

**To: The Deputy Leader and Members of the
Planning and Development Board**

**(Councillors Butcher, Barber, L Dirveiks,
Humphreys, Lea, May, B Moss, Phillips,
Sherratt, Simpson, A Stanley, Sweet, Turley,
Watkins and Winter)**

For the information of other Members of the Council

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

PLANNING AND DEVELOPMENT BOARD AGENDA

9 MARCH 2015

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 9 March 2015 at 6.30 pm.

AGENDA

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Disclosable Pecuniary and Non-Pecuniary Interests**

- 4 **Minutes of the meeting of the Planning and Development Board held on 15 December 2014, 12 January and 9 February 2015,** copies herewith, to be approved as a correct record and signed by the Chairman.

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

- 5 **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).

- 6 **Government Consultation Brownfield Land** – Report of the Head of Development Control.

Summary

The Government has invited comments on its latest suggestions for increasing the number of houses being permitted on brown-field land. Formal targets are proposed together with sanctions for non-achievement.

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

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 December 2014

Present: Councillor Butcher in the Chair.

Councillors Barber, L Dirveiks, Humphreys, Lea, May, Moore, Phillips, Sherratt, A Stanley, Sweet, Turley and Winter

Apologies for absence were received from Councillors B Moss (substitute Councillor Moore) and Watkins

Councillor Fowler was also in attendance.

37 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

38 **Minutes**

The minutes of the meetings of the Board held on 13 October and 10 November 2014, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

39 **Planning Applications**

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

Resolved:

- a **That the receipt of amended plans in respect of Application No 2014/0339 (Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS) be noted and the Board undertakes a site visit prior to determination of the Application;**

[Speakers Ross Jones and Phillip Mason]

- b **That the receipt of amended plans in respect of Application No 2013/0391 (Heart of England, Meriden Road, Fillongley, CV7 8DX) be noted;**
- c **That provided the applicant first enters in to a Section 106 Agreement addressing affordable housing and open space requirements, Application No 2014/0257 (Land Rear of 1 to 6, Copeland Close, Warton) be approved subject to the amendment of condition c) to read "Conditions relating to**

Archaeological Matters” and to the inclusion of “Conditions relating to Ground Conditions” as detailed in the Environmental Health consultation response set out in the report of the Head of Development Control; and

- d That Application No 2014/0523 (9, High Street, Hurley, CV9 2NQ) be approved subject to the conditions set out in the report of the Head of Development Control.**

40 Neighbourhood Designation Area for Hartshill Neighbourhood Plan

The Assistant Chief Executive and Solicitor to the Council reported on the progress of the formal consultation on the Hartshill Neighbourhood Plan Designation area.

Resolved:

- a That the responses to the proposed Hartshill Neighbourhood Plan Designation be noted; and**
- b The Neighbourhood Designation Area for Hartshill Neighbourhood Plan be agreed and approved.**

41 Tamworth Local Plan Pre-submission Consultation

The Assistant Chief Executive and Solicitor to the Council reported on a proposed response to the consultation on the Tamworth Local Plan – Pre-submission Consultation.

Resolved:

That support be given to the Tamworth Local Plan subject to:

- 1. Concerns over the flexibility applied to the housing numbers and employment land requirement and the need for additional clarification/justification to satisfy the Borough that the evidence is robust; and**
- 2. Concerns over the rigour of the evidence base in relation to the Green Belt Review and the potential for Green Belt release to help address Tamworth’s needs within its current boundaries before needing to seek land outside the boundary in adjoining authorities.**

42 Planning Policy Guidance Update

The Assistant Chief Executive and Solicitor to the Council reported on Planning Policy Guidance concerning affordable housing contributions.

Resolved:

- a That the Council apply the Planning Policy Guidance Update and elect to use the lower threshold for affordable housing contribution's where applicable;**
- b That no change is made to Policy NW6 but reference is made to the updated guidance and what the implications are for this Council; and**
- c That a consultation is carried out with those who commented on the Affordable Housing Policy from the Core Strategy.**

43 Exclusion of the Public and Press

Resolved:

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

44 Tree Preservation Order – Nether Whitacre

The Head of Development Control reported on a proposed Tree Preservation Order in Dingle Lane, Nether Whitacre and the Board was asked to agree a suggested course of action.

Resolved:

That a Tree Preservation Order be made with immediate effect, in respect of the willow tree located at College Farm, Dingle Lane, Nether Whitacre, for the reasons given in the report of the Head of Development Control, and that any representations received be referred to the Board for it to consider whether to make the Order permanent.

45 Tree Preservation Order – Austrey

The Head of Development Control reported on a proposed Tree Preservation Order in Newton Lane, Austrey and the Board was asked to agree a suggested course of action.

Resolved:

That a Tree Preservation Order be made with immediate effect, in respect of the ash tree located at Land Adjacent Manor Croft,

Newton Lane, Austrey, for the reasons given in the report of Head of Development Control, and that any representations received be referred to the Board for it to consider whether to make the Order permanent.

D Butcher
Chairman

**Planning and Development Board
15 December 2014
Additional Background Papers**

	Application Number	Author	Nature	Date
5/2	PAP/214/0257	WCC Flooding	Consultation	3/12/14
		Mrs Day	Representation	27/11/14
		Mr & Mrs Griffiths	Representation	25/11/14
		Mr & Mrs Jones	Representation	26/11/14

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

12 January 2015

Present: Councillor Butcher in the Chair.

Councillors Barber, L Dirveiks, Humphreys, Lea, Lewis, May, Phillips, Sherratt, Simpson, A Stanley, Sweet, Turley, Watkins and Winter

An apology for absence was received from Councillor B Moss (substitute Councillor Lewis).

Councillor Smith was also in attendance.

46 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

47 **Corporate Plan 2015-16**

The Chief Executive presented the updated Corporate Plan for 2015/16. The Board's approval was sought to those parts of the Corporate Plan for which the Board was responsible. Members were also asked to agree the 2015/16 Service Plans for the Development Control and Forward Planning Sections.

Recommended to the Executive Board:

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

Resolved:

- b That measures of success be incorporated in Actions 7 and 8 of the Summary Action Plan for the Forward Planning and Economic Strategy Team; and**
- c That, subject to the amendments at b above, the Service Plans as set out in Appendix B to the report be agreed.**

48 **General Fund Fees and Charges 2015/2016**

The Board was asked to consider the fees and charges for 2014/15 and the proposed fees and charges for 2015/16.

Resolved:

That the schedule of fees and charges for 2015/16 as set out in the report, be accepted.

49 General Fund Revenue Estimates 2015/16

The Deputy Chief Executive detailed the revised budget for 2014/15 and an estimate of expenditure for 2015/16, together with forward commitments for 2016/17, 2017/18 and 2018/19.

Resolved:

- a That the revised budgets for 2014/15 be accepted;**
- b That in respect of Appendix C – Risk Analysis the likelihood of the need for public inquiries into planning development be amended from low to medium; and**
- c That, subject to the amendment at b above, the Estimates of Expenditure for 2015/16, as submitted in the report of the Deputy Chief Executive be accepted, and included in the budget to be brought before the meeting of the Executive Board on 10 February 2015.**

D Butcher
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD**

9 February 2015

Present: Councillor Butcher in the Chair.

Councillors Barber, L Dirveiks, Humphreys, Lea, May, B Moss, Phillips, Sherratt, A Stanley, Sweet, Turley, Watkins and Winter

Councillor Smith was also in attendance.

50 Disclosable Pecuniary and Non-Pecuniary Interests

Councillor Phillips declared an interest in Minute No 54 –Breaches of Planning Control and took no part in the discussion or voting thereon.

51 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

That the receipt of Application No 2014/0648 (Land South East of M42 Junction 10, Trinity Road, Dordon) be noted and the Board undertakes a site visit prior to determination of the Application.

[Speaker: Robert Barnes]

52 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2014

The Board was informed of progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2014.

Resolved:

That the report be noted.

53 Exclusion of the Public and Press

Resolved:

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

54 **Breaches of Planning Control**

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

Resolved:

That in respect of Goodchilds Estate Agents (former Earl of Richmond), Long Street, Atherstone

- a the Solicitor to the Council be authorised to issue a Listed Building Enforcement Notice relating to an advert boarding/boxing feature above the shop windows and the repainting of the shop front; and**
- b the owner/occupier being required to repaint the lime green elements of the shop front in a heritage green, remove the unlawful advertising boarding/boxing feature above the shop window, and reinstate the original shop front appearance.**

D Butcher
Chairman

Agenda Item No 6

Planning and Development Board

9 March 2015

Report of the Head of Development Control

Government Consultation Brownfield Land

1 Summary

- 1.1 The Government has invited comments on its latest suggestions for increasing the number of houses being permitted on brown-field land. Formal targets are proposed together with sanctions for non-achievement.

Recommendation to the Board

That the points raised in this report are forwarded to the DCLG together with any others which the Board may consider appropriate.

2 Background

- 2.1 As part of its on-going emphasis on increasing housing supply and on encouraging Local Planning Authorities to increase the speed of decision making, the Government has issued a further consultation paper. In essence it wants to maximise the number of new homes that are permitted on suitable brown-field land – and that would be achieved by Local Development Orders rather than through planning applications. This is developed in more detail in the recent consultation paper.

3 The Proposals

- 3.1 Firstly, the Government believes that only brown-field land that is “suitable” should be included in a Local Planning Authority’s portfolio of site allocations and included within its five year housing supply calculations. At present the Government’s definition of brown-field land is set out in the NPPF which is in practice a very broad definition. It now proposes to supplement that definition by adding a series of criteria that would apply to sites “suitable for housing”. These are firstly that the site must be deliverable; secondly it must be free of constraint unless those constraints can be realistically mitigated whilst retaining viability – e.g. the cost of de-contaminating land, the site must be a genuine option for developers – e.g. there must be a market interest in the site, and finally the site must be capable of supporting at least five houses.
- 3.2 Secondly, it is suggested that Local Planning Authorities should set out their own assessments under this new definition, in a standard national format to aid developers and also to assist neighbouring Authorities under the Duty to Cooperate, with it being updated annually.

- 3.3 Thirdly the Government's objective is to see Local Development Orders in place on more than 90% of land identified above as being "suitable brown-field land for housing" by 2020. This objective would be ongoing and reviewed on an annual basis.
- 3.4 Fourthly, The Government's view is that if this objective is not met by Authorities, then they should be "penalised". Alternative sanctions are outlined in the paper. Firstly, those Local Planning Authorities not meeting it could be "designated" as under-performing. As such applicants could then submit applications directly to the Secretary of State as now in the cases of under-performing Authorities in respect of those not determining applications within specified targets. The Government acknowledges that the base-line – that is to say the definitions above – could fluctuate particularly if new sites suddenly become available or if planning permissions are granted. As a consequence the 2020 "0%" would be tempered depending upon the situation in 2019, but, as an incentive the Government is looking for an interim 50% target of having Orders in place by 2017. "Designation" would follow if that figure is not reached and action not identified to rectify the matter.
- 3.5 The alternative sanction is for the Government to amend the NPPF, such that if the insufficient progress against the brown-field objective would result in exclusion of sites from the five year land supply calculations and thus the presumption in favour of sustainable development elsewhere would apply. The 90% objective would still be used for 2020 and there would be interim targets for the intervening years.

4 Impact on North Warwickshire

- 4.1 The Council has always encouraged the development of brownfield land in preference to the release of green field land and monitoring information supports this approach. Indeed much of the land included within the draft Site Allocations Document is brown field land, and it has always been the case in evidencing our five year land supply figures, that the identified brown field sites are indeed deliverable. However if the proposed approach set out in this latest Government consultation is brought in, then there would be added pressure on ensuring the delivery of brown field sites. Officers are confident that the identified sites can be delivered.

5 Observations

- 5.1 The present definition of brown field land is very wide and the proposed criteria for identifying whether such land is suitable for housing are considered to be reasonable. These criteria are currently used by officers in establishing the five year housing supply. It is agreed too that a common approach to this definition and the recording of that in a common format would be a welcome step forward particularly as it would establish common ground in Duty to Cooperate meetings.
- 5.2 It is the proposals beyond this in the paper that give rise to concern.

- 5.3 The concern is the introduction of “sanctions”. The Borough Council has brown field land identified in its five year supply figures and in the Site Allocations Document. These have all been assessed under the various criteria outlined above and their retention has been confirmed. The Council therefore is not holding back on the identification and release of brown field land and neither is it not promoting such land with owners and prospective developers. It is not considered that the introduction of Local Development Orders would speed up that process because firstly the identification of land within the Site Allocations Document is in itself a clear indication to any owner or developer that a planning permission is likely to follow. Moreover, the developer will still have to consult on his proposals with the various Agencies in any event before detailed plans are drawn up and detailed applications will thus always still be needed.
- 5.4 It is considered that a “sanction” already is in place, and that is the five year housing supply. If an Authority cannot show that this is in place, then the prospects of the grant of planning permission is greatly increased. There is thus a strong incentive for Authorities to include only that brown field land within its calculations for that supply which meet the criteria set out above in the consultation paper. Their inclusion will always be the subject of scrutiny through the appeal procedure as five year supply is heavily explored in almost every housing case and this is happening in the Borough as well as elsewhere. If greater certainty is required in the process, existing procedures can allow for this. Planning Documents such as our Site Allocations Document could include “conditions” and/or “a “framework” for a particular site’s development within the actual policy to allocate, rather than to introduce another bureaucratic layer through a Local Development Order. That too would subject to scrutiny in any Examination by an Inspector dealing with that Document.
- 5.5 Moreover it often the case with brown field land that the costs of redevelopment are considerable – usually associated with the costs of demolition, clearing contaminated land, managing very poor access, and possibly dealing with heritage issues. The Local Planning Authority has to balance all of these planning considerations. In many cases compromises have to be made. There are already measures in place to ensure that such a balance is openly debated - the new measures for affordable housing provision; viability tests, the NPPF seeking a balance between the public community benefits and retention of heritage assets and the various financial schemes that the Government has recently introduced to encourage brown field land development. In other words the tools are already in hand. It is not considered that in the imposition of sanctions would assist in this.

6 Report Implications

6.1 Finance and Value for Money Implications

6.1.1 Work on preparing Local Development Orders would be taken up through existing workload and thus existing budgets. However this would add an additional burden on staff in view of the time scales suggested and thus other work would be affected adversely – both in terms of the handling of planning applications and preparation of Development Plan Documents. There is then the prospect of the loss of planning income should the Borough Council be “designated”

6.2 Environment and Sustainability Implications

6.2.1 Ensuring brown field land is developed sooner rather than later is in accord with sustainability principles

6.3 Links to Council’s Priorities

6.3.1 As above the re-use and prioritisation of using brown field land would accord with the Council’s priorities of protecting its rural character.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	DCLG	Consultation Paper	Jan 2015