

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

12 December 2016

Present: Councillor Simpson in the Chair.

Councillors Bell, L Dirveiks, Humphreys, Jarvis, Jenns, Jones, Morson, Moss, Reilly, Smitten, Sweet and Waters

Apologies were received from Councillors Henney, Phillips and A Wright. Councillor Waters substituted for Councillor A Wright

Councillor Clews was also in attendance and with the permission of the Chairman spoke on Minute No 56 Submission of Mancetter Neighbourhood Plan for Public Consultation.

53 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Morson declared a non-pecuniary interest in Minute No 55 Planning Applications (Application No 2016/0007 - Land at Hams Hall Distribution Park, Faraday Avenue, Coleshill, B46 1AL), took no part in the discussion and left the meeting.

Councillor Reilly declared a non-pecuniary interest in Minute No 55 Planning Application (Application No 2016/0007 - Land at Hams Hall Distribution Park, Faraday Avenue, Coleshill, B46 1AL), took no part in the discussion and left the meeting.

Councillor Humphreys declared a non-pecuniary interest in Minute No 55 Planning Applications (Application No 2016/0366 - 17-19, Long Street, Atherstone, CV9 1AX), took no part in the discussion and left the meeting.

Councillor Simpson declared a non-pecuniary interest in Minute No 65 Moor Farm Stables, Corley Moor took no part in the discussion and left the meeting.

54 **Minutes**

The minutes of the meetings of the Board held on 10 October and 7 November 2016, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

55 **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**
- i)** That in respect of Application No 2016/0007 (Land at Hams Hall Distribution Park, Faraday Avenue, Coleshill, B46 1AL), the Council maintains its objection to the proposal on the grounds of its adverse visual impact locally; its harmful impact on the openness of the surrounding Green Belt, contrary to policies NW3 and NW12 of the Core Strategy 2014. The Council also requests that the County Council does not support the application without the full backing of the Environment Agency; the Council's Environmental Health Officer and the Warwickshire Public Health officers and until it is satisfied that alternative locations have been fully explored and dismissed on planning grounds;

- ii)** That Officers request a meeting with Warwickshire County Council prior to their determination of the application

[Speaker Andrew Needham]

- b** That in respect of Application No 2016/0004 (Heart of England, Meriden Road, Fillongley, CV7 8DX)

- i** Condition 7 (landscaping scheme), Condition 8 (in part) (archaeological work), Condition 9 (in part) (bricks, tiles, surface and facing materials), Condition 10 (window and door joinery), Condition 14 (boundary treatment), Condition 15 (drainage network and hydro-brake control), Condition 16 (access and car parking details), Condition 17 (refuse storage/disposal) and Condition 18 (crime prevention measures) be discharged as set out in the report of the Head of Development Control;

- ii** a decision on whether to discharge of Condition 11 (exterior lighting) and whether to issue an Enforcement Notice requiring the removal of the coloured lighting and flood lighting installed on the north west elevation of the conference centre building and on the existing storage building, be deferred for a site visit; and

- iii** That in respect of the Condition 13 (tree protection) the Council recognises non-compliance with the requirements of the condition, but considers that it is not expedient to pursue formal enforcement action;

[Speaker Robert Williams]

- c** That Application No 2016/0038 (Heart of England, Meriden Road, Fillongley, CV7 8DX) be approved subject to the conditions set out in the report of the Head of Development Control;

- d** That in respect of Application No 2016/0414 (Heart of England, Meriden Road, Fillongley, CV7 8DX)
 - i** the Application be refused for the reasons set out in the report of the Head of Development Control; and

 - ii** the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of the unauthorised storage and parking uses within the building and surrounding land, together with the removal of the fenced compound as it is an integral element of the unauthorised change of use. The use would revert to the former authorised use of agriculture or forestry.

[Speaker Howard Darling]

- e** That in respect of Application No 2016/0462 (Heart of England, Meriden Road, Fillongley, CV7 8DX)
 - i** the Application be refused for the reasons set out in the report of the Head of Development Control; and

 - ii** the Solicitor to the Council be authorised to initiate court proceedings to secure the removal of the unauthorised signs.

[Speakers Robert Pargetter and Emma Townsend]

- f** That in respect of Application No 2016/0480 (Heart of England, Meriden Road, Fillongley, CV7 8DX)
 - i** the Application be refused for the reasons set out in the report of the Head of Development Control; and

 - ii** the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the removal of the unauthorised bridge, wooden pathway, waterfall, pond and lining and decking and the restoration of the land to its former condition.

[Speakers Howard Darling and Robert Williams]

- g That Application No 2016/0366 (17-19, Long Street, Atherstone, CV9 1AX) be approved subject to the conditions set out in the report of the Head of Development Control;**

[Speakers Patrick Woodcock and Andrew Taylor]

- h That in respect of Application No 2016/0485 (21 Stewart Court, Coventry Road, Coleshill, B46 3BB)**

i the Application be approved subject to the conditions set out in the report of the Head of Development Control; and

ii the Enforcement Notice be withdrawn subject to there being confirmation in writing by the appellant that there would be no claim for costs against the Council for doing so.

- i That the receipt of Applications No 2016/0659 and 2016/0660 (St Andrews Home, 37 Blythe Road, Coleshill, B46 1AF) be noted and a site visit be undertaken prior to determination; and**

- j That in respect of Application No 2016/0245 (Hall End Business Park, Watling Street, Dordon, B78 1SZ)**

i a Public Path Order be made as described in the report of the Head of Development Control and that it then be the subject of a period of consultation. Upon expiry, the Order then be referred to the Secretary of State if it is an opposed Order; and

ii Members be advised of the outcome of that referral and the matter brought back to the Board for final confirmation or otherwise.

56 Submission of Mancetter Neighbourhood Plan for Public Consultation

The Assistant Chief Executive and Solicitor to the Council reported on the progress of the submitted Neighbourhood Plan and sought approval to go out for a formal consultation in accordance with Section 16 of the Neighbourhood Planning (General) Regulations 2012.

Resolved:

That the Mancetter Neighbourhood Plan be circulated for a 6 week public consultation.

57 Submission of Hartshill Neighbourhood Plan for Referendum

The Assistant Chief Executive and Solicitor to the Council reported on the progress of the Hartshill Neighbourhood Plan and sought approval for a formal referendum in accordance with section 16 of the Neighbourhood Planning (General) Regulations 2012 to be carried out.

Resolved:

That the Hartshill Neighbourhood Plan be taken forward to referendum.

58 Appeals Update

The Head of Development Control provided a progress report in respect of outstanding appeals.

Resolved:

That the report be noted

59 Planning Designation Regime

The Head of Development Control outlined the new criteria for designating Local Planning Authorities that were considered to be “under-performing” by the Government.

Resolved:

That the report be noted

60 Tree Preservation Order – Land at 3 The Gables, Polesworth

The Head of Development Control reported that responses had been received to a Tree Preservation Order made in respect of a sweet chestnut tree at 3 The Gables Polesworth. The Board was invited to consider the responses received and decide whether or not to confirm the Order.

Resolved:

That, having considered the representations received, the Tree Preservation Order made in respect of a Sweet Chestnut (T4) at 3 The Gables Polesworth, be confirmed without modification.

[Speaker Barry Alexander]

61 **Tree Preservation Order – Seven Foot Wood, Ansley Common**

The Head of Development Control reported that responses had been received to the Tree Preservation Order made in respect Seven Foot Wood, Coleshill Road, Ansley Common. The Board was invited to consider the responses received and decide whether or not to confirm the Order.

Resolved:

That, having considered the representations received, the Tree Preservation Order 713.001/5 made in respect of Seven Foot Wood, Ansley Common, be confirmed without modification.

62 **Proposed Tree Preservation Order – Land Adjacent The Homestead, Main Road, Austrey**

The Board was invited to confirm or otherwise a Tree Preservation Order made in respect of four groups of trees and 33 individual trees situated at The Homestead, Main Road, Austrey.

Resolved:

That the Tree Preservation Order be varied, as follows:

A Tree Preservation Order in respect of 44 individual trees – American Elm (T1), Blue Atlas Cedar (T2), Whitebeam (T3), Deodar Cedar (T4), Scots Pine (T5), Whitebeam (T6), Norway Maple (T7), Cherry (T8), Apple (T9), Willow (T10), Norway Maple (T11), Cherry (T12), Apple (T13), Brewers Spruce (T14), Apple (T15), Cherry (T16), Beech (T17), Apple (T18), Apple (T19), Pear (T20), Pear (T21), Hemlock-Spruce (T22), Apple (T23), Silver Birch (T24), Silver Birch (T25), Monkey Puzzle (T26), Horse Chestnut (T27), Weeping Ash (T28), Silver Birch (T29), Willow (T30), Walnut (T31), Cherry Plum (T32), Willow (T33), Tibetan Cherry (T34), Mountain Ash (T35), Mountain Ash (T36), Whitebeam (T37), Whitebeam (T38), Pear (T39), Apple (T40), Apple (T41), Horse Chestnut (T42), Silver Birch (T43), Horse Chestnut (T44)

all located at Land At The Homestead, Main Road, Austrey.

63 **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 by Schedule 12A to the Act.

64 25 Station Street, Atherstone

The Head of Development Control reported on a possible breach of planning control at 25 Station Street, Atherstone and the Board was asked to agree a suggested course of action.

Resolved:

- a That the Solicitor to the Council be authorised to issue a Section 215 Notice under the Town and Country Planning Act 1990 relating to untidy land and buildings at 25 Station Street, Atherstone, the condition of which is adversely affecting the amenity of the area. The compliance period is two weeks; and**
- b That in default of compliance, the matter is referred back to the Board to consider action under Section 216 (prosecution) and Section 219 (intent to enter and remove).**

Councillor Reilly in the Chair

65 Moor Farm Stables, Corley Moor

The Head of Development Control reported on a possible breach of planning control at Moor Farm Stables, Corley Moor and the Board was asked to agree a suggested course of action.

Resolved:

That consideration of the item be deferred pending the outcome of the appeal into refusal of planning permission at this site

M Simpson
Chairman

**Planning and Development Board
12 December 2016
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/5	CON/2016/0007	Curdworth Parish Council	Objection	21/11/16
5/178	PAP/2016/0366	Heritage Consultant	Representations	2/12/16