

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

15 FEBRUARY 2010

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 15 February 2010 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 Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Fox (Shustoke), 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 – application presented for determination.

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

- 5 **Rights of Entry** – Report of the Head of Development Control.

Summary

It is opportune to review the authority of Planning Officers to enter property in light of recent changes.

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

- 6 **Government Consultations** – Report of the Head of Development Control.

Summary

The Government has published three further consultation papers in response to the recommendations of the Killian Pretty Review into the planning application process. These are summarised and a number of responses are recommended.

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

- 7 **Countryside and Heritage Portfolio Group** – Report of the Head of Development Control.

Summary

The minutes from the last meeting of the Countryside and Heritage Portfolio Group are reported for information.

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

- 8 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2009 – December 2009** – Report of the Chief Executive and the Director of Resources.

Summary

This report informs Members of the actual performance and achievement against the Corporate Plan and Performance Indicator targets relevant to the

Planning and Development Board for the third quarter April 2009 to December 2009.

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

PART C - EXEMPT INFORMATION (GOLD PAPERS)

9 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.

10 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 4

Planning and Development Board

15 February 2010

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 Availability

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

- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 15 March 2010 at 6.30pm in the Council Chamber at the Council House.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2009/0544	4	The Stables Garages Caldecote Hall Drive Caldecote Warwickshire Retrospective application to demolish 11 garages and replace with 9 new garages	General
2	PAP/2010/0004	16	Land Adjacent 34 Laurel Drive Hartshill Works to trees protected by a tree preservation order	General

General Development Applications

(1) Application No PAP/2009/0544

The Stables Garages, Caldecote Hall Drive, Caldecote

Retrospective application to demolish 11 garages and replace with 9 new garages, For Mr Gordon Harker Festival Homes Limited

Introduction

The proposal is brought before the Board following a Member request, concerned about the appearance of the new garages.

A site visit will have taken place before the meeting.

The Site

The application site, is part of the larger Caldecote Hall Estate, which is accessed through the village of Caldecote. In recent years the estate has been improved and the main hall has been converted into dwellings, along with the stable block. The current application is close to the stables. The garage area covers an area of about 0.4 hectares and lies within a countryside setting, north of Nuneaton and close to the A5.

The Proposal

This is a retrospective application to demolish 11 garages and replace them with 9 new garages. Each garage measures 2.9metres wide, 5metres in length, 2.2metres high to the front and 2.0metres high at the rear. One existing garage will be retained. Garages 2 – 6 have a footprint of 13.8metres by 5.0metres. Garage 7, 8, 9 and 10 are sited separately. Garages 8, 9 and 10 are grouped together and garage 7 is close. A plan illustrating this layout is shown in Appendix 1.

Photographs of the previous garages, the one remaining garage and the garages as built, are contained with Appendix 2.

Garage 1 is an original green timber garage that has been retained. The garages have replaced old timber garages, and there is a net reduction in the footprint.

The applicant has responded to representations made about the “starkness” of the new garages by submitting revised plans. These show revisions to the materials and treatment for the new garages as follows:

- Fascias are painted dark green (BS 14 C 39),
- Roofs will be profile sheeting.
- Rainwater goods will be brown plastic,
- The walls will be painted dark green (BS 14 C 39) and with horizontal timber boarding cladding on the precast concrete panels,
- Front walls will be dark green (BS 14 C 39) with painted timber boarding.
- The garage doors will be painted dark green (BS 14 C 39).

The applicant has said that the timber cladding to the concrete walls will be added within three months of any approval.

A planning condition is proposed by the applicant, for a landscaping scheme to be submitted if permission was forthcoming, so as to reduce the impact of the garages as viewed from the access drive and reduce any visual intrusion upon the countryside.

Development Plan

Saved policies from the North Warwickshire Local Plan 2006

ENV11 – Neighbour Amenities

ENV12 – Urban Design

ENV13 – Building Design

ENV14 – Access Design

ENV1 - Protection and Enhancement of Natural Landscape

Other Relevant Material Considerations

Supplementary Planning Guidance:

SPG – A Guide for the Design of Householder Developments – Adopted September 2003

Representations

Parish Council – no response

Neighbour – Caldecote Residents Management Ltd – objection:

- They represent the interests of the residents of the estate.
- The concrete / pebble dashed garages with imitation brick cladding are totally out of character within the grounds.
- The design clashes with the traditional brick and tile construction of the adjoining stable block, which dates back to 1880's.
- The garages do not consider the environment to which they are situated.
- No objection to the erection of appropriate constructed garages.

Neighbour – Caldecote Residents Management Ltd – comments

- The amendments do not improve the situation.
- It is considered that the concrete walls are clad with timber and painted, which will resemble the original garages.
- Suggests that the walls are clad in timber, the colour of paint is agreed and that that a landscaping scheme is submitted, and this would negate objection.

Neighbour – The Summer House, Caldecote Hall Drive – Objection:

- The garages are not in keeping with the environment and their characteristics should be more suitable for their neighbouring buildings.

Neighbour – 1 East Wing, Caldecote Hall Drive – Objection:

- The built garages are totally out of character with the buildings of both the stables and the rest of Caldecote estate.
- The prefabricated concrete structures have a detrimental effect upon the environment and character of the area.
- The location next to the main entrance means the appearance has a particularly bad impact.
- The garages do not attempt to fit such a site.

Neighbour – 1 Caldecote Hall Drive – Objection:

- The garages are an eye sore and totally incongruent within the surrounding stables and house.
- Do not object to garages being there.

Neighbour – 4 Caldecote Lane – Objection:

- Further to previous extensive construction work at Caldecote Hall, the road surface in Caldecote Lane has suffered from damage.
- Any further damage from construction traffic would result in danger to pedestrians and road traffic.

Neighbour – 31 Caldecote Hall Drive – Support:

- The 11 garages were a ramshackle collection of buildings, an eyesore, unsafe and poorly maintained.
- The 9 new garages by contrast are smart, secure and well constructed.
- The area they occupy is improved by their construction.

Neighbour – East Wing Apartment 8, Caldecote Hall – objection:

- The works have taken place and the proposal is a retrospective application.
- The design, appearance and layout are not in keeping with the aesthetics of the environment.
- The garages are not of a brick design as the Stable block.
- The garage are visible when entering the Caldecote estate.
- The garage are not fit for purpose, in terms of width and not water tight.
- Residential amenity – they are not appropriate for the needs of the community. The doors do not open, they are unstable and some flood.
- The garages are in contravention to the covenant of the purchase of the stable block.

Neighbour – The Stables 32 Caldecote Hall – objection (2 emails):

- Similar development was refused on a different part of the site.
- The design of the garages is wholly out of character with the Victorian stable block, and impact upon the general appearance.
- Comments that NWBC were informed when work started and nothing was done.
- Consider a tree survey should be submitted.

Neighbour – 11 East Wing, Caldecote Hall – objection:

- The garages are out of keeping in the grounds of a Victorian Hall and gardens.
- No objection to a small number of garages, but they should be within keeping.

Neighbour – 2 Caldecote Mews, Caldecote Hall Drive – objection:

- The garages are not in keeping with the surrounding buildings and are unsympathetic to the local environment.
- Painting the garage is not considered to be acceptable.

32 Caldecote Hall (The Stables) – The occupiers wish to withdraw the objection to the scheme, providing the works to change the appearance are carried out within 6 months.

Observations

It is considered that the garages as built, are not designed in an appropriate manner ie- the white doors, false brick fascias and concrete panel walls, when considering them against the setting within parkland; the distinctive quality of the Hall and the stables and their countryside context. In response to the representations made, the applicant's revisions to the scheme have sought to address this main issue. The revised plans show the garages with painted green garage doors, green timber cladding and with additional landscaping about the site. These revisions are considered to lead to an overall improvement in the proposal now before the Board.

It is worthwhile considering whether an alternative way of providing replacement garages, such as a brick and tile structure constructed to match the nearby brick built stables or a row of three existing brick built garages close to the proposal site, would result in an improved situation. The issue here is that this solution would lead to a much larger structure, with a larger footprint and height, which would be more dominant within the setting. The proposed timber clad garages do offer a contrast to the main brick built stables, and they do replace previous timber garages, which all but one have been removed. As such, such an alternative, whilst well intentioned, would also have adverse impacts.

The current situation on site has led to a slight reduction in footprint from the previous garages at the application site. The height and massing of the garages are not considered to lead to an over dominant development. The proposed revisions are considered to be appropriate to this location and setting, and the additional landscaping will be of further benefit.

The nearest garage is approximately 13 metres from the nearest part of the stable block. The height, siting and massing are not considered to result in loss of privacy, light or amenity to the nearby residential properties.

On balance it is considered that the application, containing the revisions can be supported, subject to conditions.

Recommendation:

That the application be Granted Subject to Conditions

1. The works to paint and clad the garages, as shown on the hereby approved plan numbered 705-03 REV B received on 8th January 2010, shall be carried out within three months from the date of this permission.

REASON

In the interests of the amenities of the area.

2. The timber fascia, timber wall cladding, front wall timber and garage doors shall be painted Dark Green BS 14 C 39. The colour shall be maintained to such an approved colour at all times.

REASON

In the interests of the amenities of the area.

3. Within six months of the date of this permission, a landscaping scheme shall be submitted to the Local Planning Authority for approval. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area, and to reduce the impact upon the Countryside.

Notes

1. The Development Plan policies which are relevant to this Decision are as follows:
North Warwickshire Local Plan 2006 (Saved Policies):
ENV11 - Neighbour Amenities
ENV12 - Urban Design
ENV13 - Building Design
ENV14 - Access Design
ENV1 - Protection and Enhancement of Natural Landscape

Justification

- 1 The design and scale of the garages, now with timber cladding and painted dark green, are considered to be acceptable. A landscaping scheme is proposed to further reduce the visual impact of the proposal. There would be an overall reduction in

footprint with a reduction in the number of garages, and this, together with the design revisions, are considered to lead to a proposal that is appropriate to the setting of the Hall; its parkland and the surrounding countryside. The proposal is not considered to adversely impact upon the amenity or privacy of the neighbouring properties.

BACKGROUND PAPERS

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

Planning Application No: PAP/2009/0544

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Applicants Agent	Planning Application Forms and Plans	23/11/09
2	The Mews 1 Caldecote Hall Drive	Objection	2/12/09
3	Case Officer	Letter / email to Agent	4/12/09
4	Case officer	Telephone call with agent	8/12/09
5	1 East Wing, Caldecote Hall Drive	Objection	7/12/09
6	4 Caldecote Lane	Objection	5/12/09
7	31 Caldecote Hall Drive	Support	6/12/09
8	The Summer House, Caldecote Hall Drive	Objection	9/12/09
9	Agent – email	Amended plans consultation	9/12/09
10	Caldecote Residents Management Ltd, Flat 3 East Wing Caldecote Hall Drive	Object	11/12/09
11	Development Control	Reconsultation on revised plans	9/12/09
12	Case Officer	Spoke To Cllr Wykes	14/12/09
13	1 East Wing Caldecote Hall Drive	Objection	15/12/09
14	2 Caldecote Mews, Caldecote Hall Drive	Objection	15/12/09
15	Case Officer	Spoke to Cllr Johnson	15/12/09
16	11 East Wing, Caldecote Hall Drive	Objection	18/12/09
17	32 Caldecote Hall	Objection	21/12/09
18	32 Caldecote Hall	Objection	21/12/09
19	East Wing Apartment 8 Caldecote Hall	Objection	22/12/09
20	Case officer	Email to Agent	24/12/09
21	Flat 3 East Wing, Caldecote Hall	Email of comments	24/12/09
22	Cllr Johnson	Email to Case Officer	5/1/10
23	Case Officer	Email to Cllr Johnson	8/1/10
24	Case Officer	Telephone call with Agent	8/1/10
25	Agent	Revised plans by email	8/1/10
26	Case Officer	Email to Local Councillors	11/1/10
27	Development Control	Amended plans consultation	11/1/10
28	Cllr Johnson	Email to Case Officer	11/1/10
29	Cllr Wykes	Email to case officer	13/1/10
30	Case Officer email to chair and Vice Chair and Local Councillors	Report covering the site	15/1/10

31	Cllr Simpson	Email request to take application to Board	16/1/10
32	Case Officer	Email to Cllr Simpson	19/1/10
33	Cllr Simpson	Email to Case Officer	19/1/10
34	Case Officer	Email to Agent	20/1/10
35	Cllr Johnson	Email to case Officer including no objection from 32 Caldecote Hall Drive	25/1/10
36	Cllr Johnson	Email to Case Officer	25/1/10
37	Case Officer	Email to Cllr Johnson	25/1/10
38	Case Officer	Email to Cllr Johnson	25/1/10
39	Agent	Email to Case Officer	25/1/10
40	Case Officer	Email to Cllr Simpson	25/1/10

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.



original
Garages at Caldecote. So.

Photo of the Original Garages



Photos of the garages as built.



Photo of garages as built.



Photo of existing garage that has been retained

(2) Application No PAP/2010/0004

Land adjacent to 34 Laurel Drive, Hartshill

Works to two trees protected by an Order for North Warwickshire Borough Council.

Introduction

The application is referred to Board as the site is on Council owned land and the applicant is the Council's Leisure and Community Development Division.

The Site

The two trees the subject of this application, are located on the edge of 'Moor Wood', and adjacent to the residential properties, numbers 33 and 34 Laurel Drive. These dwellings are sited at a slightly higher level than the trees and are on ground that slopes down towards a stream at a lower level. This whole area is wooded and with low lying shrubs. The entire area is protected by a blanket Tree Preservation Order, and the site lies within an area designated as both Open Green Space and Open Countryside. It lies outside of the Development Boundary for Hartshill. The trees earmarked for removal are located north - west and south – west of number 34 Laurel Drive.

The Proposal

The proposal is to fell two trees to ground level. A schedule of works has been provided detailing the scheme. The works are identified as follows:

T1 - Lombardy Poplar, (*Populus nigra Italica*). This is a mature specimen that has an estimated height of 16 – 20 metres, with a 1 to 5 metre canopy spread. It is slender with an upper canopy. The canopy has been lifted extensively and it exhibits previous branch failure. Due to adjacent trees having been removed, this poplar tree is now exposed and may be liable to further failure. All chippings would be retained on site and the stump retained for habitat.

T2 – Unknown Species, has an estimated height of 11 – 15 metres, with a 1 to 5 metre canopy spread. The specimen is dead as it has failed at ground level, and is now hung up with an adjacent Alder. The felling of the tree to ground level is recommended. Again, all chippings would be retained on site and the stump retained for habitat. This specimen is dead and is therefore exempt.

Background

In 2007 consent for other tree works in this immediate area was given for the removal of 4 poplar trees to ground level due to failure of two of the trees and following concerns from residents, given their potential target area. These trees were in close proximity to numbers 33 and 35 Laurel Drive. As a result of the approval, there has been re-planting with appropriate indigenous species including Rowan, Holly, Hawthorn and Field Maple.

The Development Plan

Relevant Saved Policies of the North Warwickshire Local Plan 2006: ENV1 – Protection and Enhancement of Natural Landscape; ENV4 – Trees and Hedgerows, ENV5 – Open Space, and ENV12 – Urban Design

Representations

33 Laurel Drive: The neighbour supports the application as the trees could fall onto their property, but requests re-planting, and expresses concern about stability on the slope once the trees are removed.

Observations

The site lies within an area designated as Open Space and Open Countryside within the North Warwickshire Local Plan. The proposal is for the removal of two trees protected under a Blanket Tree Preservation Order.

The works recommend the felling of two trees as detailed above, which includes the removal of a Lombardy Poplar and a tree of an unknown species. The location of the trees earmarked for removal are denoted on the site location plan by 'X' (crosses) at Appendix A.

On assessment of the trees in question, they are affected by other trees located nearby, and in the case of the poplar tree, other trees that have been removed within the immediate vicinity which has exposed this tree. It is considered that this tree is liable to further failure. A nearby resident has verbally expressed a concern that the proximity of the tree to a residential dwelling could be potentially dangerous, should the tree fail, and in all of these circumstances, a recommendation to remove the tree is acceptable.

In the case of the tree of an unknown species then this tree is already dead and is therefore exempt from the TPO Regulations.

The representation received from the resident has expressed a concern in respect of whether any re-planting is proposed, and whether the removal of the trees would compromise land stability. It is considered that as a previous application in the locality had considered low level re-planting, which may not have been carried out as yet, then this application represents an opportunity to ensure that some further replacement landscaping is encouraged, in order to compensate for the loss of the two trees. Therefore, it would be appropriate to include a condition.

In terms of the neighbours concern relating to land stability, then as the roots of the trees would not be removed, it is considered that there would be no instability of the land or potential landslip problems.

Recommendation

That the application be **Granted** subject to the following condition:

- i) Within twelve months of the commencement of development, a landscaping scheme shall be submitted to the Local Planning Authority for approval. Details shall include the replacement species and their location.

Notes:

- i) You are reminded that tree works should be carried out outside of the bird nesting season (March to July inclusive). However, the nesting period may start before this and extend beyond it, in many cases (e.g. barn owls can breed at any month of the year in the UK). This is to avoid impact to nesting birds and infringement of the Wildlife and Countryside Act 1981. If work has to be undertaken during the nesting season, a breeding bird survey needs to be carried out by a suitably qualified person. As a general rule, it should be assumed that birds will be nesting in trees, scrub, reeds or substantial ditch, side vegetation during the breeding period, unless a survey had shown this not to be the case.

- ii) The Saved Development Plan Policies that are relevant to this decision are as follows:

North Warwickshire Local Plan, 2006 ENV1, ENV4, ENV5, ENV12

Reasoned Justification

It is considered that it would be unreasonable to refuse the application, given that one of the trees is dead and exempt and the potential for the failure of the poplar tree is a concern. Although trees hold an amenity value, it is considered that the trees earmarked for removal are sufficiently screened by existing trees and shrubs in the locality. The works are therefore supported, subject to relevant conditions.

BACKGROUND PAPERS

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

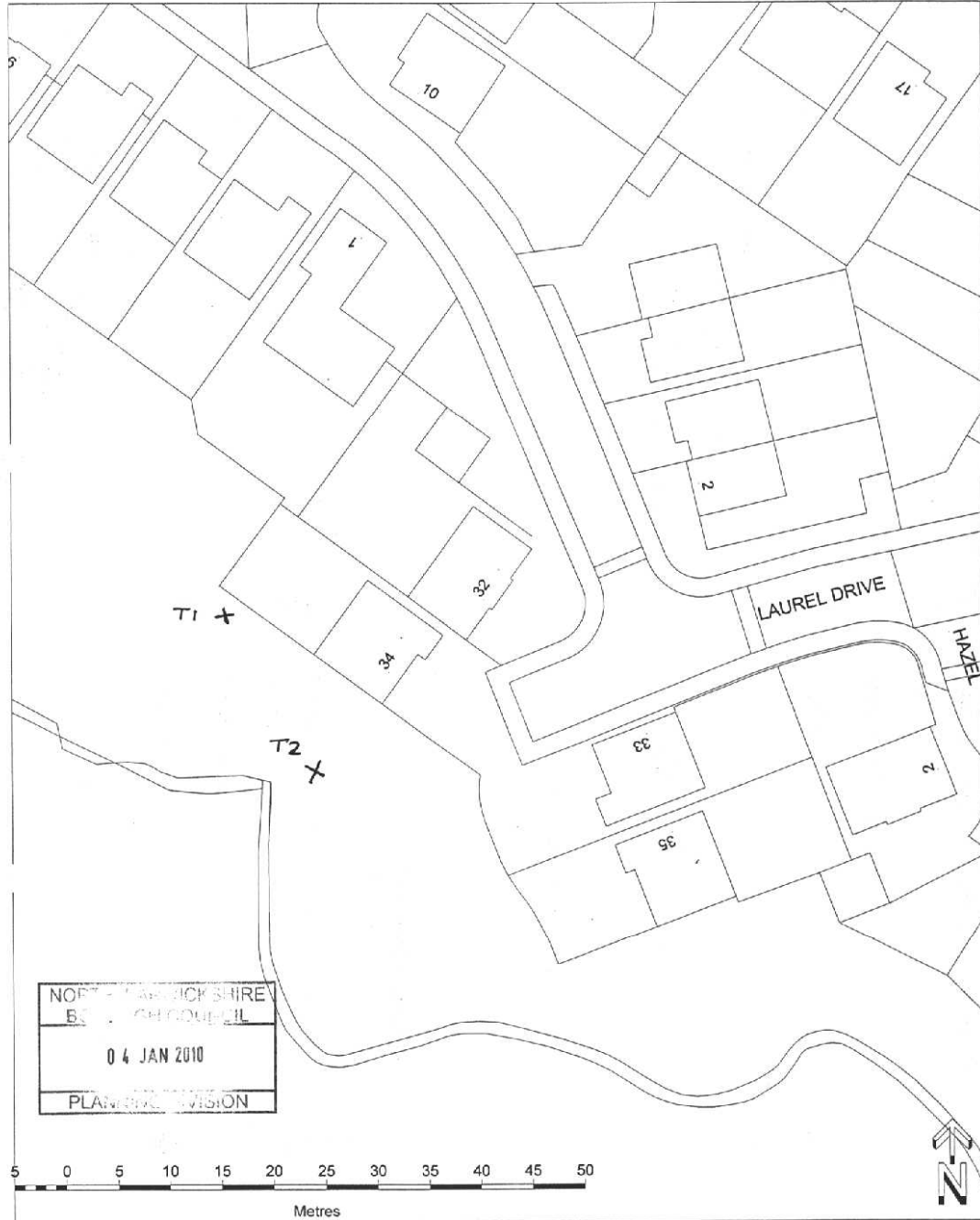
Planning Application No: PAP/2010/0004

Background Paper No	Author	Nature of Background Paper	Date
1	P. Wharton – Landscape Management Officer Leisure and Community Development Division	Planning Application Forms and Plans	04/01/2010
2	Case Officer	e-mail	25/01/2010
3	Landscape Officer	e-mail	25/01/2010
4	Mr Randle	e-mail	23/01/2010
5	Case Officer	e-mail	28/01/2010
6	Mr Randle	representation	01/02/2010
7	Case Officer	Memo/e-mail	01/02/2009
8	Landscape Officer	e-mail	02/02/2010

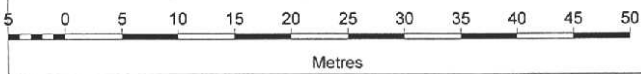
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A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic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

34 Laurel Drive, Hartshill 2010 / 0004



NORTH WARWICKSHIRE
BOROUGH COUNCIL
04 JAN 2010
PLANNING DIVISION



Date: 08:12:09
Scale: 1:500

No further copies may be made



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Agenda Item No 5

Planning and Development Board

15 February 2010

Report of the Head of Development Control

Rights of Entry

1 Summary

- 1.1 It is opportune to review the authority of Planning Officers to enter property in light of recent changes.

Recommendation to the Board

That the posts named in this report are to be given authority, under the Legislation referred to, to enter property in undertaking their planning and related duties.

2 Background

- 2.1 Members will be aware that officers do enter property in association with undertaking their planning duties. In the great majority of cases, this is carried out with the owners consent or without difficulty. In some cases however, that entry might be obstructed. Usually in connection with investigating alleged breaches of planning control, or it is appropriate for officers to visit property immediately or without necessarily contacting the owner first. There is an overall authority given to officers to enter land under Planning and other related legislation in these circumstances, and this has regularly been used from time to time. Officers carry cards known as "Authority to Enter" cards in these situations. Members can be assured that if these rights are invoked, then the risk to officers is always assessed, prior to that visit.

3 Observations

- 3.1 Because of recent changes to the structure of the former Planning and Development Division, and of new legislation, it is timely to bring the Rights of Entry authorisation up to date. In undertaking their duties, the following legislation is used – Section 196 of the Town and Country Planning Act 1990, as amended, in connection with investigations in connection with enforcement functions; Section 88 of the Town and County Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, in connection with the same rights for purposes in connection with Listed Buildings and for surveying buildings to add to or remove from the Statutory List, Section 214 of the Town and Country Planning Act 1990, as amended, in respect of enforcement powers relating to protected trees, Section 36 of the Town and Country Planning (Hazardous Substances) Act 1990, as amended, in respect of alleged breaches of this Act, and Section 74 of the Anti-Social Behaviour Act 2003 in connection with investigation and enforcement of the High Hedges legislation.
- 3.2 It is considered that authorisation under all of these sections should extend to the Head of Development Control; The Principal Planning Officer, the three Senior Planning Officers, the Planning Control Assistant, the Planning Technical Officer, the

Planning Technician, the Senior Site Investigation Officer and the Site Investigation Officer. In addition, authority under the Listed Buildings Act is requested for the Heritage and Conservation Officer, and under the Planning Act for the Landscape Officer (Trees) in respect of TPO matters.

4 Report Implications

4.1 Legal and Human Rights Implications

4.1.1 These authorisations bring existing rights of entry up to date, and will ensure compliance if that entry is challenged.

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

15 February 2010

Report of the Head of Development Control

Government Consultations

1 Summary

- 1.1 The Government has published three further consultation papers in response to the recommendations of the Killian Pretty Review into the planning application process. These are summarised and a number of responses are recommended.

Recommendation to the Board

- a That the Papers be noted; and**
- b The Council records its objection to the intention to retain mandatory Newspaper adverts for some planning applications, and that CLG be notified accordingly.**

2 Introduction

- 2.1 A report to the September Board meeting outlined a number of consultation documents that had been published by the Government in response to the Killian Pretty Review. That report indicated that further papers would be published, and three were made available for consultation a few days before Christmas. This report outlines the main content of each of these, and draws some conclusions. The three deal with a new draft Planning Policy Statement on Development Management; improving engagement through consultation, and improving the use and discharge of planning conditions. Prior to this however, this report will put these into context.
- 2.2 Members will recall that the Killian Pretty Review made a series of recommendations to the Government on ways to improve the planning application process. Government accepted virtually all of these recommendations and has been swiftly putting them into place over the past twelve months or so. The first group of actions revolved around a reduction in the need for planning applications. Members will know that permitted development rights were significantly changed for all householder development in October last year, and consultation has already taken place on extending those rights for some non-householder developments, as well as for some small renewable energy developments. It is planned to introduce legislation to carry these forward with effect from 1 April 2010. The second group of actions revolved around making the application process more effective. Members will recently recall the new legislation introduced to deal with amendments and to extend the life of some planning permissions. Also, there was consultation on streamlining the amount of information required to

be submitted with applications, and formal proposals are to be introduced from 1 April. Other proposed actions are set out in the three consultation papers referred to above. The third group of actions involved improving the quality of information available to users of the planning system. This is being led by the Planning Portal, and includes developing a scheme for accrediting agents who submit applications regularly to a high standard; increasing the range of interactive information available to householders on the Portal's own website, and advising Authorities on the content of their own websites, through increasing the number of links to the Portal's own interactive site. The final group of actions was to streamline National Planning Policy Guidance. This is already taking effect through the publication of new Planning Policy Statements and the reduction and replacement of the current set of Planning Policy Guidance Notes.

3 Development Management

3.1 The Government's overall approach is to promote a significant culture change in the way Authorities deal with applications from pre-application right through to implementation. In essence this should be treated as one complete and seamless process. The Government consider that the traditional development control approach has hitherto been focussed far too much on the actual process of how applications are dealt with, and with decisions being taken on the basis of a body of standards or rules, rather than whether the proposal was generally in line with the overall vision of the Authority. It wishes to see development managed such that it is delivered in the right place at the right time, with quality outcomes that achieve the strategic vision of the Authority as set out in its Core Strategy as well as delivering the outcomes of an Authority's Community Plan and Local Area Agreements. This does not mean to say that development should not be refused permission if it is unacceptable, but it does mean that a rigorous adherence to proscribed policy, regulation and guidance should not be at the heart of decision making.

... 3.2 The draft PPS is attached at Appendix A. Following a brief explanation about the overall approach it begins by introducing two initial policies that say that the purpose of the approach is to develop better "places", and secondly, to put planning policy into action (Policies DM1 and DM2).

3.3 Policy DM3 talks about "front loading". This is all about encouraging pre-application engagement and offering clear advice at this stage. Some principles are set out. Local Authorities should adopt their own framework explaining how they will approach their pre-application service – including the level of service for different kinds of application; the officer commitment, the inclusion of other Agencies and participants, the range of Supplementary Planning Documents already available, the minimum level of information that will be needed to inform the discussion, the actions that each party will undertake following the meeting, setting up a project management approach if appropriate, an indication of the involvement of the community at this stage, the involvement of Members particularly on major proposals, and the charge, if any, for this service.

3.4 Policy DM4 deals with taking a proportionate approach. For example, policy and infrastructure matters dealt with at the plan making stage should not be re-visited at the application stage; always keeping the option of Local Development Orders under review thus extending permitted development where-ever appropriate, always keeping opportunities for business process

improvements under review, constantly keeping Schemes of Delegation under review, and ensuring that community involvement is effective but proportionate.

- 3.5 Policy DM5 deals with effective engagement. This looks at involving the community and other Agencies when appropriate; concentrating on resolving technical problems if there is no overall objection in principle to a development proposal, and using community involvement to improve design and to create better places.
- 3.6 Policy DM6 looks at delivery. The policy strongly encourages Authorities not to delay implementation through onerous conditions or through the imposition of pre-commencement conditions where these issues can be resolved at the application stage; ensuring that any Agreements are submitted with the application following pre-application discussion, ensuring that other services are involved at an early stage, and using the Community Infrastructure Levy to coordinate and deliver infrastructure on time.
- 3.7 Finally Policy DM7 looks at the monitoring of delivery against the Core Strategy and Community Plan.
- 3.8 The draft PPS, concludes by reminding all Authorities that:
 - Applications must be determined in accordance with the Development Plan (in our case this will be the Regional Spatial Strategy and presently, the saved policies of the North Warwickshire Local Plan 2006, but to be replaced by the Core Strategy once adopted).
 - Applications should not be refused as being premature to the adoption of new Development Document unless the proposal would compromise or clearly prejudice the testing of alternatives for that Document, or the outcome of the emerging Document.
 - The Government's Planning Policy Statements are material planning considerations and if not followed, planning reasons have to be provided.
 - Non- Planning legislation may become material in individual cases.
 - Material considerations are those that are related to the development or use of land, but should include the Community Plan and other Local Authority strategies if the application would help in the delivery of their outcomes.
 - The planning system does not exist to protect private interests.
 - The Secretary of State's call-in powers are to be used selectively according to criteria set out in clearly defined instances.
 - All decision making has to be undertaken openly and fairly.

4 **Conditions**

- 4.1 This consultation paper deals with the use of conditions and the processes for discharge. The starting point for the Government here were the recommendations from the Killian Pretty Review that there was inconsistency

between Authorities about the use conditions and how they were discharged; that the target driven agenda meant that conditions are too often used just to secure a permission within the time period, that applicant's themselves prefer to just get a decision in principle and leave the detail to later, that the community wanted far tougher conditions such that Authorities adopt a "belt and braces" approach, and that too many conditions require experts to resolve the detail. The overall aim of the consultation paper is to require fewer conditions to be imposed on planning permissions. There are several measures suggested so as to achieve this objective:

- Retention of the six tests on conditions – they should be necessary; relevant to planning, relevant to the development, enforceable, precise and reasonable. To reinforce these tests, it is stressed that the definition of "necessary" is, "Would the application have to be refused if the requirement of the condition was not imposed?"
- There is greater encouragement to name all of the approved plans by condition.
- Notices should be structured such that any pre-commencement conditions are first, followed by pre-occupation conditions and then ongoing and management conditions.
- Reduce the need to seek further approval – ie facing materials and boundary details should be shown on the approved plans and not left for later agreement.
- Conditions requiring the removal of permitted development rights are to be used only exceptionally.
- It is confirmed that fees can be charged for the discharge of conditions, as well as seeking written confirmation that a condition has, as a matter of fact, been discharged.
- Conditions should be discussed as early as possible, even at the pre-application stage.
- Sharing draft conditions with applicants on all major applications prior to determination.
- Shortening the time period for the determination of applications to discharge conditions – four weeks for householders and six weeks in other cases, and potentially with default approvals.
- To consider the use and imposition of conditions as a new National Indicator to be included in the calculation of Housing and Planning Delivery Grant.
- A fast track appeal system for conditions.
- The introduction of a requirement for the developer to notify the Authority when development commences.

5 Consultations

- 5.1 The Killian Pretty Review recommended that the consultation process on planning applications should be better “fit for purpose”, proportionate and effective. This third paper introduces a draft Policy Statement for Statutory and Non-Statutory Consultations. These relate to National or Regional Agencies such as the Highways Agency, the Environment Agency and Natural England, and not to local community consultations. The draft of this Statement sets out when and how these Agencies are to be consulted; how those Agencies should respond both to formal consultation and to pre-application discussions, the time periods involved and re-asserts the primacy of the Local Planning Authority in determining the application. This Policy it is suggested, should be worked up into a Code of Practice or Service Level Agreement between Authorities and Consultees. In short, the main areas to be included would relate to the better definition as to what detail and information is actually needed for the consultee to respond; better definition by the Authority as to what advice it is seeking, clearer responses from the consultee along the lines of it either being, a “fundamental concern”, a “substantive concern – one that could be overcome”, or a “material consideration”, consultation by electronic means, involvement of all relevant consultees at pre-application stage, and statutory response periods (21 days).
- 5.2 The Government recently published a consultation paper (last July) about the publicity to be given to the planning application process by Local Planning Authorities. The consultation period has now expired and the Government has published its intended actions. These are:
- It is introduce a requirement to publish information about decisions on local authority websites.
 - It is to amend the statutory period for display of certain site notices to 21 days rather than 14.
 - It has decided NOT to remove the mandatory requirement to publish certain applications within newspapers, rather than to leave this to the discretion of Authorities. The reason given is that from the responses received, some of the public and some community groups rely on the newspapers to learn about applications in their area.

6 Observations

6.1 Development Management

- 6.1.1 The move to the current plan making system through the adoption of a limited number of Core Policies is already changing the way in which Authorities are handling development opportunities. The key is to “manage” these opportunities so as to deliver the vision and objectives set out in an Authority’s Core Strategy; the spatial objectives of its other strategies such as the Sustainable Community Plan, and relevant National Planning Statements. The overall approach is to secure sustainable development that is delivered on time, that creates better places, and which achieves these objectives.
- 6.1.2 It is encouraging that the Board has, albeit unconsciously, already been moving towards this approach over recent months. There are several

examples – the use of Supplementary Documents to achieve the provision of affordable housing and the active engagement of Housing Associations in that process thus achieving its core objective of increasing the supply of such housing; the use of these Documents to require significant contributions towards new and enhanced open space provision and community recreation facilities thus achieving its core objectives of creating healthier communities, the far greater weight now given to design issues through the involvement of the Design Champion, thus achieving its priority of ensuring that new development reflects local character, and the increasing involvement of Members in pre-application work and in discussing issues with developers in order to try and find common ground. The approach is also emerging in the way certain developments are now being considered. For example changing the focus of determination, concentrating on whether the principle of a new development would enhance a community rather than by immediately concentrating on its potential adverse impacts; looking at possibly not taking enforcement action against a particular matter, but trying to see if there is a “wider site” solution, that will improve the whole area both environmentally and visually, and considering the “exchange” of non conforming uses for a more sustainable form of development that might bring less adverse impacts. Officers are already heavily engaged in pre-application work, and this is designed to let developers know at an early stage what planning issues might arise; to point them in the direction of securing the appropriate evidence to support a proposal and to outline the key design and technical matters that will influence the shaping of a development proposal.

6.1.4 As a consequence, this new Draft Policy Statement is welcome, as it provides the first published framework that helps explain the change in approach. In essence, this is that development proposals should still be refused planning permission if they are clearly unacceptable, and do not meet Development Plan policies, but that there will have to be less “prescription” in decision making, particularly in those refusals. However, where the principle of development is acceptable, the key is to decide how best to manage and shape that development such that it meets the objectives behind that principle. The Statement expands on the processes then required to assist the introduction of this way of looking at new development. The Board is already adopting this way of thinking, and will increasingly do over forthcoming months. It will thus be well placed to deal with applications when it has only a few Core Policies in its Core Strategy to determine them, rather than the more usual complete compendium of Local Plan policies. Officers are already working on the development of a pre-application framework, and there will increasingly be Member involvement within that process. It must be remembered however that the Council is not a Unitary Authority and is heavily reliant on outside technical advice, and other Agencies to deliver infrastructure. It is thus important that these Agencies do engage at pre-application stage when invited, so that their advice can be fully taken into account in formulating a proposal rather than just re-acting to a planning application. Overall, Members should be confident that currently, their planning responsibility is soundly based, so that managing development rather than controlling it will be a natural progression.

6.2 **Conditions**

6.2.1 The overall approach taken by this consultation paper is welcomed. Some of the measures set out are ones that can easily be adopted as a matter of good practice, and indeed are already in place, albeit on a piecemeal basis – eg.

the better structuring of Notices; talking about draft conditions prior to determination, and having an approved plan number condition. Officers too, are increasingly asking for more detail to be shown on those plans so as to prevent later applications to have detail discharged. However there is a marked reluctance from developers to do so, particularly if they are only interested in gaining a permission so as to then “sell” that on. Officers will continue to take this approach particularly on householder cases as there is far less likelihood of the applicant changing his mind. This would also apply to having plans illustrating obscure glazing in householder cases. More can be done by officers on other applications and their objective will be to reduce the number of conditions to those that are clearly essential to secure the most appropriate development proposal. Members too are requested to bear the overall thrust of this consultation paper in mind when they look at conditions.

6.3 Consultations

6.3.1 The response from Government to not remove the mandatory Statutory requirement for newspaper advertisements for some applications is a surprise, as it goes against the overall thrust of the Killian Pretty review and is a reversal of its clearly preferred alternative set out in its earlier consultation paper. If adopted this will be significant as, in our case, we will not be able to commit to an identified financial strategy target saving of £10,860 a year for such advertisements. The professional planning body has already issued a press release strongly criticising this change of view. Members are asked to add to that objection.

6.3.2 There are no other issues arising from this consultation paper as the Council is already making Notices available electronically.

7 Report Implications

7.1 Finance and Value for Money Implications

7.1.1 Retention of the current publicity arrangements will result in the Authority no longer being able to commit to a saving of £10,860.

7.1.2 The Service is preparing a Pre-Application Framework that will introduce an appropriate charge for pre-application work. This will be reported in due course.

7.1.3 The other changes outlined in these consultation papers will have no financial implications.

7.2 Environment and Sustainability Implications

7.2.1 The core of these papers is to produce more sustainable development with fewer environmental impacts.

7.3 Equalities Implications

7.3.1 Increased pre-application work and pre-application consultation should improve access to the planning system and encourage involvement.

7.4 Links to Council's Priorities

7.4.1 The overall thrust of these papers can be used to deliver the Council's priorities of protecting its countryside and heritage; providing affordable housing, improving employment opportunities, and planning for healthier communities as expressed through its forthcoming Core Strategy.

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
	CLG	Development Management: Proactive Planning from pre-application to Delivery.	
	CLG	Improving Engagement by Statutory and Non Statutory Consultees	
	CLG	Comprehensive List of Nationally Defined Consultees	
	CLG	Improving the Use and Discharge of Conditions	
	CLG	Improving the Process of Discharging Planning Conditions	
	CLG	Publicity for Planning Applications – Summary of Responses	
	CLG	Taking Forward the Government's Response to the Killian Pretty Review	
	CLG	Assessment of the Information Available: Do I need Planning Permission?	
	CLG	Planning Officers Society – Press Release 6/1/10	

Part 2

Draft planning policy statement on development management

Introduction

Application of this planning policy statement

- 2.1 Planning policy statements (PPS) set out the Government's national policies on different aspects of spatial planning in England. This PPS sets out planning policies for development management. These policies complement but do not replace or override other national planning policies and should be read alongside other relevant statements of national planning policy.
- 2.2 The policies in this PPS, and in the policy annexes which supplement it, should be taken into account by local planning authorities in England in exercising their development management responsibilities, and they are material considerations which must be taken into account in development management decisions, where relevant².
- 2.3 The preparation of development plans should not be delayed to take the policies in this PPS and in the policy annexes into account.

The following policy and guidance documents are hereby cancelled³:

- *The Planning System: General Principles*
- DoE Circular 22/80: *Development Control – Policy and Practice* (remaining paragraphs)

The development management approach

- 2.4 Development management is not an end in itself, but a strategic service which supports the delivery of sustainable development consistent with the principles set out in planning policy statement 1.
- 2.5 Proactive and effective management of development opportunities and proposals, based on helpful, clear and flexible processes with a focus on outcomes, will best ensure the aspirations set out in the sustainable community strategy (SCS) and local development framework (LDF), and that the targets expressed in national policy and regional plans are realised.

² See section 38(6) of the Planning and Compulsory Purchase Act 2004

³ These cancellations will only take place when this Planning Policy Statement is finalised.

Development management objectives

- 2.6 Development management should be used to promote timely, beneficial and sustainable development by ensuring the vision and objectives of the development plan, the spatial elements of other strategies such as the SCS, and relevant national and regional priorities and targets are effectively delivered on the ground by:
- using positive, transparent, inclusive and responsive processes, built on strong and effective partnership working and effective engagement with the local community
 - effective facilitation and coordination of private and public investment and regeneration and
 - adopting a positive, problem-solving approach to delivery issues wherever possible
- 2.7 It is the Government's intention to allow significant flexibility over the detailed approach each local authority takes to development management, tailored to their area's circumstances and the resources necessary and available. However, existing good practice indicates that achieving success requires local working practices to be based around seven key elements. These are:
- a positive and proactive approach to place shaping
 - putting planning policy into action
 - front loading
 - taking a proportionate approach
 - effective engagement
 - proactive delivery
 - monitoring and review of development management outcomes

Development management policies

DM1 A positive and proactive approach to place shaping

DM1.1 Local authorities should:

- a. encourage and facilitate collaborative working between parties with a key role in delivering strategically significant buildings, infrastructure, environments and other developments
- b. develop and maintain good communications with those bringing forward key proposals

- c. ensure developers understand the spatial vision and objectives for the area and the opportunities for development to support their delivery
- d. ensure that development by the local authority or by Local Strategic Partnership members is aligned with the spatial vision and objectives for the area
- e. develop effective communication between the officers and members of the authority and service delivery partners
- f. encourage the coordination of emerging development proposals to yield better value and outcomes, and ensure up to date information on development sites and opportunities is readily available
- g. ensure there are strong functional links between plan preparation and development management, so that strategies for delivering spatial priorities are robust and deliverable, and that development on the ground actually delivers the vision and priority outcomes

DM2 Putting planning policy into action

- DM2.1 The relationship between development management and plan making should be seamless. Both are integral pillars of spatial planning, and together they form a continuous cycle of planning activity which is essential for successful place shaping.
- DM2.2 The statutory development plan is the starting point for decision makers, followed by other material considerations. Statements of national planning policy are material considerations which must be taken into account in decisions on planning applications where relevant. They provide decision-making policies for the purposes of development management.
- DM2.3 In addition, to support the wider spatial planning approach, local authorities should:
- a. analyse the likely impacts and outcomes of the proposed development and judge whether it helps to implement the development plan and national planning policy
 - b. make decisions in the wider context of contributing to sustainable development having regard to the anticipated outcomes and quality of the development proposed, and
 - c. avoid a simply mechanistic testing of proposals against fixed criteria

DM3 Front loading

- DM3.1 Local authorities should encourage pre-application engagement, and provide clear advice, to:
- a. help the applicant to further develop or refine their proposals, in order to raise the quality of the proposed development
 - b. save time and money and increase efficiency for all users
 - c. avoid incomplete applications that cannot be validated, including by ensuring appropriate and adequate supporting information is provided
 - d. seek agreement on what matters will be dealt with at the planning application stage, to reduce the need to use planning conditions that could delay implementation, and seek consensus on appropriate conditions
 - e. identify who should be involved from the early stages
 - f. help reveal issues that could have a significant impact on the development or the prospects of achieving planning permission, at an early stage
- DM3.2 Though pre-application discussions are not compulsory for any party, they provide advantages for all, and LPAs should offer them wherever appropriate. Where a local authority has offered pre-application engagement applicants are urged to take this up, rather than deferring negotiations until their application has been submitted, at which point the authority will have less time and scope for collaboration.
- DM3.3 To maximise the benefits of front loading, local authorities should:
- a. clearly set out their approach to pre-application discussions for different scales of development
 - b. strongly encourage pre-application engagement, particularly for major or complex proposals, and those which could impact on other priority policy areas, taking a proportionate approach
 - c. take steps to ensure that in all forms of pre-application engagement:
 - advice is reliable, complete and consistent
 - processes are time conscious
 - procedures for engagement are inclusive
 - procedures are clearly set out for all participants to understand
 - processes ensure a transparency in decision-making

DM4 Taking a proportionate approach

- DM4.1 The approach taken to assessing a development proposal should be proportionate to its scale and impact, and should always be as transparent and as simple as possible, whilst having regard to statutory requirements.

DM4.2 Matters of principle that have been established through the plan-making process should not be revisited unnecessarily.

DM4.3 Local planning authorities should:

- a. actively consider opportunities for introducing local development orders which expand permitted development rights in a form appropriate to local priorities and circumstances
- b. ensure that local information requirements for applicants are clear, reasonable and proportionate⁴
- c. regularly examine the opportunities for business process improvements to the way planning applications are handled, to achieve improved customer service and financial savings
- d. keep their local schemes of delegation under review to ensure that the resources of planning committees are focused on applications of major importance and delegation rates of decisions to officers are maximised
- e. ensure that the statement of community involvement embodies a proportionate but effective approach to community engagement and consultation

DM4.4 Local planning authorities should maintain working practices that are efficient and effective, so that the time invested on smaller applications is limited to what is necessary in order to keep sufficient resources free to manage important schemes. They should consider the real costs of providing different aspects of their planning service. Through this, they should identify opportunities to make lasting improvements in order to concentrate resources on the development proposals that could make the best contribution to achieving the local vision and objectives, and on the stages in the planning process which offer the best opportunity to improve schemes.

DM5 *Effective engagement*

DM5.1 Local authorities should foster a culture of partnership and provide a problem solving approach to development proposals, while ensuring that the process remains fair and open, and that those with an interest in the outcomes of the proposals can have their views taken into account.

DM5.2 Active participation in the pre-application development of options and shaping of proposals by stakeholders and the community can be critically important. Local authorities should ensure that clear and proportionate arrangements to achieve this are identified⁵.

⁴ Add reference to annex on streamlining information

⁵ *Community Involvement in Planning: The Government's Objectives*; ODPM 2004
<http://www.communities.gov.uk/archived/publications/planningandbuilding/communityinvolvement>

- DM5.3 Creative place-shaping requires early involvement by all relevant elected members, as well as officers. Local authorities should put appropriate mechanisms in place to ensure that elected members can take part in discussions on development proposals at all relevant stages, including when options are being scoped and plans shaped, without prejudicing their decisions or compromising the integrity of the process. Elected members should be positively encouraged to make use of these opportunities to maximise their role as local representatives and provide civic leadership⁶.
- DM5.4 Local authorities should clearly set out their methods and processes for community involvement and publicity that will be used throughout the development management process, including at the pre-application and formal consultation stages. This could be done in the statement of community involvement.
- DM5.5 For major and complex schemes, local authorities should encourage and facilitate the engagement of relevant statutory and non-statutory consultees at the pre-application stage, as well as through the formal statutory process.

DM6 Proactive delivery

- DM6.1 Development management does not stop when a decision notice is issued. The local authority should support the implementation of approved developments, where necessary, particularly by helping to ensure that development is not unnecessarily delayed by pre-commencement or pre-occupation matters for which the local planning authority is responsible, for example pre-commencement planning conditions.
- DM6.2 To reduce the risk of slowing down delivery once planning permission has been granted, local planning authorities should:
- a. only use planning conditions where appropriate, in line with detailed national policy on conditions (see separate consultation paper on *Improving the Use and Discharge of Planning Conditions*)
 - b. ensure the terms of any planning obligation are agreed prior to the determination stage, and that they are in place prior to the issuing of the decision notice, other than in the very exceptional circumstances set out in the detailed national policy on conditions
 - c. ensure effective co-ordination and communication within the authority with all services which play a role during the delivery phase, such as building control, enforcement and environmental health

⁶ Guidance is set out in *Probity in Planning: The Role of Councillors and Officers – Revised Guidance Note on Good Planning Practice for Councillors and Officers Dealing With Planning Matters*, LGA, May 2009. <http://www.lga.gov.uk/lga/core/page.do?pageId=1940468>

DM6.3 Where appropriate and practicable, local authorities should use the wide ranging discretionary powers and tools available to them to facilitate proposals and ensure that developments with planning permission are delivered. Such opportunities include the use of compulsory purchase powers, coordinating and targeting investment in the infrastructure required to support new development and existing communities, preparing masterplans and development briefs, and bringing together potential planning and delivery partners⁷.

DM7 *Monitoring and review of development management outcomes*

DM7.1 As well as supporting plan delivery, local planning authorities should use development management as a means of monitoring and testing the implementation of adopted and emerging DPDs. The information gleaned through this will help to identify potential review points. It will inform the next round of plan making, and could form part of the evidence base. It will also help to identify how development management services could be further improved and made more effective.

DM7.2 Local authorities should identify the successful outcomes which development management helps to achieve, as this will guide further improvements to effectiveness. Annual monitoring reports (AMRs) provide a mechanism for monitoring and reporting back on the outcomes of development management and measuring these against plan objectives and targets.

Agenda Item No 7

Planning and Development Board

15 February 2010

**Report of the
Head of Development Control**

**Countryside and Heritage Portfolio
Group**

1 Summary

- 1.1 The minutes from the last meeting of the Countryside and Heritage Portfolio Group are reported for information.

<p>Recommendation to the Board</p> <p>That the minutes be noted.</p>
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2 Observations

- 2.1 The minutes of the last Portfolio Group meeting held on 6 January 2010 are reported for information. In particular the meeting focussed on the Development Control's Service Plan for the forthcoming year, together with a progress report on the preparation of the Core Strategy – see Appendix A.

...

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

**Countryside and Heritage Portfolio Group
Minutes**

6 January 2010

Present: Cllrs Lea and Sherratt, together with J Brown

1. Apologies were received from Cllrs Lewis, L. Dirveiks and Y Stanley
2. It was noted that there had not been a meeting of the Group for some time. This was because much of the Group's monitoring of its action plan was dependant upon work first being undertaken on the Core Strategy. Members had been kept up to date via the LDF Group, and were now waiting to make comments on the draft of the Preferred Option. An outline was given of some key updates. These included the Issues and Options Consultation; the Panel's report on Phase 2 of the Regional Spatial Strategy, the success of the Leader bid, the introduction of the Community Infrastructure Levy, the Conservation Projects in Atherstone, and the increasing input from Members on design issues.
3. The Development Control Service Plan was to be reported to the Planning and Development Board on 18 January. Copies had previously been circulated and Members looked at the summary of the past year. The actions for the forthcoming year were noted and agreed. Of particular interest to Members was the move towards the management of development, and it was agreed that the Board was moving naturally in this direction in any event. Reference to the use of Parish Plans in this process was noted as these could provide a valuable "community" insight into new development. The offer of further discussion on this at a future Board meeting was welcomed. Secondly, Members agreed that training on Climate Change and its impact on new developments would be valuable. Finally, Members were keen to continue with post development site visits and were particularly interested in the Atherstone Conservation projects.
4. Members were reminded that any further comments on the Service Plan could be made to the 18 Jan Meeting of the Board.

Agenda Item No 8

Planning and Development Board

15 February 2010

Report of the Chief Executive and the Director of Resources

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2009 – December 2009

1 Summary

- 1.1 This report informs Members of the actual performance and achievement against the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for the third quarter April 2009 to December 2009.

Recommendation to the Board

That Members consider the achievements 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 Introduction

- 3.1 This report is the third report for the 2009/10 year and reflects the Corporate Plan, which has been agreed for 2009/10. A key change to last years reports were the introduction of new national indicators and the removal of some of the best value performance indicators. The new national indicators include some of the existing best value performance indicators. Management Team have agreed which existing performance indicators are to be monitored during this year. The indicators relevant to this board are shown in Appendices A and B. There are no new national indicators relevant to this board.

...

- 3.2 Management Team receive monthly reports from each division and are monitoring performance on an exception basis i.e. they are reviewing all the red and amber responses. This report informs Members of the progress achieved during the third quarter from April to December 2009 on all of the Corporate Plan and Performance Indicators relevant to this Board. The following definition has been applied using the traffic light warning indicator of red, amber and green.

Red – target not achieved

Amber – target currently behind schedule and requires remedial action.

Green – target achieved.

4 **Progress April 2009 to December 2009**

- 4.1 Attached at Appendices A and B are reports showing all the Performance Indicators and Corporate Plan targets relevant to this Board. The report is split into divisions as appropriate. The report includes individual comments where appropriate against each of the targets and indicators prepared by the relevant division. The report shows the following status in terms of the traffic light indicator status:

Corporate Plan

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

Performance Indicators

Status	Quarter 3 Number	Quarter 3 Percentage
Red	3	100%
Amber	0	0%
Green	0	0%
Total	3	100%

5 **Conclusion**

- 5.1 The progress report shows that 67% of the Corporate Plan targets and 0% of the performance indicator targets are currently on schedule to be achieved. Members will note the update provided on the current performance which highlights the priority being given to work on preparing the Core Strategy. The performance levels are marginally below the year end target position at this stage. Members are asked to consider the achievement overall and to identify any areas of concern which require further investigation.

6 **Report Implications**

6.1 **Safer Communities Implications**

- 6.1.1 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.

6.2 **Legal and Human Rights Implications**

- 6.2.1 The new national indicators have been specified by the Secretary of State for Communities and Local Government as part of a new performance framework for local government as set out in the local Government White Paper Strong and Prosperous Communities.

6.3 **Environment and Sustainability Implications**

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

6.4 Risk Management Implications

6.4.1 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.

6.5 Equalities

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

6.6 Links to Council's Priorities

6.6.1 There are a number of targets and performance indicators included relating to protecting and improving our environment, defending and improving our countryside and rural heritage and working with our partners to tackle crime.

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

Corporate Plan

Ref	Start Date	Action	Board	Lead Officer	Reporting Officer	Theme	Sub-Theme	Update	Traffic Light	Direction
30	Apr-09	Increase Section 106 contributions for Open Space provision and off site landscaping through the adoption of the Open Space Planning Document in Summer 2009	Planning and Development	DCE/ACESC	Forward Planning Manager	Countryside & Heritage		Work on a final SPD is not being progressed at current time due to work on Core strategy.	Amber	↓
31	Apr-09	To apply the Enforcement Policy as amended	Planning and Development	DCE	Head of Development Control	Countryside & Heritage		Annual Performance reported to P and D in Aug 2009. Policy working well.	Green	↔
38	Apr-09	Using the planning system to protect our best old buildings and ensure that new build design is in keeping with the character of the area, including continue to Implement the Partnership Schemes in Conservation Areas for Atherstone	Planning and Development	DCE/ACESC	Forward Planning Manager	Countryside & Heritage		Work is continuing on the scheme. All work must be completed by end of November and claimed by the end of December 2009. Staffing issues have impact on other work but delivery of this project still on target.	Green	↔
41	Apr-09	Maintaining a three-year cycle for the Civic Award Scheme by holding an event in 2012	Planning and Development	DCE	Director of Community & Environment	Countryside & Heritage		Work will be carried out during 2011 for this.		

Performance Indicators

PI Ref	Description	Division	Section	Year End Target	2008/9 Year End	National Best Quartile	SPARSE Best Quartile	Performance	Traffic Light Red/Amber/ Green	Direction	Comments	Suggested reporting interval
NI 157a	Processing of planning applications as measured against targets for major application types	Development Control	Development Control	65	86.67%			60%	Red	↓	3/4qtr year figure. Staff diverted to forward planning section as core strategy is a priority	Q
NI 157b	Processing of planning applications as measured against targets for minor application types	Development Control	Development Control	85	82.91%			84.56%	Red	↓	as above	Q
NI 157c	Processing of planning applications as measured against targets for other application types	Development Control	Development Control	95	90.96%			92.06%	Red	↓	as above	Q