

**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**

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 DECEMBER 2014**

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 15 December 2014 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 Meetings of the Board held on 13 October and 10 November 2014** – copies herewith to be agreed 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 **Neighbourhood Designation Area for Hartshill Neighbourhood Plan** - Report of the Assistant Chief Executive and Solicitor to the Council

**Summary**

This report informs Members of the progress of the formal consultation on the Hartshill Neighbourhood Plan Designation area.

The Contact Officer for this report is Sue Wilson (719499).

- 7 **Tamworth Local Plan Pre-submission Consultation** - Report of the Assistant Chief Executive and Solicitor to the Council

**Summary**

This report recommends ratification of a response to the consultation on the Tamworth Local Plan – Pre-submission Consultation.

The Contact Officer for this report is Mike Dittman (719451).

- 8 **Planning Policy Guidance Update** - Report of the Assistant Chief Executive and Solicitor to the Council

**Summary**

This report informs Members of an update to the Planning Policy Guidance concerning affordable housing contributions.

The Contact Officer for this report is Dorothy Barratt (719250)

**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 items of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

**10 Proposed Tree Preservation Order - Nether Whitacre - Report of the Head of Development Control**

The Contact Officer for this report is Erica Levy (719294).

**11 Proposed Tree Preservation Order – Austrey - Report of the Head of Development Control**

The Contact Officer for this report is Erica Levy (719294).

JERRY HUTCHINSON  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

13 October 2014

Present: Councillor Butcher in the Chair.

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

Apologies for absence were received from Councillors Barber, L Dirveiks (substitute Councillor N Dirveiks) and Simpson.

Councillor Smith was also in attendance.

#### 25 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Humphreys and Winter declared an interest in Minute No 28 Planning Applications (Application No 2014/0374 - Ivy Cottage, Freasley, B78 2EZ) left the meeting and took no part in the discussion or voting thereon.

#### 26 **Minutes**

The minutes of the meetings of the Board held on 14 July, 11 August and 8 September 2014, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

#### 27 **Budgetary Control Report 2014/2015 – Period Ended 30 September 2014**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2014 to 30 September 2014. The 2014/2015 budget and the actual position for the period, compared with the estimate at that date were detailed, together with an estimate of the out-turn position for services reporting to the Board.

#### **Resolved:**

**That the report be noted.**

#### 28 **Planning Applications**

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

**Resolved:**

- a** That provided the applicant first enters in to a Section 106 Agreement to secure the financial contribution for the provision of affordable housing, Application No: 2014/0131 (Land adjacent to 4, Church Lane, Shuttington) be approved subject to conditions set out in the report of the Head of Development Control;
- b** That provided the applicant first enters in to a Section 106 Agreement relating to the provision of an off-site affordable housing contribution as set out in the report of the Head of Development Control together with clauses to ensure remediation of the land adjoining the redevelopment, and subject to the conditions set out in the report, the Council is minded to support Application No 2014/0345 (C W Young Limited (Builders Yard), Common Lane, Corley, Coventry, Warwickshire, CV7 8AQ) and therefore refers the case to the Secretary of State under the 2009 Direction, to see if he wishes to determine the matter himself;

**[Speaker James Cassidy]**

- c** That Application No 2014/0374 (Ivy Cottage, Freasley Common, Freasley, B78 2EZ) be refused for the reasons set out in the report of the Head of Development Control;

**[Speaker Ellie Jones]**

- d** That in respect of Application No 2014/0374 (Ivy Cottage, Freasley Common, Freasley, B78 2EZ) the Assistant Chief Executive and Solicitor to the Council be authorised to issue an enforcement notice requiring alterations to the stable building such that it accords with the approved plans and that the compliance period be six months; and
- e** That the report in respect of Application No 2014/0483 (Land East Of Grendon House Farm, Warton Lane, Grendon) be noted and that Members visit the site and its surrounding area prior to the determination.

**29 Tree Preservation Order**

The Assistant Chief Executive and Solicitor to the Council reported on the latest information in respect of the five year housing supply.

**Resolved:**

**That the Solicitor to the Council be authorised to commence work on making a Tree Preservation Order in respect of an oak and a yew tree at Blytheways, Blythe Road, Coleshill.**

**30 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.**

**31 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 Land at Archers Hill Farm, Waste Lane, Grendon, the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of the unauthorised storage of engineering/surfacing materials; storage of heavy goods vehicles; storage of items of plant; portable offices and containers; together with the breaking up and removal of the hardstanding and reinstatement of the land and that the compliance period be six months.**

D Butcher  
Chairman

**Planning and Development Board  
13 October 2014  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
6/1	PAP/2014/0131	Mr Jones	Objection	10/10/14
6/2	PAP/2014/0345	Corley Parish Council	Representation	10/10/14
6/2	PAP/2014/0345	Cassidy Group	Information	10/10/14
6/2	PAP/2014/0345	Cassidy Group	Email	07/10/14

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

10 November 2014

Present: Councillor Butcher in the Chair.

Councillors Barber, L Dirveiks, Humphreys, Lea, May, Morson, B Moss, Phillips, Sherratt, Simpson, Sweet, Turley and Winter

Apologies for absence were received from Councillors A Stanley (substitute Councillor Morson) and Councillor Watkins.

Councillors Davis and N Dirveiks were also in attendance.

#### 32 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Lea and Morson declared an interest in Minute No 33 Planning Applications (Application No 2014/0021 - Mancetter Quarry, Quarry Lane, Mancetter and Application No 2014/0024 - Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU) and took no part in the discussion or voting thereon.

Councillor May declared an interest in Minute No 33 Planning Applications (Applications No 2014/0540 and 2014/0542 - Land at Durnos Nurseries, Old Holly Lane, Atherstone, CV9 2HD) and took no part in the discussion or voting thereon.

#### 33 **Planning Applications**

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

##### **Resolved:**

- a **That provided the applicant first enters in to a Section 106 Agreement to restrict the use of the adjoining land, Application No 2014/0031 (Priory Farm Karting Circuit, Priory Farm, Robeys Lane, Alvecote, B78 1AR) be approved subject to conditions set out in the report of the Head of Development Control;**

**[Speakers Cllr Madge, Cllr Doyle and John Hodgetts]**

- b **That in respect of**

- **Application No 2014/0446 (Land North Of Manor Barns, Newton Lane, Austrey)**

- **Application No 2014/0433 (Land Adjacent And Rear Of Manor Croft, Newton Lane, Austrey)**
- **Application No 2014/0302 (Land Adjacent The Headlands, Warton Lane, Austrey)**
- **Application No 2014/0301 (Land South of Pumping Station, Warton Lane, Austrey)**
- **Application No 2014/0157 (Applegarth and The Croft, Norton Hill, Austrey)**
- **Application No 2014/0399 (4, Warton Lane, Austrey, Atherstone, CV9 3EJ)**
- **Application No 2014/0569 (Crisps Farm, Church Lane, Austrey)**

**the Board visits these site ahead of considering a determination report in respect of the applications;**

**[Speakers Anne Wilde, Christopher Timothy, Wendy Wiggan, Jean Angus, David Hanks, Alexander Southern, Ray Evans, Russell Crow, Dr Cathryn Jacob]**

- c That in respect of Application No 2014/0021 (Mancetter Quarry, Quarry Lane, Mancetter) the County Council be informed that notwithstanding this Council's continued concerns about the traffic and amenity impacts arising from the operation of this quarry, this Council reluctantly has no objection to this proposal. However it formally requests the County Council to establish whether the applicant is prepared to review the existing operating conditions over time as the extraction period nears completion;**
- d That in respect of Application No 2014/0024 (Coleshill Quarry, Gorse Lane, Coleshill, B46 1JU) this Council has no objection but the County Council should satisfy itself that restoration of the quarry is continuing at a reasonable pace with a view to completion shortly after 2018;**
- e That it be noted that Applications No 2010/0462 and 2011/0014 (Beech House, Market Street, Atherstone), Application No 2012/0514 (The Former Telephone Exchange, North Street, Atherstone), Applications No 2012/ 0515 and 2012/0521 (Land at Old Bank Gardens the rear of 94, 96 and 98 Long Street, Atherstone), Application No 2012/0517 (Land at the rear of 108 Long Street, Atherstone) had been withdrawn;**

- f That Application No 2014/0413 (Barclay House, Kingsbury Road, Curdworth, B76 9EE) be refused for the following reason

**“It is considered that the proposed service would add to the traffic generation arising from the approved use such that there would be an adverse impact on an already well used and busy road to the detriment of safety on that highway and to the potential for on-street car parking. This would not accord with saved policies ENV11 and ENV14 of the North Warwickshire Local Plan 2006 nor Policy NW10 of the North Warwickshire Core Strategy 2014”.**

- g That Application No 2014/0483 (Land East Of Grendon House Farm, Warton Lane, Grendon) be approved and the Head of Development Control be given delegated authority to approve the detail of the conditions to be attached to the permission;

**[Speaker Phil Holdcroft]**

- h That the report in respect of Application No 2014/0520 (Land North of, Eastlang Road, Fillongley) be noted and the Board undertakes a site visit prior to determination; and

- i That the report in respect of Applications No 2014/0540 and 2014/0542 (Land at Durnos Nurseries, Old Holly Lane, Atherstone, CV9 2HD) be noted and the Board undertakes a site visit prior to determination;

**34 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – September 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 September 2014.

**Resolved:**

**That the report be noted.**

**35 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.**

36 **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 the Weavers Arms Public House, Nuneaton Road, Fillongley the Solicitor to the Council be authorised to issue two Enforcement Notices relating to the erection of a stage structure and a marquee structure/base. The owner/occupier is required to demolish both structures and remove the resulting materials from the land and that the compliance period is two months.**

D Butcher  
Chairman

**Planning and Development Board  
10 November 2014  
Additional Background Papers**

	Application Number	Author	Nature	Date
4	PAP/2014/0483	Note	Site Visit Note	1/11/14
		Applicant	E-mail	7/11/14
		Museum	Consultation	4/11/14
4	PAP/2014/0031	Note	Site Visit Note	23/10/14
		C Beauchamp	Objection	8/11/14
		Mr & Mrs Rolfe	Objection	3/11/14
4	PAP/2014/0301	S Duggan	Objection	6/11/14
4	PAP/2014/0302	Mr & Mrs Wiggon	Objection	4/11/14
4	PAP/2014/0157	Mr & Mrs Gilbert	Objection	2/11/14
		D Hanks	Objection	3/11/14
		10 Norton Hill	Objection	28/10/14
		Mr & Mrs Collingwood	Objection	30/10/14
		R Collingwood	Objection	30/10/14
4	PAP/2014/0399	K & T Davies	Objection	4/11/14
		K& T Davies	Objection	5/11/14
4	PAP/2014/0433	Applicant	Correspondence	4/11/14
		S Duggan	Representation	4/11/14
		D Rowse	Objection	1/11/14
4	PAP/2014/0446	Mr & Mrs Davies	Objection	3/11/14
		A Askeell	Objection	3/11/14
		M Hunt	Objection	4/11/14

	PAP/2014/0446	P Rees	Objection	3/11/14
		D Ryan	Objection	3/11/14
		Mr & Mrs Kerr	Objection	5/11/14
		Mr & Mrs Davies	Objection	4/11/14
		S Wheatcroft	Objection	7/11/14
		P Lamb	Objection	5/11/14
		Mr & Mrs Beeson	Objection	4/11/14
		S Chadbourn	Objection	4/11/14
		J Smith	Objection	31/10/14
		T Farrand	Objection	4/11/14
		Mrs Duggan	Objection	4/11/14
		R Farrand	Objection	4/11/14
		D Jenkins	Objection	5/11/14
		R Minett	Objection	5/11/14
		Mr & Mrs Davies	Objection	31/10/14
		A Turner	Objection	28/10/14
		D Fullerton	Objection	25/10/14
		D Jenkins	Objection	14/9/14
		J D Hodgkinson	Objection	6/11/14
		J H Humphreys	Objection	6/11/14
4	PAP/2014/0565	S Duggan	Support	4/11/14
		A Wilde	Support	5/11/14
		G Spenceley	Objection	7/11/14
		Warwickshire Police	Consultation	6/11/14
		D Jenkins	Support	5/11/14
		Mr & Mrs Kerr	Support	6/11/14
		Mr & Mrs Kerr	Support	6/11/14

		J & J Hodgkinson	Support	6/11/14
		J & H Humphreys	Support	6/11/14
		Austrey Residents Association	Letter	5/11/14

## **Agenda Item No 6**

### **Planning and Development Board**

**15 December 2014**

#### **Report of the Assistant Chief Executive and Solicitor to the Council**

#### **Neighbourhood Designation Area for Hartshill Neighbourhood Plan**

## **1 Summary**

- 1.1 This report informs Members of the progress of the formal consultation on the Hartshill Neighbourhood Plan Designation area.

### **Recommendation to the Board**

- 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.**

## **2 Consultation**

- 2.1 Councillors Sweet, M Stanley, Johnston and Wykes have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

## **3 Background**

- 3.1 In North Warwickshire a Neighbourhood Plan can be prepared by a Town or Parish Council. It can cover one or more areas. When adopted the Neighbourhood Plan will be part of the Local Plan for North Warwickshire and will be taken in to consideration in the determination of planning applications. This report relates to the designation of the area to be covered by a Neighbourhood Plan for Hartshill. There has been no indication by the Parish Council which subjects will be covered by their Neighbourhood Plan and they are not required to do so until the drafting of the Plan.

## **4 Hartshill**

- 4.1 Hartshill Parish Council has applied to North Warwickshire Borough Council for designation of a Neighbourhood Plan Area. The area covered by the designation consists of all the land within the Parish of Hartshill. As Members will recall the settlement hierarchy in the adopted Core Strategy has Hartshill with Ansley Common. This designation however excludes Ansley Common. Hartshill Parish Council's reasons for designating the area are set out below;
- Confidence that the designated area will not cause contention with surrounding parishes

- Clarity with the groups as below, as to where responsibilities start and finish:
- Neighbouring Parishes, County, Borough and Parish Councilor's, Residents, Landowners and any other relevant stakeholders and consultees.

## 5 Consultation

5.1 The consultation ran until Thursday 6 November 2014 and a total of 10 consultation responses were received. Members are asked to note the responses set out below.

5.2 The consultation responses can be summarised as follows;

HNP1	Highways Agency	No objection. Will comment further along the process
HNP2	Inland Waterways Association	No specific comments beyond standard development management response regarding requirement to contact/consult IWA
HNP3	Natural England	No specific comments beyond standard development management response regarding requirement to contact/consult Natural England
HNP4	Dawn Fullerton	Meets all the criteria and doesn't interfere with any other Borough
HNP5	Cllr D Harvey	No Comments
HNP6	Gladman Developments	No specific comments at this stage. Comments relate to standard development management response.
HNP7	Canal & River Trust	No specific comments beyond standard development management response regarding requirement to contact/consult Canal & River Trust
HNP8	Coal Authority	No specific comments. No mining legacy is present within Hartshill Parish.
HNP9	West Midlands ITA	No specific comments at this stage. Request that Hartshill PC work with ITA to make public transport improvements across the journey to work area
HNP10	English Heritage	No objection. Comments relate to standard development management response and request to contact/consult further.

5.3 It could be argued that a Neighbourhood Plan for this area should include Ansley Common as Hartshill is with Ansley Common in the Settlement Hierarchy. However the ethos behind Neighbourhood Plans is that it should be up to the local community to determine the content of their Neighbourhood Plan. There may be issues that may mean that the Parish / Neighbourhood Plan Team will need to work closely with Ansley Parish. Therefore this means that Hartshill can have an individual Neighbourhood Plan.

5.4 It is considered that following the responses to the consultation no valid or reasonable reasons have been raised that warrant refusal of the Hartshill Neighbourhood Designation Area. The Area should therefore be agreed and approved as the right area to frame the production of the neighbourhood plan and the Parish Council informed of the Borough Council's decision.

## **6 Report Implications**

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

6.1.1 The Borough Council can claim for up to £30,000 for each Neighbourhood Development Plan – the first payment of £5,000 will be made following designation of the neighbourhood area. This recognises the amount of officer time supporting and advising the community in taking forward a Neighbourhood Development Plan. A second payment of £5,000 will be made when the local authority publicises the Neighbourhood Development Plan prior to examination. The third payment of £20,000 is made on successful completion of an independent examination.

### **6.2 Legal and Human Rights Implications**

6.2.1 The process conforms with the legal requirements for Neighbourhood Plans

### **6.3 Human Resources Implications**

6.3.1 Staff time is expected to be provided by the Borough Council to support and advise the Town Council and community in taking forward a Neighbourhood Development Plan. However the amount of staff time will be limited, essentially to an advisory role, due to the other work priorities of the Forward Planning Team and that this role must be provided to the other Parishes who are also considering undertaking Neighbourhood Plans.

### **6.4 Environmental and Sustainability Implications**

6.4.1 Each Neighbour Plan will need to consider the effects of the Plans contents in terms of environmental and sustainability issues in accordance with the relevant regulations.

## 6.5 Links to Council's Priorities

6.5.1 The designation of the Neighbourhood Plan Designation Area will have links to the following priorities;

1. Enhancing community involvement and access to services
2. Protecting and improving our environment
3. Defending and improving our countryside and rural heritage

The Contact Officer for this report is Sue Wilson (719499).

### 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	Highways Agency	Consultation response	11/9/14
2	Inland Waterways Association	Consultation response	12/9/14
3	Natural England	Consultation response	15/09/14
4	D Fullerton	Consultation response	17/09/14
5	Cllr D Harvey	Consultation response	22/09/14
6	Gladman Developments	Consultation response	5/11/2014
7	Canal & River Trust	Consultation response	5/11/2014
8	Coal Authority	Consultation response	5/11/2014
9	West Midlands ITA	Consultation response	5/11/2014
10	English Heritage	Consultation response	27/10/2014

**Agenda Item No 7**

**Planning and Development Board**

**15 December 2014**

**Report of the Assistant Chief Executive  
and Solicitor to the Council**

**Tamworth Local Plan – Pre-  
submission Consultation**

**1 Summary**

- 1.1 This report recommends ratification of a response to the consultation on the Tamworth Local Plan – Pre-submission Consultation. An initial holding response and letter, enclosing a copy of this Report has been forwarded to Tamworth Borough Council to meet their consultation deadline of the 3 December 2014. Further comments raised at Board will be forwarded for inclusion in the Council's initial response. A copy of the letter details is attached as Appendix 1.
- ...

**Recommendation to Board**

**a Support generally 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;**
- 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; and**

**b To forward any additional comments Members may raise following consideration of the issues at this Board.**

**2 Consultation**

- 2.1 A copy of the report has been forwarded to Councillors Sweet, Winter, Simpson, M Stanley and Hayfield.

**3 Local Plan**

- 3.1 The Tamworth Local Plan is progressing to the final stages of production and is out for a six week consultation from Wednesday 22 October to Wednesday 3

December 2014. Previously a consultation on the Draft Local Plan took place for a six week period from 31 March to 6 May 2014.

- 3.2 At this stage the consultation relates to the formal six week Pre-Submission Publication period. This is an opportunity to comment only on the soundness of the Local Plan. Soundness is the basis of the Local Development Framework (LDF) system and is defined as meaning that a plan must be justified, effective and consistent with national policy. It must also satisfy the legal procedural requirements for its production and conform to the 'duty to co-operate' requirements. The representations submitted on this version of the Local Plan will be examined by a Planning Inspector. The Planning Inspector's main consideration when examining the Local Plan under the Planning and Compulsory Purchase Act 2004 (as amended) is to consider whether the Local Plan complies with the legal requirements, the duty to co-operate and is sound.

#### 4 **Observations**

- ... 4.1 A letter is attached as Appendix 1, which has already been forwarded to Tamworth Borough due to the consultation timescales involved, with the caveat to amend any comments or add additional points as required by Members following consideration of this Board Report.

##### *Memorandum of Understanding*

- 4.2 As Members are aware this Council has agreed a Memorandum of Understanding (MOU) with Tamworth BC and Lichfield DC in order to accommodate some of Tamworth's housing and employment needs up to 2031 in September 2014. All of the caveats within this Memorandum of Understanding have now been included within the latest version of their Local Plan. This is further supported by their Key Diagram which does not show any land within North Warwickshire for development.
- 4.3 The previous Memorandum of Understanding dated 21 June 2013 agreed that both Lichfield District Council and North Warwickshire Borough Council would deliver 500 new homes each within their respective boundaries, providing a total of 1000 new homes towards Tamworth Borough Council's objectively assessed housing need.
- 4.4 Since that time, new evidence has demonstrated that Tamworth Borough Council is unable to meet its objectively assessed housing need by at least 2000 homes, and can also only make provision for 18 hectares of employment land from the 32 hectare requirement. As such, a minimum of 2,000 new homes and 14 hectares of employment land will need to be delivered outside of Tamworth Borough Council's administrative boundaries. Lichfield and North Warwickshire have through their respective emerging or adopted Local Plan's agreed to deliver a minimum of 500 new homes each, 1,000 in total. Further work to address and deliver the remaining unmet housing and employment needs will be undertaken through a range of options including joint Development plans and strategies, joint evidence or through the emerging GBSLEP Spatial Framework Plan. This approach is in the current MOU.

### *Housing Numbers / Flexibility*

- 4.5 The Tamworth Local Plan applies a 10% flexibility to the housing requirement to try and address both the concerns/questions previously expressed by the Inspector into the earlier withdrawn version of the Tamworth Local Plan and to ensure flexibility of supply in case of non-delivery of some of the allocated sites and sustainable urban extensions. A meeting between the three Councils was held to discuss and clarify this issue. But it is still considered there is a lack of clarity in the reasoning behind applying this level of flexibility and it is recommended that Tamworth provide further information to evidence and justify this approach.
- 4.6 There are concerns that in applying this level of flexibility the likelihood is that sites outside of Tamworth, without the same level of infrastructure need or on-site constraints (such as redevelopment/demolition costs or contamination), will come forward first for development. This will not enable and encourage the regeneration of Tamworth town centre or other more sustainable sites within Tamworth's boundaries which is one of the clear aims of the Local Plan. A more critical or constrained approach to flexibility of supply should perhaps be considered.
- 4.7 Nevertheless, the need for flexibility of approach and supply, highlighted in the NPPF para 14, is noted. However, the Secretary of State in issuing new guidance on the Green Belt on the 6 October, states that the Plan needs "to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as green belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need". Clearly in the circumstances applying to Tamworth a more constrained approach to flexibility would be appropriate if Green Belt release is not considered an option.
- 4.8 With regards to further housing pressure arising from the the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) it is noted that the Plan states "Through the preparation of Birmingham City Council's Local Plan and Tamworth's it has been agreed between the two authorities that Tamworth is unable to assist in meeting Birmingham's unmet needs". This addresses some concerns that increased pressure for Birmingham would result in increased figures for Tamworth that, by default would have to be delivered through the adjoining local authorities land (i.e. NWBC).

### *GBSLEP continuing work*

- 4.9 However, it is unclear how the Plan fits with the ongoing work around the GBSLEP. The GBSLEP is taking into account Tamworth's needs within the wider GBSLEP area study and not simply addressing Birmingham's needs alone or in isolation. It is difficult to divorce Tamworth's needs and situation from the wider GBSLEP study. There may be solutions that cater for Tamworth's needs that emerge as part of that study which exclude impacts on the immediate adjoining Local Authorities. There is a lack of clarity over

alternative solutions within the wider GBSLEP area that may or may not include the two immediate adjoining authorities.

- 4.10 The development needs should be met in Tamworth first, then within the GBSLEP and only then in adjoining authorities. This is the approach we have advocated in the hearings for the Birmingham Local Plan and consider is the approach that should also be considered for Tamworth.

#### *Green Belt*

- 4.11 The overall approach of the Tamworth Local Plan strategy is to protect the Green Belt and concentrate development on land within the existing urban area and a number of sustainable urban extensions. However, there are concerns that in not applying as rigorous and critical an approach to the performance of the land within Tamworth's Green Belt in terms of the 5 purposes of Green Belt and the pressure of housing need, the implication appears to be that Green Belt land within Tamworth will not be re-designated or released to address Tamworth's needs but Green Belt land within Lichfield and North Warwickshire or green field land within North Warwickshire will be sacrificed to compensate for the lack of supply and address the shortfall in housing need/land. The Green Belt Review study should stand alone and be unaffected by issues of availability, landscape impact or supply and concentrate solely on whether any part of the land in question operates fully for the purposes of Green Belt and, through the local plan review, have regard to their intended permanence in the long term.
- 4.12 The Review indicated that exceptional circumstances do not exist in Tamworth to enable Green Belt release. But there is the need to look in more detail at the sites, their potential subdivision and performance in Green Belt terms as Tamworth can't expect exceptional circumstances to exist outside Tamworth Borough in adjoining authorities without having undertaken the required analysis and assessment. There appears the assumption that circumstances applying to Tamworth's Green Belt will not apply/occur in adjoining authorities. Therefore adjoining authorities Green Belt areas will be able to accommodate development through subsequent reviews while Tamworth's Green Belt remains static. There is no clear critical analysis or appraisal of this potential and a lack of information regarding the previous, superceded review referred to in the current Review, which needs to be reflected in the evidence base
- 4.13 Similarly a critical analysis of potential Green Belt and non-Green Belt sites within the floodplain and the infrastructure/flood defence works that may enable their delivery/availability has not been factored in to the housing flexibility. It is noted the potential of these sites are referred to in paragraph 3.9 of the Local plan at around 140 units, the sites have been identified and allocated but not factored in to the housing delivery to address the requirement.

#### *Employment*

- 4.14 The Tamworth Local Plan applies a 'regeneration and growth' plan strategy for meeting employment needs. Similar circumstances apply to employment needs

as to housing needs and land supply. The significant shortfall highlighted in the Plan and the need to address this shortfall outside the Plan area highlights the constraint issue further. It is noted the Plan encourages regeneration and a more flexible approach to changes of use to encourage economic growth and this approach is supported.

- 4.15 However, a more realistic growth strategy should better reflect the constraints applying to Tamworth and the opportunities for growth through the wider GBSLEP area to address Tamworth's needs. It is considered a similar approach to employment needs is taken to that proposed for housing and noted above, in that the development needs should be met in Tamworth first, then within the GBSLEP and only then in adjoining authorities,

## **5 Report Implications**

### **5.1 Environment and Sustainability Implications**

- 5.1.1 The Tamworth Local Plan has a sustainability appraisal. This considers the development that will take place within Tamworth's boundaries. The 500 houses agreed through the MOU has already been considered as part of the Sustainability Appraisal that accompanied the Core Strategy and will be considered in more detail through the Sustainability Appraisal for the Site Allocations Plan. As and when an agreement is reached on the additional development this will of course require further appraisal at that time.

The Contact Officer for this report is Mike Dittman (719499).



North Warwickshire  
Borough Council

## Appendix 1

**Steve Maxey** BA (Hons) Dip LG Solicitor  
**Assistant Chief Executive  
and Solicitor to the Council**

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: Mike Dittman  
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Your ref : |  
Our ref : |

Emailed to:

developmentplan@tamworth.gov.uk

Date : 1st December 2014

Dear Sir

### **Representations by North Warwickshire Borough Council on the Tamworth Local Plan 2031**

Thank you for consulting the Borough Council on the Tamworth Borough Local Plan Pre-submission Document. The Borough Council is taking the attached Report to a Planning and Development Board on the 15 December 2014. This will form the basis for comments/representations to the Tamworth Local Plan Pre-submission consultation. Any further comments that may arise as a result of consideration at that Board we will forward to Tamworth Borough immediately following the Board to form part of the Borough Council's consultation response to the Plan.

The Borough Council has been involved in a number of discussions with officers from Tamworth Borough Council. It has an agreed Memorandum of Understanding (2014) to indicate the continuing and on-going discussions between the two local authorities as well as Lichfield District Council. The Borough Council will continue working proactively and constructively with Tamworth Borough Council, Lichfield District Council and the wider GBSLEP area to consider the development and infrastructure needs of the area.

The Borough Council generally supports the Tamworth Local Plan but has some concerns over the proposed housing and employment figures and the strategy approach to accommodating their needs and growth. It is unclear about the evidence for the additional numbers so would welcome further discussions to understand this. In light of these increased numbers it is also considered important to consider not just neighbouring local authorities. Consideration must be given to solutions beyond neighbouring local authorities in the GBSLEP area. If this is not the case then maybe Tamworth should cater only for its own needs rather than having the aspirations for substantial growth. If this issue cannot be adequately/reasonably addressed the Borough council would wish to maintain an objection on the proposed housing and employment figures.

The Borough Council is willing, if required, to appear at the Inquiry. This is particularly in relation to representations made / issues highlighted that may directly impact on the Borough. The attached report has not yet been ratified by Members at Board. Once the Report has been considered any additional information or comments raised will be forwarded to Tamworth for inclusion with the above comments.

As work is currently being undertaken with the local authorities from and adjoining the GBSLEP area and this information is not yet available the Borough Council would like to reserve its position in terms of commenting on the outcome of this work and the implications of this work and its background evidence on the Tamworth Local Plan.

Yours sincerely

*Steve Maxey*

Steve Maxey  
Assistant Chief Executive & Solicitor to the Council

## Agenda Item No 8

### Planning and Development Board

15 December 2014

#### Report of the Assistant Chief Executive and Solicitor to the Council

#### Planning Policy Guidance Update

### 1 Summary

- 1.1 This report informs Members of an update to the Planning Policy Guidance concerning affordable housing contributions.

#### Recommendation to the Board

- 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.

### 2 Consultation

- 2.1 Councillors Sweet, M Stanley and Butcher have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

### 3 Background

- 3.1 The Department of Communities and Local Government (DCLG) produced updated Guidance on 28 November 2014. This was titled "*Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?*"

- 3.2 The updated Guidance states

3.2.1 *“There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.*

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm*
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty*
- *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home”*

### 3.3 **Observations**

3.3.1 As Members are aware the Core Strategy has just been adopted with an Affordable Housing policy, NW6, which states:

*“Schemes of 15 or more dwellings*

1. *30% of housing provided on-site will be affordable*
2. *Except in the case of Greenfield (previously agricultural use) sites where 40% on-site provision will be required.*

*Schemes of between 1 and 14 inclusive units*

*20% affordable housing provision will be provided. This will be achieved through on site provision or through a financial contribution in lieu of providing affordable housing on-site. This will be calculated using the methodology outlined in the Affordable Housing Viability report or subsequent updated document and is broadly equivalent to on-site provision.*

*The Council and other partners will continue to maximise numbers of affordable housing on other sites.*

*Proposals to provide less than the targets set out above should be supported by a viability appraisal to verify that the targets cannot be met and the maximum level that can be provided without threatening the delivery of the scheme.*

3.3.2 *Affordable Housing Mix*

*A target affordable housing tenure mix of 85% affordable rent and 15% suitable intermediate tenure will be provided wherever practicable.”*

3.4 This updated guidance alters the thresholds and affects sites of less than 10 units. Clause 2 allows for a lower threshold if the area is a designated rural area. The Council can then apply a lower threshold.

3.5 Within North Warwickshire the majority of the Borough is designated as a rural area as defined by various Acts and Regulations. If the The Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 is used then the areas not covered by a rural designation are Atherstone, Coleshill and Water Orton. Dordon, Hartshill, Kingsbury and Mancetter are partly covered by this rural designation. The remainder of the Borough is thus rural. DCLG has been approached to ensure that we are using the most relevant and up to date designation. At the time of this report being written this has not been confirmed but officers will ensure confirmation is received prior to the Board meeting.

### 3.6 **Threshold**

3.6.1 The Guidance also gives a maximum floor space of 1000 m<sup>2</sup> when using the 10 dwellings threshold. There is no explicit reference to a floor space threshold if the figure of 5 units is used, however it seems sensible to have a reduced threshold based on the same proportions. So for example, the threshold for 5 units would be 500m<sup>2</sup>. As this is not explicit in the guidance this issue in particular will be consulted on. Further, clarification is being sought from the DCLG and this information will be reported to members if available at Board.

## 4 **Consultation**

4.1 It is recommended that a short consultation is carried out with those who commented on the Affordable Housing policy for the Core Strategy. This would ensure that the interpretation of the guidance which we are placing on this guidance is acceptable generally to consultees.

## 5 **Report Implications**

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

5.1.1 There will be a financial loss due to the implementation of this Planning Policy Guidance as we are currently achieving financial contributions of between £2000 - £7000 per dwelling for small (14 or less) to single unit developments.

### 5.2 **Environmental and Sustainability Implications**

5.2.1 The Affordable Housing Policy in the Core Strategy was subject to a Sustainability Appraisal. The changes proposed were subject to consultations in March 2014. It is assumed that The Environmental and Sustainability impact of the proposed changes will have been considered as part of the Governments response to this consultation.

The Contact Officer for this report is Dorothy Barratt (719250).

### **Background Papers**

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	DCLG	Part of the National Planning Guidance	28.11.14

**Agenda Item No 9**

**Planning and Development Board**

**15 December 2014**

**Report of the  
Chief Executive**

**Exclusion of the Public and Press**

**Recommendation to the Board**

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

**Agenda Item No 10**

**Tree Preservation Order – Nether Whitacre** - Report of the Head of Development Control

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

**Agenda Item No 11**

**Tree Preservation Order – Austrey** - Report of the Head of Development Control

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

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