

To: The Deputy Leader and Members of the Planning and Development Board (Councillors Simpson, Bowden, Davis, L Dirveiks, Jenkins, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes)

For the information of other Members of the Council

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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

14 FEBRUARY 2011

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 14 February 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 Davis (Atherstone), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) are deemed to be declared at this meeting.

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

- 4 **Planning Applications** – Report of the Head of Development Control.

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 5 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2010** - Report of the Chief Executive and the Deputy Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2010.

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

- 6 **National Planning Guidance – Revised PPG13 (Transport)** - Report of the Head of Development Control.

Summary

At the beginning of this year the Government published a revised version of its Planning Guidance Note on Transport matters. This report outlines the main changes made.

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

- 7 **Proposals for the Expansion of the Daventry International Rail Freight Terminal – Consultation** - Report of the Head of Development Control.

Summary

The Council has been invited to comment at a preliminary stage about proposals to significantly expand the Rail Freight Terminal at Daventry

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

- 8 **Network Rail Proposals – Atherstone Station** - Report of the Head of Development Control.

Summary

The report describes Network Rail's proposals for a new car park at Atherstone Station, which have recently been made public.

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

- 9 **Tree Preservation Order - Atherstone Magistrate's Court** - Report of the Head of Development Control.

Summary

Officers were requested to report on the possibility of making a Tree Preservation Order on a further tree at this site.

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

PART C – EXEMPT INFORMATION (GOLD PAPERS)

- 10 **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.

- 11 **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

Agenda Item No 5

Planning and Development Board

14 February 2011

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2010

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2010.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 The Portfolio Holder and Shadow Portfolio Holder for Resources, Councillors Bowden and Butcher have been sent a copy of this report and any comments received will be reported to the Board.

3 Background

- 3.1 This report shows the position with the achievement of the Corporate Plan and Performance Indicator targets for 2010/11 for the first three quarters from April to December. This is the third report showing the progress achieved so far during 2010/11.

4 Progress achieved during 2010/11

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the performance with the national and local performance indicators during April to December 2010/11 for the Planning and Development Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not achieved

Amber – target currently behind schedule and requires remedial action to be achieved

Green – target currently on schedule to be achieved.

5 Performance Indicators

- 5.1 The current national and local performance indicators have been reviewed by each division and Management Team for monitoring for the 2010/11. Members should be aware that the current set of national indicators have been reviewed by the Coalition government and have all been stopped. In a recent announcement the Secretary of State for Communities and Local Government has confirmed the replacement of the National Indicator Set with a single comprehensive list of all the data expected to be provided by local government to central government. The data requirements are being reviewed and reduced for April 2011 onwards.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 83% of the Corporate Plan targets and 67% of the performance indicator targets are currently on schedule to be achieved. The report shows that individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Quarter 3 Number	Percentage
Green	5	83%
Amber	1	17%
Red	0	0%
Total	6	100%

Performance Indicators

Status	Quarter 3 Number	Percentage
Green	2	67%
Amber	1	33%
Red	0	0%
Total	3	100%

7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They have now been ended and will be replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equalities

8.5.1 There are indicators relating to Equality reported to other Boards.

8.6 Links to Council's Priorities

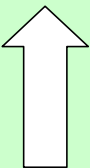
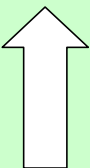
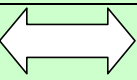
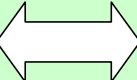
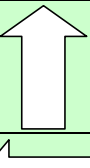
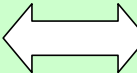
8.6.1 There are a number of targets and performance indicators included relating to protecting and improving our environment and defending and improving our countryside and rural heritage.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
National Indicators for Local Authorities and Local Authority Partnerships	Department for Communities and Local Government	Statutory Guidance	February 2008

Ref	Start Date	Action	Board	Lead Officer	Reporting Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
30	Apr-10	To move towards the management of development rather than its control where appropriate, looking at development proposals as an opportunity to deliver the Council's priorities and objectives as set out in the Sustainable Community Plans, the Corporate Plan, and not just the Development Plan. To report on the effectiveness of this approach by March 2011	Planning & Development Board	Head of DC	Jeff Brown	Countryside & Heritage		Development management is becoming more embedded in decision making - eg. the Section 106 for Phase 2 of Birch Coppice. This will be reported in more detail to Board in March 2012	Amber	
33	Apr-10	Working with partners at the sub regional level to gather information and then develop a financial plan for financial contributions linked to development. At the same time gathering information locally and develop a robust financial plan for inclusion in the LDF process by February 2011 including a Supplementary Planning Document on contributions for Open Space provision within the LDF process by February 2011	Executive Board / Planning & Development Board	ACE&SC	Dorothy Barratt	Countryside & Heritage		Work continuing to be gathered although there may be implications from abolition of RSS and work on Core Strategy that may impact on the implementation.	Green	
34	Apr-10	Implementing the revised policy and provide an annual report on the outcomes of the Enforcement Policy by March 2011	Planning & Development Board	Head of DC	Jeff Brown	Countryside & Heritage		Enforcement Policy reviewed and adopted in Jan 2011. Annual performance report in summer 2011.	Green	
41	Apr-10	Considering planning applications so as to protect the best of our existing buildings and ensure new build is in keeping with the character of the area	Planning & Development Board	Head of DC	Jeff Brown	Countryside & Heritage		This is an ongoing planning consideration and report going to board in March 2012	Green	
43	Apr-10	To ensure design advice is given at pre-application stages in appropriate cases and to introduce a system of post development visits. Continue to use the design champion	Executive Board / Planning & Development Board	ACE&SC	Jeff Brown	Countryside & Heritage	DCE	Design Champion involved in pre-application discussions and post development visits now taking place.	Green	
44	Apr-10	To prepare for the Civic Award event in 2012	Planning & Development Board	ACE&SC	Jeff Brown	Countryside & Heritage	DCE	No action needed yet.	Green	

Performance Indicators

PI Ref	Description	Division	Section	High/Low is good	2010/11 Target	2009/10 Outturn	National Best Quartile	Performance	Traffic Light	Direction	Comments	Suggested reporting interval	Board
Development Control													
NI 157a	Processing of planning applications as measured against targets for major application types	Development Control	Development Control	High	65%	64.71%	81.6%*	53.3%	Amber	↓	This is an annual indicator. Decrease is due to applications requiring S106 agreements	Q	Planning and Development Board
NI 157b	Processing of planning applications as measured against targets for minor application types	Development Control	Development Control	High	85%	84.52%	84%*	88.24%	Green	↓		Q	Planning and Development Board
NI 157c	Processing of planning applications as measured against targets for other application types	Development Control	Development Control	High	95%	92.48%	93.91%	93.38%	Green	↓		Q	Planning and Development Board

Agenda Item No 6

Planning and Development Board

14 February 2011

**Report of the
Head of Development Control**

**National Planning Guidance –
Revised PPG13 (Transport)**

1 Summary

- 1.1 At the beginning of this year the Government published a revised version of its Planning Guidance Note on Transport matters. This report outlines the main changes made.

Recommendation to the Board

That the report be noted.

2 Background

- 2.1 Government guidance on transport issues in respect of planning matters was contained in its Planning Policy Guidance Note Number 13, which dates from 2001. This has now been re-issued with immediate effect, in order to reflect the current Government's thinking on some particular issues. It thus becomes a new material planning consideration in the determination of planning applications.

3 The Changes

- 3.1 The first change removes the advice to encourage high parking charges in major urban areas. The second change removes the need for Authorities to limit car parking provision within residential development proposals. Both changes are said to increase "local" accountability by leaving it free for each Authority to decide levels of car parking provision and charges that it sees appropriate to the conditions in its own area. It is noteworthy that the new Guidance explicitly states that the imposition of parking standards should not apply to "small developments" and the thresholds are then outlined in the Note. It continues by explicitly saying that, "by virtue of the thresholds, this locally based approach will cover most development in rural areas".
- 3.2 This means that the car parking standards as set out in the North Warwickshire Local Plan 2006 will still remain for the time being, as the Council's requirements for car parking provision. Members may recall that these did reflect our own local circumstances in any event, at the time of their preparation, as they differentiate between different settlements in the assessment of car parking provision. They will however, clearly need to be

reviewed as part of the work presently underway on the Local Development Framework.

4 **Report Implications**

4.1 **Environment and Sustainability Implications**

- 4.1.1 All development proposals should seek a balance between the need for car parking provision; support for existing and new modes of public transport and the viability of existing centres and services.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1		Communities and Local Government; PPG 13 (Transport) 2011.	

Agenda Item No 7

Planning and Development Board

14 February 2011

Report of the
Head of Development Control

Proposals for the Expansion of
the Daventry International Rail
Freight Terminal - Consultation

1 Summary

- 1.1 The Council has been invited to comment at a preliminary stage about proposals to significantly expand the Rail Freight Terminal at Daventry.

Recommendation to the Board

That the Council responds as highlighted in this report together with any further representations that the Board may wish to make.

2 Background

- 2.1 Rugby Radio Station Limited and its joint venture partner, Prologis, propose to submit an application for an Order granting Development Consent to allow for the expansion of the present Daventry International Rail Freight Terminal (DIRFT). The proposals fall into the definition of a Nationally Significant Infrastructure Project and therefore the application for the Order is to be submitted to the Infrastructure Planning Commission (IPC) for consideration. It is anticipated that this will be made in the late Spring. The Council has been invited to comment on the proposals prior that submission.

3 The Present Position at DIRFT

- 3.1 Members will be aware of the present DIRFT site at Junction 18 on the M1 Motorway at Crick where the A5 joins that Motorway. The present arrangement is a rail-linked logistics park with an intermodal area where goods can be dispatched by either road or rail. The rail link is to the Rugby/Northampton line that connects with the West Coast Main line. The current facility provides 390,645 square metres of warehousing at DIRFT 1, and a further 180,741 square metres of rail linked warehousing which is currently under construction at DIRFT 11. The site employs around 4000 people with a further 2000 expected at DIRFT 11 when this is complete.

4 The Proposals

- 4.1 The third phase of DIRFT would involve a substantial expansion of the existing facility, more or less doubling the existing capacity of phases 1 and 11. This would be located between the A5 and the M1 Motorway running north from the edge of the existing DIRFT 1 development up to the site of the

present HGV services and parking area just south of the village of Lilbourne. This would provide up to 714,000 square metres of additional rail served storage and distribution floor space. The existing first phase of DIRFT includes the rail port and its associated rail sidings. As part of the expansion plans to create a third phase of development, the existing intermodal area would be closed, but the rail sidings would remain. A new rail terminal would be relocated in DIRFT 111 by extending the rail connections across the A5 and into the expanded area. The rail connections of the DIRFT 11 warehouses would remain. The existing HGV Services would be redeveloped and enlarged at the northern end of the proposed DIRFT 111 area. In total, around 9000 further jobs are anticipated from DIRFT 111. In addition to perimeter landscaping around the site, a new 70 hectares of open space and landscaping would be created at the northern end of the site, to ensure a buffer between the development and the village of Lilbourne remains.

- 4.2 If Consents are granted, work is expected to commence in 2013.
- 4.3 If Members would like more detailed information about this proposal then this can be obtained directly from the project website at www.DIRFT111.com.
- ... 4.4 This proposal is illustrated at Appendix A.
- 4.5 Members will note that this plan also shows a significant expansion of Rugby itself – marked as a Sustainable Urban Extension (SUE). This is not part of the submission to the IPC. These proposals are contained in Rugby Borough Council's Core Strategy which is presently subject to an Examination in Public.

5 Observations

- 5.1 There is no direct impact on the interests of this Borough, but Members may wish to consider the following matters in making their representations at this stage.
- 5.2 Firstly, there are questions over the capacity of the A5. Whilst it is to be expected that much of the HGV traffic would use the M1, M6, M42 and M69 Motorways to access this site, there must be concerns about the capacity on these roads too. Additionally there are already existing Logistics and Distribution Centres along the length of the A5 from the M1 right up to the M6. HGV movements would undoubtedly increase if occupiers on these Centres used the rail facility at DIRFT.
- 5.3 Secondly, the impact on the two rail served terminals in North Warwickshire needs to be explored. The scale of the DIRFT 111 proposals is such that the passage of goods might be transferred to DIRFT and away from Birch Coppice and Hams Hall.
- 5.4 Thirdly, whilst the overall pool of job opportunities would be substantially expanded, the impact on the existing job provision at North Warwickshire's existing centres needs to be explored. This proposal has the capacity to draw employees from a wide geographic area, and thus could provide substantial competition to the Borough's pool of employment opportunities.

5.5 Fourthly, the traffic impact is not limited to HGVs alone. There would be a substantial increase in light traffic movements arising from employee movements. Effective green travel plans are needed with bespoke arrangements for occupiers in order to limit traffic generation and to cater for varied shift changes.

6 Report Implications

6.1 Sustainability and Environmental Implications

6.1.1 There could be implications for the Borough as explained in this report which need to be explored further by the IPC in its consideration of this proposal.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	Nathaniel Lichfield and Partners	Letter	20/1/11

THE PROPOSALS

This page shows an illustrative masterplan of the proposals for DIRFT III in context to its current and possible future surroundings. DIRFT II is currently being built and includes 180,741 sq m of directly rail-connected buildings.

DIRFT I & II

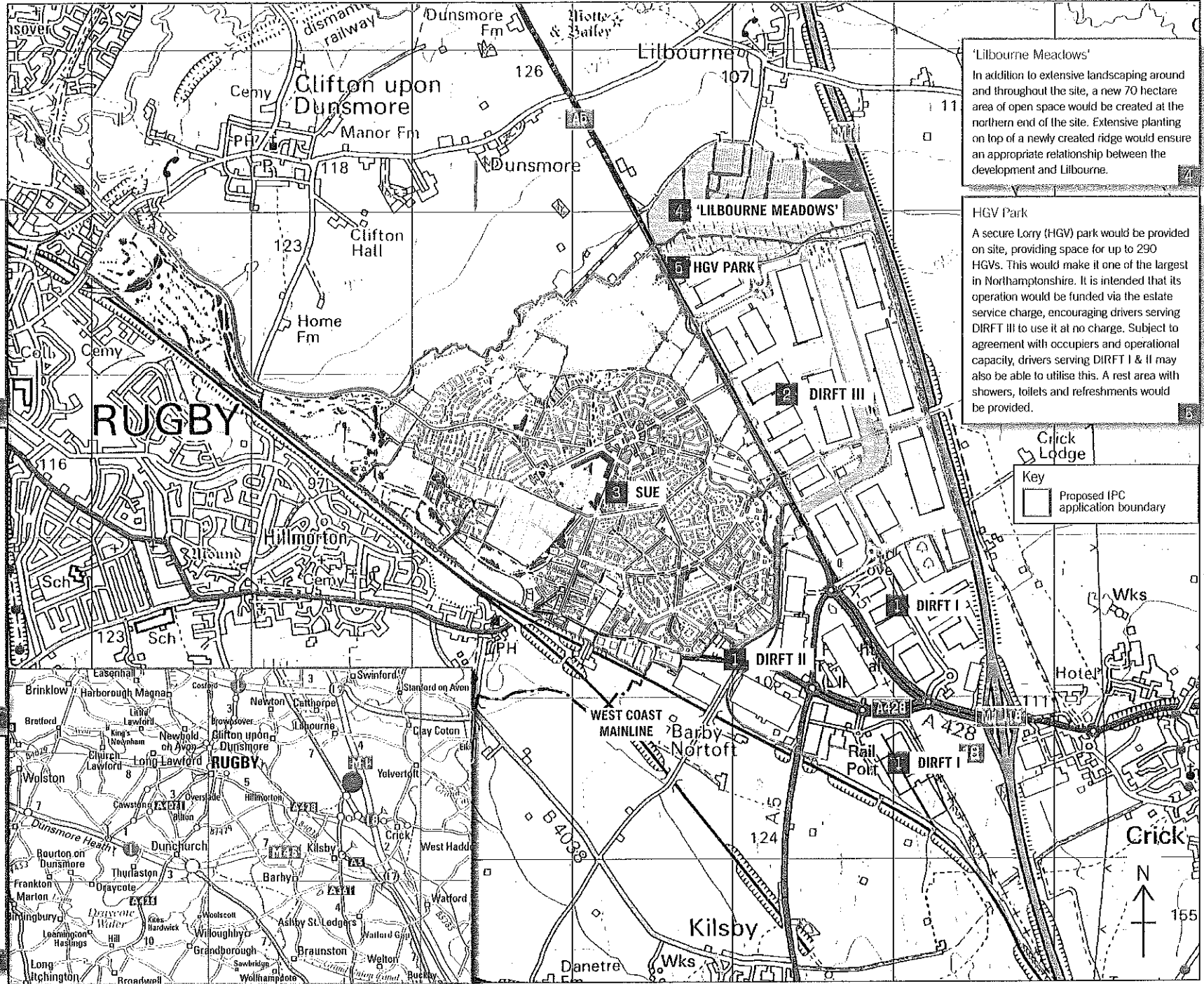
The original DIRFT estate includes 16 warehouse buildings and a rail port (the 'intermodal area') with associated rail sidings. As part of the proposals for DIRFT III, the current intermodal area would be closed, with the sidings remaining. DIRFT II is currently being built and includes 180,741 sq ft of directly rail-connected buildings. The site currently employs some 4,000 people, with over 2,000 more anticipated once DIRFT II is completed and occupied.

DIRFT III

The DIRFT III proposals would include: a rail link from the existing terminal to a replacement rail terminal which includes new transhipment sidings, container storage and an HGV reception area; up to 714,000 sq m of rail served storage and distribution floorspace; operational facilities including rail control building and staff facilities; a torry park; strategic open space, and; infrastructure to serve including roads and bridges. Although the 'Lilbourne Meadows' would be created at the outset of the project, the development is likely to be completed over approximately 15 years. The proposals are also expected to generate around 9,000 new jobs.

Sustainable Urban Extension (SUE) to Rugby

This image also includes the proposed masterplan (in grey) for the SUE on Radio Station land to the west of the A5. This proposal includes some 6,200 new homes, public open space and employment areas to create up to 2,800 new jobs. These proposals are a proposed allocation in Rugby Borough Council's Core Strategy document and this is subject to an Examination in Public by a government inspector which commenced in December 2010.



'Lilbourne Meadows'
In addition to extensive landscaping around and throughout the site, a new 70 hectare area of open space would be created at the northern end of the site. Extensive planting on top of a newly created ridge would ensure an appropriate relationship between the development and Lilbourne.

HGV Park
A secure Lorry (HGV) park would be provided on site, providing space for up to 290 HGVs. This would make it one of the largest in Northamptonshire. It is intended that its operation would be funded via the estate service charge, encouraging drivers serving DIRFT III to use it at no charge. Subject to agreement with occupiers and operational capacity, drivers serving DIRFT I & II may also be able to utilise this. A rest area with showers, toilets and refreshments would be provided.

Key

- Crick Lodge
- Proposed IPC application boundary

**Report of the
Head of Development Control**

**Network Rail Proposals –
Atherstone Station**

1 Summary

- 1.1 The report describes Network Rail's proposals for a new car park at Atherstone Station, which have recently been made public.

Recommendations to the Board

- a That the Board refers the closure of the footbridge to the Department of Transport for it to consider the closure of that bridge under the 2005 Railways Act;**
- b That Network Rail be requested to agree facing materials and street furniture details with the Council prior to work being undertaken on site;**
- c That Network Rail be requested to work with officers to prepare and implement a tree re-planting programme; and**
- d That Officers be requested to write to the Government and to its two MP's seeking support for the review of the Permitted Development rights granted to Network Rail under existing planning legislation.**

2 Background

- 2.1 Following the re-instatement of stopping trains at Atherstone by London Midland, Network Rail has begun to consider further works to the station in order to increase passenger numbers. The existing footbridge has had to be closed recently for safety reasons and thus alternative passenger access arrangements have been in place for a little while. These were always considered to be temporary by Network Rail until a more permanent solution, incorporating new car parking arrangements was drawn up. These have now been prepared and made public by Network Rail. The existing car park is located on the north side – the town side – of the station. In order to improve the use of the station and so as to provide less inconvenience to passengers, a new additional car park is to be proposed on the south side of the station. In addition pedestrian access from the south side to the north is to be improved, as the bridge is to be removed.

2.2 Network Rail held a public exhibition of its proposals in early February.

3 The Proposals

3.1 The existing footbridge will be removed and the existing car park on the town side will remain. A new eight space car park would be provided on the south side of the station with access from Merevale Road. Pedestrian access would be improved with a replacement stair and ramp to provide access to the Old Watling Street. There would also be improvements under the rail bridge over this road in order to reduce the likelihood of flooding and to improve lighting, in order to improve it as a route for customers. These proposals are illustrated at Appendix A.

4 The Council's Remit

4.1 It will probably come as no surprise to Members to learn that the great majority of the work proposed above is "permitted development" by virtue of the benefits which Network Rail enjoys under the Town and Country Planning General Permitted Development Order. Thus no planning applications are necessary for the car park and its associated street works. The scope of Council's remit is thus limited.

4.2 The access onto Merevale Road is an access onto an unclassified road, and therefore no planning application is needed for this work. However, the consent of the County Council as Highway Authority is.

4.3 The works under the bridge to improve drainage and lighting are all works that are permitted development either by the Highway Authority as works within the highway or by Network Rail as works to their own land and structures.

4.4 The plans show the removal of some sycamore trees. These currently are located along the boundary of the site with Merevale Road. All of these trees are self-set sycamores apart from one Horse Chestnut. They are not sited in the Conservation Area hereabouts.

4.5 Members will recall that the Council refused the removal of the footbridge, but an appeal to the Secretary of State by Network Rail was allowed, and the bridge can be removed under Listed Building legislation.

5 Representations

5.1 A number of representations have been made to this Council as well as to Network Rail. These come from local residents of the houses off Merevale Road, and have been reflected by others. These concerns revolve around:

- increased disturbance and loss of amenity
- increased vehicle movements
- increased pressure on on-street car parking if the station car park is full
- the very poor highway access to the car park from the town – the low bridge and the very sharp turn into Merevale Road

- the poor environment for pedestrians using the car park – a lengthy, inconvenient and unwelcoming environment
- the loss of trees which act as a noise and visual buffer

6 Observations

- 6.1 The Council has not been consulted formally on these proposals because of the permitted development rights as described above. However it is considered appropriate that it should make representations to ensure that the proposed works represent the best balance between all of the differing interests here. The remainder of this report will thus run through a number of matters before making a series of recommendations.
- 6.2 The re-opening of the station to stopping trains and encouraging greater patronage are both objectives that it is considered should be encouraged by the Council for the benefit of the whole town. However the location of the station in the town, and the particular physical features in and around the station do lead to very real difficulties in implementing these objectives. It is because of these issues – as well as the historical association of the footbridge with a Victorian Station – that the Council refused Consent for the removal of the footbridge. Retention of the bridge could reduce the need for the scale of proposed works to the south side of the station as well as removing a very uninviting alternative pedestrian route under the road bridge, even with improvements. It is considered that further representations should be made to retain this bridge. The Atherstone and District Rail Users Group has initiated action under the 2005 Railways Act in an attempt to retain the bridge, and it has invited the Council to support this action. It is considered that given the Council's past decision, it would be appropriate to respond.
- 6.3 If the footbridge is to be removed, there has to be alternative pedestrian access arrangements between the two sides of the station. As a consequence it is not considered that the works proposed here in that respect are objectionable. The stair and ramp are essential given the level differences involved and improvements under the bridge are essential. It will be necessary to ensure that the materials and street furniture used are appropriate such that they do not appear out of keeping on the edge of the Conservation Area here. The Council should therefore request that Network Rail agrees such details in advance of work commencing.
- 6.4 The objective of increasing patronage will involve catering for car drivers. The town's car parks are too remote to encourage such patronage and the existing car park can only cater for a handful of cars. A car park on the south of the town would encourage patronage, but highway access to this side is not convenient or inviting and thus there are limitations as to the likely size of the car park required. The eight spaces now proposed results in a small car park, and its access is at the far western end of the site away from the great majority of the existing householders. Any adverse impacts are thus limited. As indicated above the Council has no remit in preventing this work. It should however work with Network Rail in order to reduce any adverse impacts, particularly in order to protect the residential amenity of occupiers opposite the site. The current design is thus probably the best given that these works are to take place.

6.5 The loss of some of trees is a key issue. The Council's Tree Officer has inspected them and would not recommend Tree Preservation Orders. This is because those to be removed are self set sycamores which are not of good quality; they are multi-stemmed and could snap, and overall they have limited life span. He has already been in touch with Network Rail pointing this out and that these trees will "rain" a sap or resin that could well deter drivers parking in the car park. In overall terms for the longer term benefit of the residents and drivers, he has recommended that Network Rail plant appropriate extra heavy standard lime trees this spring, in order that over time, they can provide full visual cover as well as assist in reducing noise levels. This is a considered and reasoned response with a plan of action that should be supported. Those new trees then in time, should be the subject of Orders themselves.

6.6 Of more general and wider concern is the scale of works that can be undertaken by Network Rail under its permitted development rights. This is clearly a consequence of the historic land holdings that the former British Rail had, when the railway network covered extensive land areas. Not only do these proposals at Atherstone not require a planning application, but Members may recall the "improvements" made to the bridges in Nether Whitacre which led to widespread local opposition. Additionally if Members have seen the recent new car park at Nuneaton – again "permitted development" - the scale of the works that can be undertaken is not only extensive but can have significant adverse impacts. The Council should approach its MP's in order to press for these permitted development rights to be reviewed.

7 Report Implications

7.1 Environment and Sustainability Implications

Notwithstanding the scope for the Council to influence these works, the measures set out in this report would all accord with the Council's planning objectives of retaining the character of the Borough's environment and heritage.

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
	Network Rail	Letter	24/1/11
	Network Rail	Plans	19/1/11

GENERAL NOTES

- 01. DO NOT SCALE THIS DRAWING.
- 02. ANY DIMENSIONAL SIZES OR SPACES SHOULD BE NOTED TO THE OCCASION IMMEDIATELY.
- 03. ALL DIMENSIONS ARE METRIC - (M).
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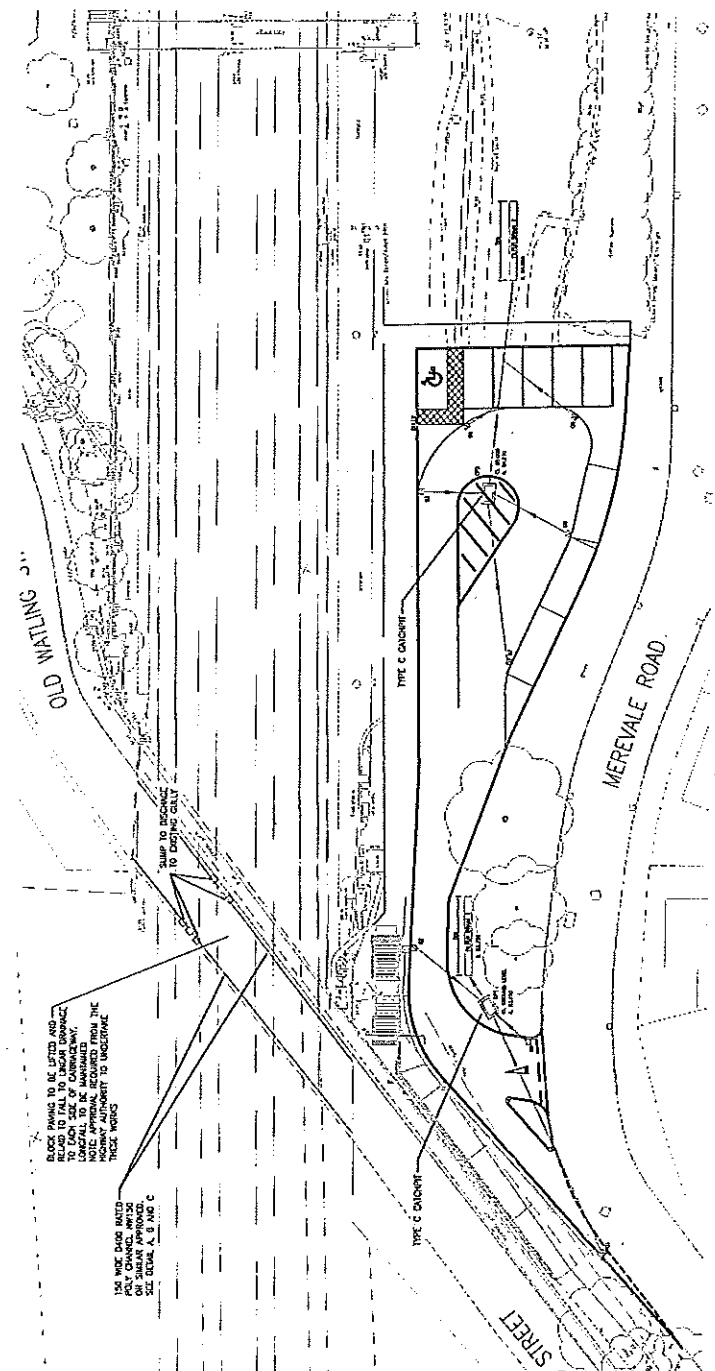
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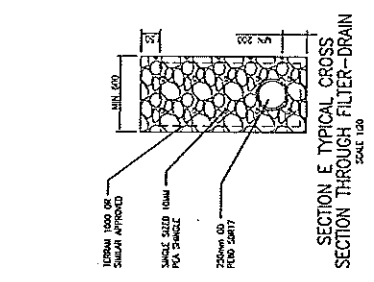
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2	01/11/11	ISSUED FOR PERMITS	J.P.	J.P.
3	01/11/11	ISSUED FOR PERMITS	J.P.	J.P.
4	01/11/11	ISSUED FOR PERMITS	J.P.	J.P.
5	01/11/11	ISSUED FOR PERMITS	J.P.	J.P.



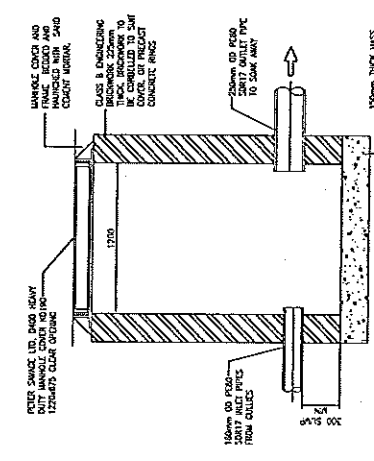
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CLIENT: KISS & RIDE CARRIAGEWAY DRAINAGE PLAN	
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DATE: 01/11/11	DATE: 01/11/11
PROJECT NO: K24-005/TA/00/05	DATE: 01/11/11



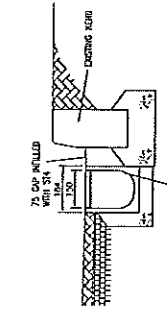
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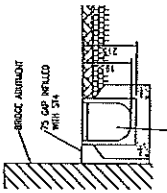
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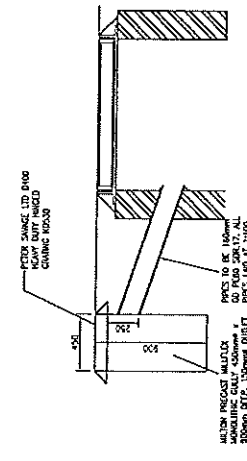
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DETAIL C
SCALE 1:10



DETAIL B
SCALE 1:10



DETAIL A
SCALE 1:20



Agenda Item No 9

Planning and Development Board

14 February 2011

**Report of the
Head of Development Control**

**Tree Preservation Order
Atherstone Magistrate's Court**

1 Summary

- 1.1 Officers were requested to report on the possibility of making a Tree Preservation Order on a further tree at this site.

Recommendation to the Board

That a Tree Preservation Order not be made in respect of this magnolia tree for the reasons set out in this report.

2 Background

- 2.1 At its last meeting the Board confirmed a Tree Preservation Order in respect of a number of trees at this site. During the discussion, mention was made of a Magnolia tree which appeared to have been missed from the Order. Officers indicated that the tree would be inspected and a further report be brought to the Board.
- 2.2 The tree has now been inspected by the Council's Landscape Officer (Trees). He points out that this is a mature magnolia which abuts the building. It is in a fair condition but with limitations on its further development and thus retention, because of its location and age. Only the upper tips of its canopy can be seen from the adjoining road and there would thus not be a loss to public amenity if the tree were removed.

3 Observations

- 3.1 An Order is placed on a tree if it is considered to have "public amenity" value. This tree is hardly visible from public vantage points and it is a mature specimen with limited longevity. It is thus considered that an Order is not pursued. Reference was made about the historical association of the tree to the Magistrates Court and the fact that it can be seen from the interior of the building thus giving it value as a public amenity. This is acknowledged but the tree is abutting the building and would need to be removed in the next few years in any event. The amenity value of the tree is limited just to those visiting the Court and given all of these circumstances it is not considered that an Order can be justified.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	Tree Officer	Arboricultural Report	27/1/11

Agenda Item No 10

Planning and Development Board

14 February 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 11

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

Paragraph 6 – by reason of the need to consider appropriate legal action and the issue of an enforcement notice

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