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NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

20 May 2013

Present: Councillor Butcher in the Chair.

Councillors L Dirveiks, Lea, May, Moore, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Watkins, Winter and Wykes

Apologies for absence were received from Councillors Humphreys and Sweet (substitute Moore).

Councillors Barber, Forwood, Lewis and Pickard were also in attendance.

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors L Dirveiks, May and Moore declared an interest in Minute No 2 Planning Applications (Applications No 2013/0119 and 2012/0462 -Atherstone Surgery, Ratcliffe Road, Atherstone) left the meeting and took no part in the discussion or voting thereon.

Councillor L Dirveiks declared a pecuniary interest in Minute No 2 Planning Applications (Applications No 2013/0129 and 2013/0136 - Land Adjacent 56 Grove Road, Atherstone, Warwickshire) left the meeting and took no part in the discussion or voting thereon.

Councillor Forwood declared a pecuniary interest in Minute No 2 Planning Applications (Application No 2013/0148 - Chez Nous, 58a Friary Road, Atherstone, CV9 3AQ) left the meeting and took no part in the discussion or voting thereon.

2 **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 in respect of Application No 2012/0297 (Land at Rowland Way, Rowland Way, Atherstone, CV9 2SQ**
 - i **the Community and Environment Board be recommended to accept the contribution and offer to transfer the land to the Council as set out in the report of the Head of Development Control; and**

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ii that subject to the Community and Environment Board agreeing to the terms as set out in the report and to recommendation (i), planning permission be granted subject to the signing of a Section 106 Agreement covering the heads of terms detailed in the report, and to the conditions also detailed in the report.

b That in respect of Application No 2013/0119 (Atherstone Surgery, Ratcliffe Road, Atherstone) the Certificate be granted subject to the limitations set out in the report of the Head of Development Control;

[Speakers John Mohamed and Dr John Winward]

c That Application No 2012/0462 (Atherstone Surgery, 1 Ratcliffe Road, Atherstone, Warwickshire, CV9 1EU) be approved subject to the conditions set out in the report of the Head of Development Control and to the following additional condition

“xi) For the purposes of condition iii), the proportion of over the counter medicines and other sales shall be limited to 20% of the floor area of the pharmacy as shown on approved plan 1219/06F.”

[Speakers John Mohamed and Dr John Winward]

d That Application No 2012/0624 (River Tame Flood Defence, Bodymoor Heath Lane, Middleton) be approved subject to the conditions listed in April’s Board report and the additional conditions set out in the report of the Head of Development Control;

[Speaker John Hindle]

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e That provided the applicant first enters into a Section 106 Agreement in respect of the issues set out in the report of the Head of Development Control, Application No 2012/0626 (Cherry Tree Farm, Atherstone Road, Hartshill, CV10 0TB) be approved subject to the conditions set out in the said report;

f That Application No 2013/0063 (Hunts Green Dairy Farm, Wishaw Lane, Middleton, Warwickshire, B78 2AU) be refused for the following reason

“It is considered that the proposal does not accord with saved policy ECON9 of the North Warwickshire Local Plan 2006 in that the sites location does not meet the terms of the first pre-condition of this policy in that the location does not have direct access to the rural distribution road network and

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it is not accessible by a range of means of travel and transport. It is thus in an unsustainable location which means that the principles of the NPPF 2012 are neither met, in that this is unsustainable development.”

[Speakers Terry Moore and Ray Evans]

- g That Applications No 2013/0129 and 2013/0136 (Land Adjacent 56 Grove Road, Atherstone, Warwickshire) be approved subject to the following additions and amendments to the conditions set out in the report of the Head of Development Control

2013/0136

2. No work relating to the demolition hereby approved, including works of preparation prior to operations shall take place before 0800 hours or after 1700 Monday to Friday. There shall be no work carried out on Saturdays, Sundays or recognised public holidays.

2013/0129

- 2 The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 543-2012-03A received by the Local Planning Authority on 23 April 2013, the plan numbered 543-2012-02A received by the Local Planning Authority on 9 April 2013 and the plan numbered 543-2012-04 received by the Local Planning Authority on 11 March 2013. For the avoidance of doubt the distance between the rear elevation of number 53 Stafford Street and the rear elevation of the houses hereby approved shall not be less than 23 metres.
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all screen walls, fences and gates to be erected and retained. The approved screen walls, fences and gates shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained at all times.
10. No work relating to the demolition hereby approved, including works of preparation prior to operations shall take place before 0800 hours or after 1700 Monday to Friday. There shall be no work carried out on Saturdays, Sundays or recognised public holidays.

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14 No development shall commence on site until full details of all the roof lights shown on the approved plans have first been submitted to and approved in writing by the Local Planning Authority . Only the approved details shall then be installed on site.

15 No development shall commence on site until such time as details of the type and design of the glazing to be installed in the two side elevations of the property hereby approved has first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

[Spekers Debbie Jones and Peter Lea]

h That Application No 2013/0148 (Chez Nous, 58a Friary Road, Atherstone, CV9 3AQ) be approved subject to the conditions set out in the report of the Head of Development Control;

i That in respect of Applications No 2013/0168 and 2013/0169 (Father Hudson's, Coventry Road, Coleshill, B46 3EA) a site visit be made prior to final consideration of the application and the applicant be requested to address the matters raised in the report of the Head of Development Control;

j That provided the applicant first enters into a Section 106 Agreement, Application No 2013/0178 (Hill Cottage, Fillongley Road, Coleshill, B46 2QU) be approved subject to the conditions set out in the report of the Head of Development Control; and

k That consideration of Application No 2013/0211 (Mallard Lodge Site, Marsh Lane, Water Orton) be deferred for a site visit).

3 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – March 2013

The Chief Executive and the Deputy Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2012 to March 2013.

Resolved:

That the report be noted.

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4 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.

5 Breaches of Planning Control

The Head of Development Control reported on recent enforcement action and various other matters at the Heart of England site, Wall Hill Road, Fillongley. The Board was asked to agree suggested courses of action.

Resolved:

- a That the proposed legal action through the Magistrates' Court already delegated to the Solicitor to the Council be initiated in relation to the following issues, all of which are in breach of extant enforcement notices:**
 - i The base of the statue structure remaining in the lake;**
 - ii The base of the former 'lighthouse' tower structure on the island in the lake; and**
 - iii Unlawful gated access and engineered roadway.**
- b That the Solicitor to the Council be authorised to issue an enforcement notice in relation to the siting of a residential mobile home on the site, the notice requiring the cessation of the use of the land for the siting of a residential mobile home and its removal from the land together with the demolition and removal of the decking and that the compliance period be six months;**
- c That it is not considered expedient to take enforcement action in relation to an unauthorised summerhouse sited in the vicinity of Old Hall Farm House; and**
- d That it is not currently considered expedient to take enforcement action in relation to a marquee sited on the land.**

Chairman

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**Planning and Development Board
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Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/36	2012/0462	Grendon Parish Council	Objection	14/5/13
		Agent	Letter	10/5/13
4/55	2012/0624	C Hopkins	Support	28/4/13