerations which Members might wish to consider.

b) Some Considerations

It was pointed out above that the proposals set out here might not necessarily be inappropriate development in the Green Belt, provided a number of criteria are satisfied. It is necessary to explore these further.

In respect of minerals extraction, the first is that “high environmental standards are maintained”. From a planning perspective these standards would be defined through planning conditions. The County Council would clearly be expected to impose such conditions relating to operating hours; to limitations on vehicle movements, to maximum noise thresholds and particularly to the need to reduce litter and dust on the site as well as to reduce deposits of mud and material on the surrounding roads.

The concerns over the past few years as expressed by the local community to the County Council have alleged continual breaches of existing conditions and the lack of enforcement action by the Waste Authority in that respect. Hence this criterion can be defined through condition, but it can only be satisfied through enforcement action if the conditions are breached. The County Council must therefore firstly be requested to show that these standards can be achieved through planning condition, and then commit to undertake action when expedient to do so.

The second criterion is that the site should be “well-restored”. There is no restoration plan accompanying this application. This is a significant omission. Not only does the Board not know what the finished landscape will look like and how that might “blend” into the existing contours, but also there remains uncertainty about the future of the site beyond the end-date sought in this application – namely 2021. If it is part of the applicant’s case that the end-date is to be brought forward as a consequence of this application from 2044 to 2021, then that is not expressed within the actual application itself. Moreover it is understood from County Officers that the minerals present on site have been substantially extracted and that there is potentially only six or seven years reserve left. This time period allows for reduced extraction rates given the current economic downturn and the reduction in building and construction rates.

The first of the criteria relating to waste recycling developments is that they should maintain openness. The waste facility here would be located wholly within the “bowl” created by mineral extraction and with the additional works proposed in this application would not generally be publicly visible. Moreover, plant, equipment and engineering operations and associated development would be present on this site under the extant minerals extraction permission for this site. As such there is a significant fall-back position here. That being said however, there is concern on the openness of the Green Belt hereabouts as there is no firm end-date, given that there are no firm proposals to complete restoration of what is essentially a temporary use of the land – i.e. the extraction of minerals. As such there is doubt as to whether this criterion is satisfied.

The second criterion is that the use should not conflict with the purposes of the Green Belt as set out in PPG2. A waste facility would not necessarily safeguard countryside; preserve the setting of historic towns, or necessarily assist in the recycling of derelict and other urban land. The key issue here is that this present proposal would not lead to the restoration of this land as open land and thus contribute to the purposes of including land within the Green Belt. Once again it is the lack of final restoration proposals that is of concern.

It is thus concluded that the proposal as presently constructed, could reasonably be treated as inappropriate development in the Green Belt.

c) Assessment

Given this conclusion it would be necessary to explore other material planning considerations in order to see if they had sufficient weight to be the very special circumstances necessary override a potential presumption of refusal. Clearly the outline of waste planning policy provided in section (a) above is significant and of substantial weight. Additionally the Waste Authority originally granted permission for these waste uses in 1998 and has consistently renewed them over a number of years. These decisions carry material weight as the uses have been lawfully present on the site now for almost 14 years. The issue is thus whether these circumstances carry more weight than the inappropriateness of the development. It is considered

that there is a fine balance here between the competing policies, but that acting as Waste Authority, the County Council is highly likely to give more weight to waste planning policy. This is understandable, but it is considered that the County Council should first resolve the issues raised by this report.

A final restoration scheme is essential. Given the mineral reserve left to be extracted, it is clear that there is an end-date here, and that the 2021 time included in the application is reasonable given the need to complete extraction and then to restore the site fully. However the omission of that restoration scheme provides uncertainty. The waste facility has to date always been “accepted”, because it was known that the minerals here would be finally extracted and the site returned to open land – hence the line of temporary consents. Given the conclusion expressed above concerning the inappropriateness of the waste facility in the Green Belt, it is considered that the site should not be perpetuated as a waste site in lieu of an extraction site. The waste facility complies with the Preferred Option of the Waste Core Strategy solely because the site is one of the preferred locations as an active minerals site and that is essentially why it was granted consent in the first place. The completion of extraction removes that support.

The recommendation below picks up the matters raised above. It is recognised that as Waste Authority, the County Council will be more likely to support the current application rather than to refuse it. However before doing so it is important that it considers all of the concerns of this Council as Local Planning Authority. The recommendation below is thus for a holding objection. This would request the County Council to require a final restoration scheme for the site such that it was complete by 2021; that a legal Agreement be entered into such that that end date become a commitment, and that planning conditions are drafted with an undertaking given by the County Council that it will enforce those conditions when expedient to do so.

Recommendation

That this Council lodges a holding objection with the County Council on the grounds that:

- i) there are no proposals within the application for the final restoration of this site, and that as such that is material because it does not provide certainty; does not provide the full weight necessary to say that the proposal is appropriate development in the green belt, and that it changes the nature of the proposal to that of a waste facility rather than that of a minerals extraction site.
- ii) the County Council require a Unilateral Undertaking from the applicant that the site will be finally restored by 2021, and that
- iii) in the event that planning permission is to recommended, then conditions are drafted such as to meet the high environmental standards required by relevant policy and guidance, and that
- iv) the County Council undertake to enforce these conditions when expedient to do so.

BACKGROUND PAPERS

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

Consultation by Warwickshire County Council

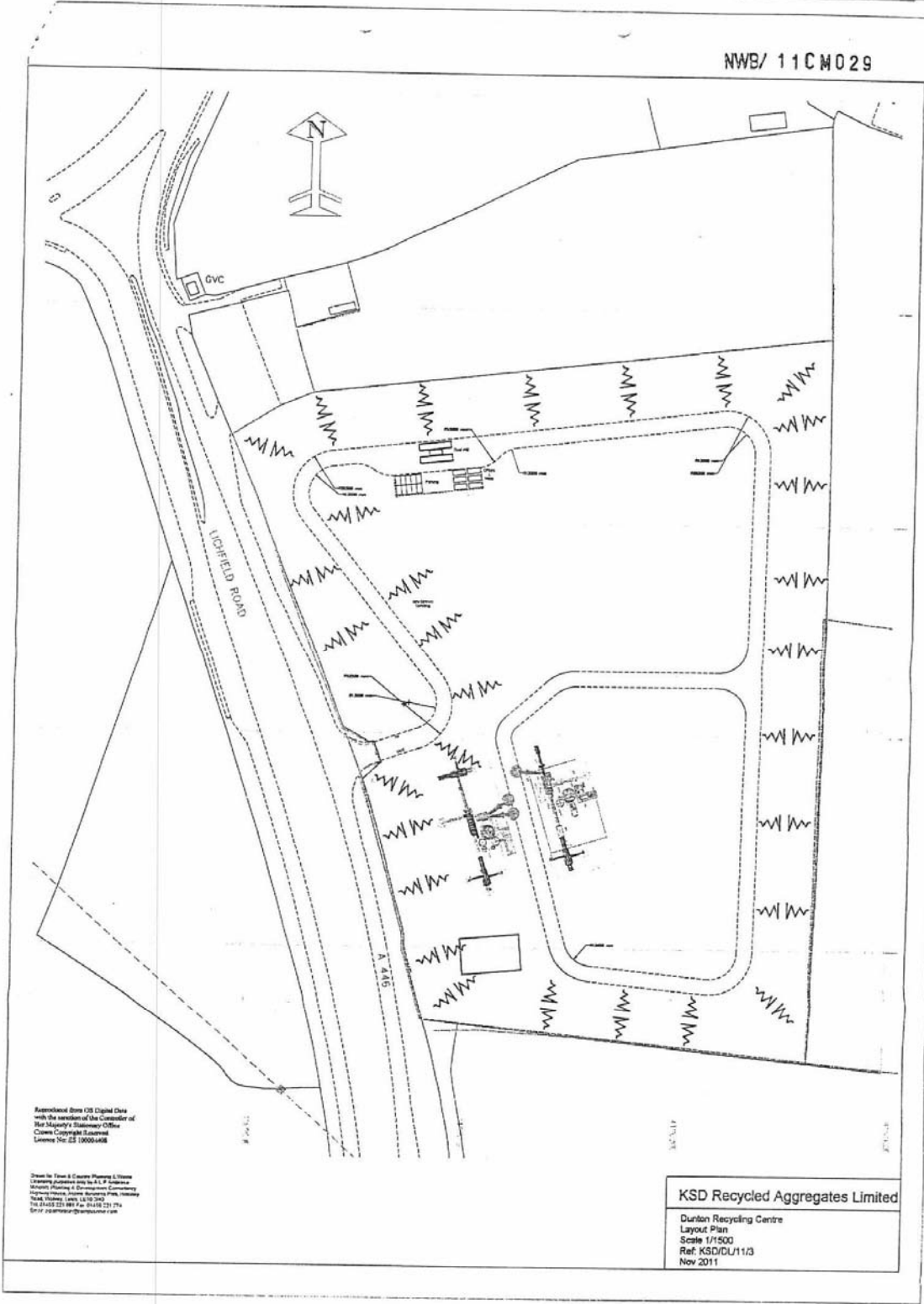
Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Consultation	15/12/11

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

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

Appendix A

NWB/ 11C M029



Approved Site 100 Digital Data
with the approval of the Controller of
Her Majesty's Stationery Office
Copyright Clearance
License No. 22 10000408

Drawn by Frank & Co. Planning & Design
Landscape Architects
100, High Street, London, E1 1AA
Tel: 020 7463 1000 Fax: 020 7463 1001
Email: frank@frankandco.com

KSD Recycled Aggregates Limited
Dunton Recycling Centre
Layout Plan
Scale 1/1500
Ref: KSD/DU/11/3
Nov 2011