

**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.

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**18 JULY 2011**

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 18 July 2011 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.

- 4 **Minutes of the Meetings of the Board held on 23 May and 20 June**  
- copy herewith to be agreed as a correct record and signed by the Chairman.
- 5 **Report from Jeff Brown (Head of Development Control) on the work of his Section.**

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

- 6 **Budgetary Control Report 2011/2012 Period Ended 30 June 2011 –**  
Report of the Assistant Director (Finance and Human Resources)

#### **Summary**

The report covers revenue expenditure and income for the period from 1 April 2011 to 30 June 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719310).

- 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).

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

### **8 Exclusion of the Public and Press**

#### **Recommendation:**

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

### **9 Breaches of Planning Control - Report of the Head of Development Control.**

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

JERRY HUTCHINSON  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

23 May 2011

Present: Councillor Sweet in the Chair.

Councillors Butcher, L Dirveiks, Holland, Humphreys, Lea, B Moss, Sherratt, Simpson, A Stanley, Winter and Wykes

Apologies for absence were received from Councillors Barber, Phillips and Turley.

#### 1 **Declarations of Personal or Prejudicial Interests**

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 Butcher (Polesworth), B Moss (Kingsbury) and Winter (Dordon) were deemed to be declared at this meeting.

Councillor B Moss declared a personal interest in Minute No 8 (Breaches of Planning Control - Recreation Ground off Tamworth Road, Kingsbury) by reason of being a member of Kingsbury Parish Council.

#### 2 **Minutes**

The minutes of the meetings of the Board held on 14 March, 23 March and 11 April 2011, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

#### 3 **Planning Applications**

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

#### **Resolved:**

- a **That, provided the applicant first enters into a Section 106 Agreement as varied to allow the provision and first occupation of 4 affordable dwellings within 2 years (failing which 6 affordable dwellings are to be provided) alongside the unchanged contribution towards open space, Application No 2008/0369 (151 Plank Lane, Water Orton) be approved subject to conditions outlined in Appendix A to the report of the Head of Development Control;**

**b** That, provided the applicant first enters into a Section 106 Agreement as set out in the report of the Head of Development Control, Application No 2009/0420 (Almshouses, Church Lane, Middleton) be approved subject to the conditions set out in the said report and to an additional condition relating to a routing agreement for construction traffic;

**c** That Application No 2010/0058 (Grimscote Manor, Lichfield Road, Coleshill) be approved subject to the following additional condition

**“The marquee hereby approved shall be removed from the site before 31 May 2014, and the land reinstated to a grassed area, to the written satisfaction of the Local Planning Authority.”**

**Details relating to the provision of car parking spaces shall be reported to the Board and plans submitted shall clearly identify the location of the marquee.**

**d** That in respect of Grimscote Manor, Lichfield Road, Coleshill, provided the access improvements and on-site car parking provision required under conditions (iv) and vi) of planning permission No 2010/0058, are implemented on site and that conditions (v) and (vii) are subsequently discharged, then it is not considered expedient to institute enforcement proceedings against the use of the George Lewis Suite for functions for the reasons set out in the report of the Head of Development Control;

**e** That Application No 2010/0315 (108 Long Street, Atherstone) be refused for the following reason:

**“The site lies in the Atherstone Conservation Area whose character and appearance in this location is marked by an openness that derives from the retention of historic rear gardens and yards. There are a number of rear elevations to Listed Buildings that overlook this space. It is considered that the built form, with its massing and extended footprint would have an adverse impact on the character and appearance of this part of the Conservation Area by enclosing the view over this open area; reducing the openness of the Area, also reducing in the loss of views of those rear elevations, and introducing a built form that is out of keeping. This proposal does not therefore accord with saved Policies ENV15 and ENV16 of the North Warwickshire Local Plan 2006, together with Government Planning Policy in PPS5.”**

- f **That Applications No 2011/0046 and 2011/0048 (Atherstone Garage, 157-159 Long Street, Athertstone) be approved subject to the amendment of conditions 1 to read 'three years'.**

4 **Government Consultation Paper – Use Classes Order**

The Head of Development Control reported that the Government had published a consultation paper on proposed changes to the Town and Country Planning (Use Classes) Order and the Board was informed of the proposals.

**Resolved:**

**That the Council is certain that there are no benefits in this proposal for North Warwickshire, given the Authority's priorities of promoting sustainable development, and encouraging job and employment creation within the Borough.**

5 **Tree Preservation Order – 18 Minworth Road, Water Orton**

The Head of Development Control reported that a Tree Preservation Order had recently been made and the period for representations had passed. Having considered the representations received, the Board was invited to confirm the Order.

**Resolved:**

**That the Tree Preservation Order made in respect of an Ash tree at 18 Minworth Road, Water Orton be confirmed without modification.**

6 **Waste Development Framework - Core Strategy - Emerging Spatial Options consultation (March 2011)**

Under Section 100B(4)(b) of the Local Government Act 1972 the Chairman had agreed to the consideration of this item by reason of the urgent need to respond to the consultation document prior to the deadline.

The Assistant Chief Executive and Solicitor to the Council reported on the Warwickshire County Council's Waste Development Framework - Core Strategy - Emerging Spatial Options consultation document (March 2011) and the Board was invited to consider suggested responses to the questions raised in the document.

**Resolved:**

**That, together with the issues raised at the meeting, the comments set out in Appendix 1 to the report of the Assistant Chief Executive and Solicitor to the Council be sent to Warwickshire County Council as the Borough Council's response to the consultation document.**

**7 Exclusion of the Public and Press**

**Resolved:**

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

**8 Breaches of Planning Control**

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

**Resolved:**

- a That in respect of the Recreation Ground off Tamworth Road, Kingsbury in the circumstances set out in the report of the Head of Development Control, it is not considered expedient to take enforcement action in this case, but that the parties involved be requested to continue their dialogue; and**
- b That in respect of Lynwyn, Botts Green Lane, Over Whitacre**
  - i the owner be notified in writing that the alterations undertaken to the outbuilding as requested by the Council in its letter of 15 February 2011, are now satisfactory and that no further action will be taken on this particular matter; and**
  - ii That based on the matters brought to the attention of the Board in the report, the Enforcement Notice dated 24 February 2011 relating to this property be withdrawn.**

9 **Ash End Farm, Middleton – Temporary Stop Notice**

Under Section 100B(4)(b) of the Local Government Act 1972 the Chairman had agreed to the consideration of this item by reason of the need to report on the action taken.

The Head of Development Control reported on the emergency action taken in respect of unauthorised building operations at Ash End Farm, Middleton.

**Resolved:**

**That the action taken concerning the issue of a Temporary Stop Notice in respect of the breach of planning control at Ash End Farm, Middleton be noted.**

R Sweet  
Chairman



**Planning and Development Board  
23 May 2011  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/2	2009/0420	Middleton Parish Council	Representations	11/5/11
		Middleton Parish Council	Representations	15/5/11
5/3	2010/0058	Head of Development Control	Letter	12/4/11
		Environmental Health Officer Case Officer Site Visit Note	E-mail	20/4/11
			E-mail	12/5/11
			Note	21/5/11
5/4	2010/0315	Atherstone Civic Society	Objection	23/5/11

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

20 June 2011

Present: Councillor Sweet in the Chair.

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

Apologies for absence were received from Councillors Holland and Simpson.

Councillors Fox and Smith were also in attendance. With the consent of the Chairman, Councillor Fox spoke on Minute No 11 Planning Applications (Application Number 2011/0088 – Gun Hill Post Office, Gun Hill, Arley).

#### 10 **Declarations of Personal or Prejudicial Interests**

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) were deemed to be declared at this meeting.

#### 11 **Planning Applications**

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

##### **Resolved:**

- a **That in respect of Application No 2008/0369 (151 Plank Lane, Water Orton) the Section 106 Agreement, which is yet to be signed, be varied to allow the provision of 4 affordable dwellings alongside the unchanged contribution towards open space, as well as including a mechanism for review at 2 years should 4 affordable units have not yet been provided and that affordable units are provided prior to open market units; and that following the completion of this agreement, permission subject to conditions outlined in the Schedule at Appendix D to the report of the Head of Development Control, be granted for the proposed development;**

- b That in respect of Applications No 2008/0405 and 2008/0407 (Britannia Works (Former Hatting Factory), Coleshill Road, Atherstone, CV9 2AB) the report be noted and that a Member site visit be arranged prior to the application being reported back to the Planning and Development Board for determination;**
- c That Application No 2010/0189 (Yew Tree Cottage, 114-116 Birmingham Road, Whitacre Heath, B46 2EP) be approved subject to the condition specified in the report of the Head of Development Control;**
- d That Application No 2010/0385 (The Hollies, 2 Birmingham Road, Coleshill, B46 1AA) be approved subject to the conditions specified in the report of the Head of Development Control;**
- e That Application No 2011/0088 (Gun Hill Post Office, Gun Hill, Arley) be refused for the reason set out in the report of the Head of Development Control;**
- f That Application No 2011/0169 (14 Chaytor Road Polesworth) be approved subject to the conditions specified in the report of the Head of Development Control; and**
- g That in respect of Application No 2011/0259 (MIRA Technology Park Ltd)**
  - i) That the applicant be requested to enable a site visit for Board Members;**
  - ii) That HBBC be requested to challenge the applicant to provide the evidence base that supports the quantum of development that is currently being proposed, and that the outcome is referred to the Board for further consideration;**
  - iii) That HBBC be requested to fully involve North Warwickshire in the drafting of a Section 106 Agreement with reference to the issues referred to in this report; and**
  - iv) That progress reports be brought to the Board as appropriate.**

## **12 Planning for Travellers Site – Consultation Paper**

The Head of Development Control reported that the Government had published a consultation paper outlining its draft planning policy to replace existing advice on the provision of gypsy and traveller sites. The Board was informed of its content and implications for North Warwickshire.

**Resolved:**

- a **That the Government be requested to extend the six month period to ensure a five year pitch supply, to 12 months from the final date of adoption of the new Advice Note; and**

**Recommendation to Resources Board**

- b **That the Board looks at the Council's own land holdings to assess whether it has sites that might be appropriate for Gypsies and Travellers.**

**13 Design Champions**

The Board was invited to approve the continuation of the role of Design Champions.

**Resolved:**

**That Councillors Sweet and Simpson be appointed Design Champions.**

**14 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2010 – March 2011**

The Chief Executive and the Deputy Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2010 to March 2011.

**Resolved:**

**That the report be noted.**

**15 Exclusion of the Public and Press**

**Resolved:**

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

**16 Breach of Planning Control**

The Head of Development Control reported on an alleged breach of planning control and the Board was asked to agree a suggested course of action.

**Resolved:**

**That in respect of the site adjacent to Woodside Farm Bungalow, Linden Lane, Polesworth, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with an extant Enforcement Notice requiring the demolition and/or removal of a stables building.**

R Sweet  
Chairman

**Planning and Development Board  
20 June 2011  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/3	2010/0189	Applicant	Plan	16/6/11
4/5	2011/0088	Arley Parish Council	Objection	15/6/11
		S Baird	Objection	13/6/11

## **Agenda Item No 5**

### **Planning and Development Board**

**18 July 2011**

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

#### **Service Outline**

#### **1 Summary**

- 1.1 This report provides an outline of the Development Control service for the benefit of Members.

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

**That the report be noted.**

#### **2 An Outline of the Development Control Service**

- 2.1 The Development Control service deals with planning and related applications together with investigating breaches of planning control.
- 2.2 Planning legislation requires applications to be submitted to the Local Planning Authority in order to get planning permission before new development proposals can take place. The Development Control service administers this function, but more importantly it provides the Council with the professional planning expertise, advice and guidance for it to determine those applications.
- 2.3 For the past couple of years we have been receiving around 650 planning applications a year. This is well down on previous years because of the economic downturn. Previously we had been receiving over 800 applications a year. The Council has adopted a Scheme of Delegation in respect of the Determination of Planning Applications. This enables the Planning and Development Board to concentrate on the major development proposals and those that may involve particular issues. In this way around 95% of applications received are dealt with through delegated procedures. This percentage is in common with all other Local Planning Authorities. There are five professional planning officers dealing with this case load. These officers also deal with appeals. An applicant can lodge an appeal with the Secretary of State to try and get a refusal of planning permission over-turned. The service responds to about 20 such appeals a year. Some of these can involve substantial time and resources. An Annual Performance Report is brought to Board outlining the numbers and type of applications received; the speed in which decisions are made, the income received through the associated fees, and details about appeals.

- 2.4 A team of three officers investigate breaches of planning control. These are investigations into cases where allegations are made that development is proceeding without the benefit of planning permission, or in breach of conditions attached to the grant of a planning permission. This team looks into around 250 cases each year. Most breaches are resolved through the grant of retrospective permissions or through voluntary action, but a small number end up with formal enforcement action. Several of these then end up in the Courts.
- 2.5 A significant part of our business is offering planning advice and guidance to prospective applicants before an application is submitted. Apart from helping to answer questions like, 'Do I need permission?', and 'Will I get permission?', officers take a lot of time helping improve the quality of the proposals so as to get the best possible outcome. This usually focuses on design issues, but will also, where appropriate, involve developer obligations through Section 106 Agreements, in order to mitigate or to compensate for adverse impacts that might occur.
- 2.6 All planning applications are determined in accordance with the Development Plan. The preparation of the North Warwickshire part of that Plan lies outside the service, but there is substantive liaison between the two sections in the drawing up of new planning policy and guidance as well as monitoring the effectiveness of that policy through the development control service.
- 2.7 The Council no longer has a Building Control service, but this is provided by the Nuneaton and Bedworth Borough Council through a formal Partnership scheme, with the Development Control service being its client, and North Warwickshire Members sitting on its Steering Group.

### **3 Current Service Issues**

- 3.1 Nationally there has been a change in the "culture" of the service – away from the "control" of new development towards the "management" of new development. This has occurred naturally in North Warwickshire through greater emphasis on the value of pre-application meetings; on lifting the quality of design of new development, on the use Section 106 Agreements in particular to seek benefits that can assist in delivering the Council's key objectives in its Sustainable Community Plan as well as its Development Plan, and through looking at development, where appropriate, in its wider context as regenerating the Borough's economy and environment. The service is increasingly seen as one of several which deliver the Council's priorities.
- 3.2 Planning decisions are taken in accordance with the Development Plan. The content, scope and nature of that Plan are being constantly changed through external change, and it is also becoming outdated. It is thus essential that the new up to date Core Strategy becomes available very soon so as to avoid a planning policy "vacuum". In those circumstances planning will often be led by appeal decisions, thus removing the ability of the Council to manage its own development. Key to these policies is the need to always have a five year deliverable supply of housing land.



- 3.3 A significant issue will be how to “accommodate” any outcome from the present Localism Bill which will enable greater decision making on planning issues at the neighbourhood level.
- 3.4 A further issue is the introduction of local planning fees. At present planning fees are set nationally, but there is a clear indication that the Government wishes these to be set locally. The outcome is presently delayed. This result will impact significantly on the income received by the service and the Council given that there is presently a shortfall of around £100k between the cost of providing the service for chargeable activity, and the income received. A significant proportion of the service’s resources are now tied up with the enforcement side of the service. This is because enforcement action almost invariably results in appeals being lodged and often leads to formal action in the Courts. It is thus very time-consuming. There are several high profile cases being dealt with presently, and they do take up a disproportionate call on officer time, as well as heavily involving the Council’s legal team.
- 3.5 The continuing economic downturn is affecting construction projects, particularly new housing developments. This is having an impact on the income received by the Building Control Partnership. It is having also to compete for work with the private sector. The Steering Group is presently looking at this issue.
- 3.6 Increasing cost pressures, whether or not relieved to some degree by the introduction of local planning fees, will continue to be an issue. The administrative and technical support for the service is provided by another Division; a lot of outside expert advice is sought on a variety of matters and has to be paid for, there is a commitment through re-charges from the Council’s legal service, and the service is currently holding a “frozen” post. Sharing services with other Authorities; sharing the cost of outside advice with other Authorities and undertaking further internal “lean” systems reviews are all matters to be explored further.

## **4 Report Implications**

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

- 4.1.1 Planning fees presently do not cover the cost of the service. The introduction of a locally based fee system, or a further increase set nationally, will improve this situation.

### **4.2 Links to Council’s Priorities**

- 4.2.1 The service delivers new developments that are in accord with its own Development Plan objectives in seeking to protect the Borough’s rural character; its heritage and to assist in the provision of affordable housing and to enable a greater range of job opportunities.

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

### Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

## Agenda Item No 6

### Planning and Development Board

18 July 2011

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

#### Budgetary Control Report 2011/2012 Period Ended 30 June 2011

### 1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2011 to 30 June 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

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

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

### 2 Consultation

#### 2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 Both Councillors' Forwood and Lea have been consulted regarding this report. Any comments received will be reported verbally to the Board.

### 3 Report

#### 3.1 Introduction

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

### 4 Services Remaining Within Resources Board

#### 4.1 Overall Position

- 4.1.1 Net controllable expenditure for those services that report to the Planning and Development Board as at 30 June 2011 is £147,302 compared with a profiled budgetary position of £129,018; an over spend of £18,284 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations, in order to give a better comparison

...

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

## 4.2 **Planning Control**

- 4.2.1 Income is currently behind forecast by £24,027 due to a fall in the number of planning applications received. This is partly off-set by an under spend on bought in professional services and an under spend on advertising, promotion and publicity..

## 5 **Performance Indicators**

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

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- 5.2 The position after three months is that the gross and net cost of planning applications is higher than expected due to a lower number of applications to date, partially offset by lower bought in professional services costs. The gross and net costs of land charges are higher per search as a lower number of searches have been completed than profiled. Following a similar, pattern, the caseload per worker is slightly below profile, as there are presently fewer planning requests being received.

## 6 **Risks to the Budget**

- 6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:
- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £20,000 each.
  - Reductions in income relating to planning applications.
  - Risk to the mix of Local Land Charge applications not bringing in the expected level of fee income.

## 7 **Estimated Out-turn**

- 7.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2011/2012 is £573,270, the same as the approved budget.
- 7.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

## 8 Building Control

- 8.1 The table below analyses the figures provided by the Partnership for the estimated costs for the 2011/12 financial year and details the impact for this Council:

	NWBC share £
Net Budget	92,910
Less NWBC Support costs recharged to the partnership	(32,090)
<b>Net Cost to NWBC in 2011/12</b>	<b>60,820</b>

- 8.2 The approved budget provision for Building Control is £54,570. The table above shows that based on the current projected annual cost, the current budget allocation is insufficient to cover the costs of the Partnership for this year. We will continue to monitor this over the course of the year, as the Partnership takes action to reduce costs.

## 9 Report Implications

### 9.1 Finance and Value for Money Implications

- 9.1.1 The Council's budgeted contribution to General Fund balances for the 2011/2012 financial year is £419,380. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

### 9.2 Environment and Sustainability Implications

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

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

### 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

Appendix A

North Warwickshire Borough Council  
 Planning and Development Board  
 Budgetary Control Report 2010/2011 as at 30 June 2011

Cost Centre	Description	Approved Budget 2011/2012	Profiled Budget June 2011	Actual June 2011	Variance	Comments
4009	Planning Control	440,570	109,115	127,644	18,529	See Comment 4.2.1
4010	Building Control Non fee-earning	68,320	3,438	3,437	(0)	See Comment 8.2
4012	Conservation and Built Heritage	47,790	15,928	15,872	(55)	
4013	Planning Delivery Grant	1,080	270	270	-	
4014	Local Land Charges	2,720	(2,930)	(2,119)	812	
4018	Street Naming & Numbering	12,790	3,197	2,196	(1,001)	
		<b>573,270</b>	<b>129,018</b>	<b>147,302</b>	<b>18,284</b>	

Appendix B

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

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
<b>Planning Control</b>			
No of Planning Applications	740	<b>185</b>	<b>167</b>
Gross cost per Application	£1,002.16	£995.22	£1,062.17
Net cost per Application	£595.36	£589.81	£764.34
<b>Local Land Charges</b>			
No of Searches	1,230	<b>308</b>	<b>263</b>
Gross cost per Search	£48.69	£36.16	£42.25
Net cost per Search	£2.21	<b>-£9.53</b>	<b>-£8.06</b>
<b>Caseload per Officer</b>			
All applications	137	37.0	33.0

## **Agenda Item No 7**

### **Planning and Development Board**

**18 July 2011**

### **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](http://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, 15 August 2011 at 6.30pm in the Council Chamber at the Council House.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
s	PAP/2011/0273	4	<p><b>Land Rear Of Atherstone Road, Hartshill</b>                      Removal of conditions 1 &amp; 2 of planning permission PAP/2007/0654 relating to retention of residential gypsy caravan site and erection of two amenity buildings</p>	General
s	PAP/2011/0346	10	<p><b>Proposed Bund &amp; Landscaping Merevale Lane, Merevale</b>                      The construction of an additional bund and associated landscaping on the northern boundary of the approved sustainable resource recovery park</p>	General

## **General Development Applications**

### **(1) Application No PAP/2011/0273**

#### **Land Rear Of Atherstone Road, Hartshill**

#### **Removal of conditions 1 & 2 of planning permission PAP/2007/0654 relating to retention of residential gypsy caravan site and erection of two amenity buildings, for Mr Michael Newbury**

#### **Introduction**

This application is referred to the Board for determination at the discretion of the Head of Development Control. This is because the conditions referred to in this application were attached to the grant of the 2007 planning permission by the Board. They are now proposed to be removed.

#### **The Site**

The site is located within open countryside. It consists of a triangular field of some 0.9 hectares in area. The west coast main railway line lies to the northeast and the Coventry Canal is positioned to the south of the site. Access to the site is via a driveway from Atherstone Road passing along the southwestern boundary of a residential property known as "Fernlea". A new driveway has been constructed within the site. This leads from an existing field gate in the eastern corner of the site and passes inside the southeastern boundary to a fenced compound positioned along the southwestern boundary. The site is bounded by mature hedgerows to the southwest and southeast. Two new conifer hedges have been planted.

#### **The Proposal**

Planning permission 2007/0654 granted approval for the retention of a residential gypsy caravan site and the erection of two amenity buildings at this site. It contains a number of conditions. Condition 1 requires the discontinuation of the development on or before 12 December 2012. The reason for this condition was to ensure that the use does not become permanently established at the site. The current application proposes the removal of this condition such that the permission becomes permanent. Condition 2 is a personal condition limiting occupancy of the site to the applicant and his family. The reason of the condition was in recognition of the particular circumstances of the applicant and so that the use does not become permanently established. The current application seeks the removal of this condition.

#### **Background**

In 2005, planning permission was granted, at appeal, for the use of the application site as a gypsy caravan site. The Inspector considered that, although she had identified visual harm caused by the development and conflict with development plan and national policies designed to protect the countryside, the material considerations in support of the appeal justified the temporary grant of planning permission. .

In December 2007 this temporary consent was granted a further 5 years and so is due to expire in December 2012. This consent also included the erection of two brick and tile amenity buildings.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution), HSG3 (Housing Outside Development Boundaries), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design).

## **Other Material Considerations**

Government Advice - Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), Planning Policy Statement 7 (Sustainable Development in Rural Areas), Planning Policy Guidance Note Number 13 (Transport) as well as Circular 01/06 (Planning for Gypsy and Traveller Caravan Sites) and Circular 11/1995 (Planning Conditions)

Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment – Final Report February 2008

## **Consultations**

Nuneaton and Bedworth Borough Council – No objections

Warwickshire County Council as Highway Authority – No objection subject to conditions

## **Representations**

Mancetter Parish Council – no comments received

Local residents – no comments received

## **Observations**

The main issues for this proposal are whether a prolonged use here would have a detrimental impact on the character and appearance of the open countryside and, whether the removal of the personal condition is appropriate in this location.

### **a) Whether the prolonged use of the site would have a detrimental impact on the character and appearance of the open countryside**

The site lies in the open countryside as defined under Saved Core Policy 2 in the North Warwickshire Local Plan 2006. This policy states that uses appropriate to an open countryside location will be given preference when determining a planning application. Additionally Circular 01/2006 states with reference to traveller's sites at paragraph 54, that:

“Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the local infrastructure.”

This site was the subject of a planning appeal in 2002 where the Inspector found that although the use did harm the openness of this countryside location, there was a need for gypsy and traveller pitches in the Borough and so a temporary consent should be granted to allow more time for suitable sites to be identified through the Local Development Framework. To date, there have only been three sites that have come forward for a gypsy and traveller use. This is one of them. A second speculative but permanent site was granted permission at appeal in the countryside less than half a mile from this site for one caravan, the Inspector finding the site to be in a sustainable location being close to the settlement of Mancetter. The third site is the Hurley Green Belt site where the Inspector dismissed an appeal and upheld Enforcement Notices served on the inappropriate use.

In the absence of further alternative sites outside of the Green Belt, it is considered that this site in Atherstone Road is in a sustainable location being some 500 metres from the local service centre of Hartshill. It is on a bus route which has a very frequent service into Hartshill and Atherstone with a bus stop outside of the site. The area of land covered by the residential caravans is restricted to a fenced area within the larger site and thus the impact on the countryside is reduced. The hedgerow around the site is mature with no gaps and this screens views into the site from Atherstone Road and the surrounding area. The site has two permanent single storey amenity buildings. These are used in connection with the use of the site by touring caravans, albeit there is also one static caravan. The use of these touring caravans lessens further the impact on the landscape and the condition restricting the number stationed to a maximum of seven caravans ensures that the caravans are scattered throughout this part of the site so again limiting their impact on the countryside. The remaining area of land is used as paddock land and this is the area nearest to the access road from Atherstone Road with its open views into the site.

The Highways Authority has no objection to the removal of condition 1 (time condition). However, it is concerned that the access road onto Atherstone Road has fallen into disrepair and as a consequence the surfacing needs improving if this use is to continue. It was noted that loose material was being transferred onto the highway and that there is run-off onto the highway. In the interests of highway safety it considers that a planning condition should be attached to any consent requiring that within three months of the date of the Notice, the existing access to the site from Atherstone Road is surfaced with a bound material for a distance of 15 metres. The applicant has agreed verbally to this additional condition.

In light of all of these matters it is considered that the removal of the time condition is appropriate in order to provide seven permanent gypsy and traveller pitches in this location subject to the imposition of an additional highway condition.

#### **b) Whether the removal of the personal condition is appropriate**

A personal condition was attached by the Planning Inspector determining the appeal in 2002, in recognition of the personal circumstances that were given significant weight when granting the temporary planning permission. Since 2002, the Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment has stressed that there is a need for a further 12 permanent pitches in the Borough up to 2012. This need is in addition to the 17 pitches already provided at the existing Alvecote site. In recognition of this need and in view of the removal of the time restriction, it is considered that this site no longer needs to be tied to one extended family but instead can meet this general need.

The Highways Authority has stated that the removal of condition number 2 could allow a more transient site, with an intensification of caravan movements. However, it says that because of the number of touring vans on site at present that this is probably occurring already. Indeed, this extended family are permitted to have seven caravans and by occupying touring caravans, they do travel frequently. In light of this there is no highway objection to the removal of this personal condition.

### **c) Conclusion**

For all of the reasons given above and having regard to all the issues raised, particularly the advice contained in the Circular on travellers site; the situation in respect of the provision of pitches in the Borough, and the Circular advice on the imposition of conditions, it is concluded that planning conditions 1 and 2 attached to 2007/ 0654 should be removed; condition number 3 should be updated to include wording from the Circular 01/2006 in respect of the definition of a gypsy and traveller, and an additional condition should be imposed covering the need to resurface the first 15 metres of the access road from Atherstone Road leading into the site.

### **Recommendation**

That the application be Granted for the removal of Conditions 1 and 2 attached to planning permission ref: PAP/2007/0654 subject to the following conditions:

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006 (or any document that replaces this Circular).

#### **REASON**

Planning permission is granted solely in recognition of the particular circumstances of the needs of gypsies and travellers.

2. No more than 7 caravans (of which 6 caravans shall be limited in size to that which is capable of being lawfully towed on the public highway and only one caravan shall be permitted to be of a static type caravan) shall be stationed on that part of the land shown edged in red as shown on the plan received by the Local Planning Authority on 20 May 2011. For the avoidance of doubt, no caravans whatsoever shall be stationed outside of this red line area.

#### **REASON**

To ensure that the residential use is contained to part of the site in the interests of the amenities of the area.

3. That part of the land shown cross-hatched black on the plan approved under ref: PAP/2007/0654 shall only be used as an access road and shall not otherwise be used for the purposes hereby permitted including any purposes ancillary thereto.

## REASON

In the interests of the amenities of the area and safety on the public highway.

4. No commercial activity shall take place on the site including the working or storage of materials and the parking of any vehicle over 7.5 tonnes, unless otherwise agreed in writing with the Local Planning Authority.

## REASON

In the interests of the amenities of the area.

5. Within three months of the date of this Decision Notice, the existing access to the site for vehicles from Atherstone Road shall be surfaced with a bound material for a distance of 15 metres, as measured from the near edge of the public highway carriageway known as Atherstone Road, in accordance with the standard specification of the Highway Authority. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off from the site onto the public highway.

## REASON

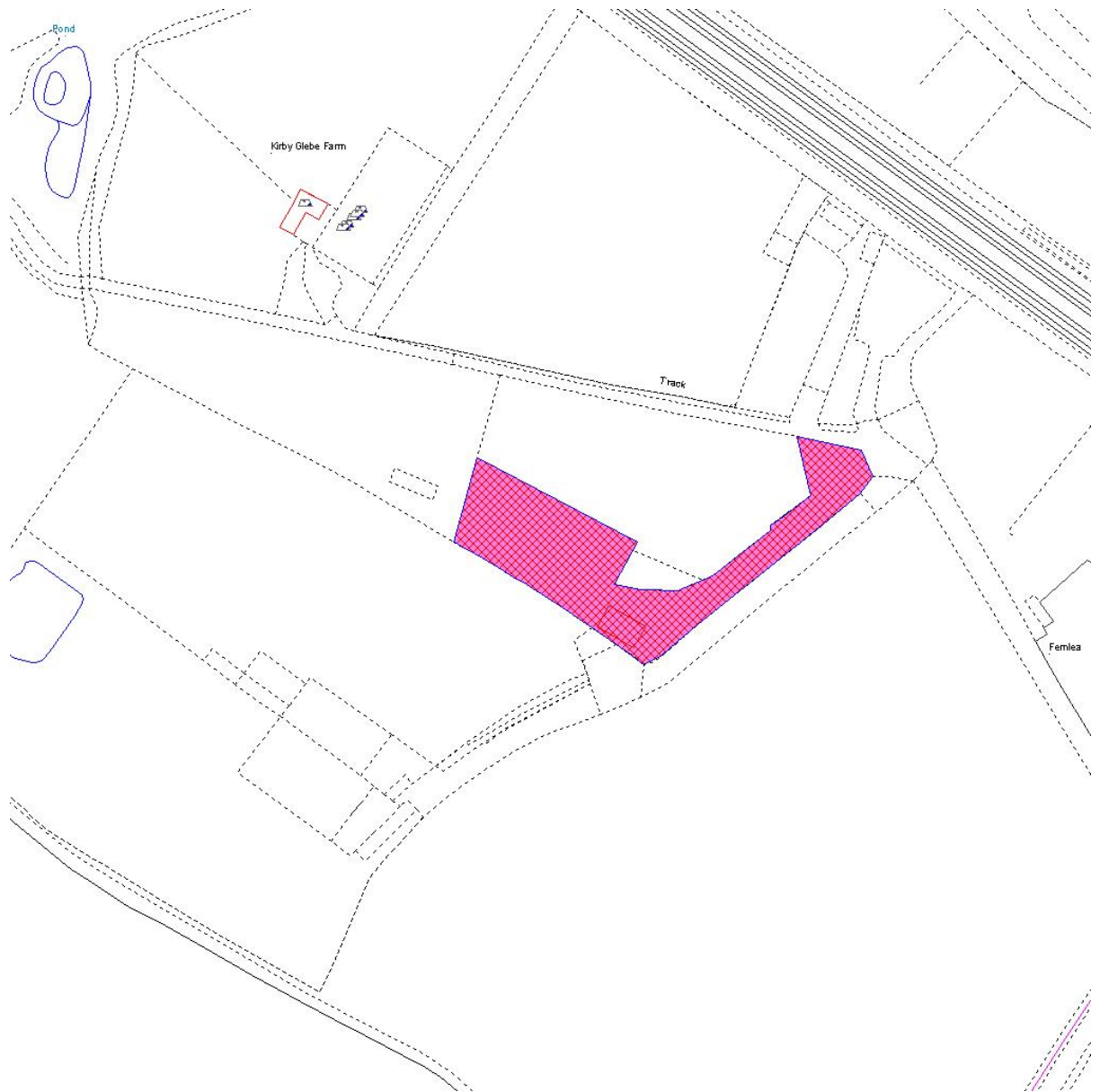
The intensification of this access onto Atherstone Road on a permanent basis will require a bound surface to be provided in order to prevent materials being deposited on the carriageway.

## Notes

1. The Development Plan policies which are relevant to this Decision are as follows:  
North Warwickshire Local Plan (Saved Policies) 2006:  
Core Policy 2 - Development Distribution  
HSG3 - Housing Outside Development Boundaries  
ENV11 - Neighbour Amenities  
ENV12 - Urban Design  
ENV13 - Building Design  
ENV14 - Access Design

## Justification

Though residential development would not normally be permitted at this location there is a general outstanding need for gypsy site provision in North Warwickshire and there is currently inadequate provision to meet this need. It is considered that this site can now meet this permanent need following a period of temporary permissions which has established that there has been limited impact of this development on the open countryside in this location. The personal condition can now be removed too as the need relates to gypsies and travellers and so long as the condition restricting its occupation to this group remains, there is no objection to the removal of this condition. However, an additional condition is required for this permanent consent to address the highway issues caused by this continued residential use. The proposal accords with saved policies HSG2, ENV11, 13 and 14 of the North Warwickshire Local Plan 2006 as well as current Government policy.





## **(2) Application No PAP/2011/0346**

### **Proposed Bund & Landscaping Merevale Lane, Merevale**

#### **The construction of an additional bund and associated landscaping on the northern boundary of the approved sustainable resource recovery park, for Warwickshire County Council**

##### **Introduction**

Members will recall the grant of planning permission by the County Council following a Public Inquiry, for a resource recovery centre on the site of the former Baxterley Colliery shale tip at Merevale Lane where it has its junction with Common Lane. An amendment to that scheme was subsequently approved involving a lesser amount of development. A further application has now been submitted to the County Council, and the Borough Council has been invited to make representations.

In view of the interest by the Board in the overall scheme, the current application is referred to Board for its observations.

##### **The Site**

The former colliery shale tip is located opposite the former Baxterley Colliery site on the other side of Common Lane in open countryside. It takes the form of a large "bowl" surrounded by well established woodland. The site of the current application is a small part of the field to the north of the site adjoining its northern boundary, as illustrated on the attached plan at Appendix A.

##### **The Proposal**

Work on preparing the engineering drawings for the detailed earthworks and land drainage specification is now well advanced and this has identified a surplus of 35,000 cubic metres of spoil material. The current application seeks to form a low bund to the north of the site in that part of the field adjoining the site in order to accommodate this material. This would be 5 metres in height where it immediately adjoins the site but then slope northwards so that its profile would then grade into the slope of that field.

This would be constructed at the same time as all of the other ground works related to the main site are undertaken. It will be seeded with grass and the inner slope planted with a local woodland species mix, thus linking in with existing woodland to the east of the main site. The outer slope once grassed will be incorporated into the existing field for agricultural purposes.

The applicant has pointed out that the alternative to the current proposal would be to export the surplus material for disposal of the site. He considers that the present solution prevents associated traffic movements but also adds value to the overall scheme by further landscaping the site.

The applicant indicates that pre-application discussion with the local community points to support of the proposal in principle.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV14 (Access Design) and ENV6 (Land Resources)

## **Observations**

This proposal is an appropriate and a satisfactory way in which to deal with surplus material that is to arise from the implementation of this permission. Not only does it mean that there will be no further HGV movements, albeit for a temporary period, but it also provides an ideal opportunity for further landscaping. The overall site as Members are aware from their visit is very well screened and its land contours mean that the development will go unseen. The one “vulnerable” point in the site perimeter is the small section on its northern boundary and this proposal now provides a means of enclosing the whole site. The profiling of the bund is acceptable in that would blend in with the surrounding contours without creating a visual intrusion itself.

## **Recommendation**

That the County Council be notified that this Council has no objection to this proposal.

## BACKGROUND PAPERS

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

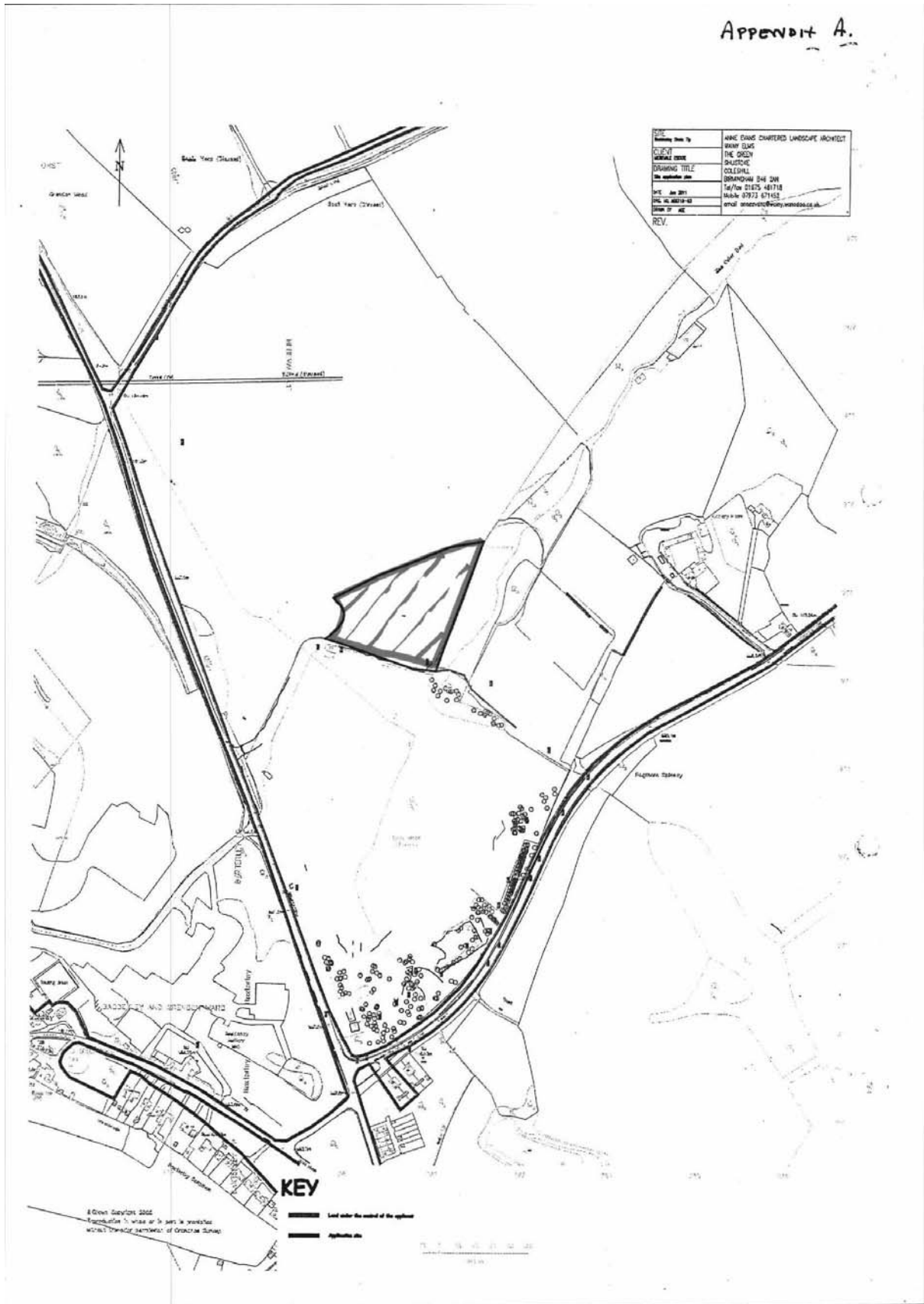
**Planning Application No: PAP/2011/0346**

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms and Plans	13/6/11

*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.



Prepared by	IANE GUNN CHARTERED LANDSCAPE ARCHITECT
Client	BRAY GUNS
Drawing Date	THE GREEN
Drawing Title	INDUSTRIAL
Site Location	COLEHILL
Site No	BRANDON 546 SW
Site No	Tel/Fax 01253 487118
Site No	Mobile 07973 671453
Site No	email ianegunn@ianegunn.co.uk
REV.	

**KEY**  
 Solid outline the extent of the application  
 Dotted line

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**Agenda Item No 8**

**Planning and Development Board**

**18 July 2011**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

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

**Agenda Item No 9**

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

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

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