

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

**(Councillors Bell, L Dirveiks, Henney,  
Humphreys, Jarvis, Jenns, Jones, Lea, Morson,  
Moss, Phillips, Simpson, Smitten, Sweet and  
A Wright)**

**For the information of other Members of the Council**

This document can be made available in large print and electronic accessible formats if requested.

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - [davidharris@northwarks.gov.uk](mailto:davidharris@northwarks.gov.uk).

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

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**7 MARCH 2016**

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 7 March 2016 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 Planning and Development Board held on 14 December 2015, 11 January and 8 February 2016,** 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 **Tree Preservation Order, 60 Spring Hill, Arley** – Report of the Head of Development Control.

**Summary**

Following the Board's decision to make a Tree Preservation Order at this site, an objection has been received during the consultation period. This report considers a response.

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

14 December 2015

Present: Councillor Lea in the Chair.

Councillors Bell, L Dirveiks, Henney, Humphreys, Jarvis, Jenns, Jones, Morson, Moss, Phillips, Simpson, Smitten, Sweet and A Wright

Councillors Chambers, Hayfield and Waters were also in attendance.

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

Councillor Waters declared a non-pecuniary interest in Minute No 42 Planning Applications (Application No 2015/0550 - Land Adjacent to 10, Dog Lane, Nether Whitacre) left the meeting and took no part in the discussion or voting thereon.

Councillors Morson and Moss declared a non-pecuniary interest in Minute No 42 Planning Applications (Application No 2015/0020 - Land adjacent to Oldbury Road, Oldbury) by reason of being Members of the County Council's Regulatory Committee, left the meeting and took no part in the discussion or voting thereon.

Councillor Humphreys declared a non-pecuniary interest in Minute No 42 Planning Applications (Applications No 2015/0110 and 2015/0113 - The Angel Inn, 24 Church Street, Atherstone, CV9 1HA) left the meeting and took no part in the discussion or voting thereon.

Councillors Sweet and Wright declared a non-pecuniary interest in Minute No 42 Planning Applications (Application No 2015/0369 - 52 New Street, Baddesley, CV9 2DN) left the meeting and took no part in the discussion or voting thereon.

#### 40 **Minutes**

The minutes of the meetings of the Board held on 30 September, 12 October, 3 November and 9 November 2015, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

#### 41 **Budgetary Control Report 2015/16 – Period Ended 30 November 2015**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2015 to 30 November 2015. The 2015/2016 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**

## **42 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 Application No 2015/0550 (Land Adjacent to 10, Dog Lane, Nether Whitacre) be refused for the following reasons**

**“1. The proposal is not appropriate development in the Green Belt because it does not meet the terms of the exceptions outlined in the National Planning Policy Framework 2012. This is because the scale of the proposal is not considered to be limited; that there are doubts as to whether it would amount to local community needs, and Policy NW2 of the Core Strategy 2014 says that affordable housing should be adjacent to a village. There is substantial harm to the openness of the Green Belt here, and the development site is not considered to be in a sustainable location. There are no other planning considerations of sufficient weight to amount to the very special circumstances necessary to override the substantial harm caused. The proposal therefore does not accord with Policies NW1, NW2, NW3 and NW5 of the Core Strategy 2014 and the National Planning Policy Framework.”**

**[Speakers Jim Thompson, Jayne Cashmore, Ryan Harris and Lesley Ford Kaylm]**

**b That in respect of Application No 2015/0020 (Land adjacent to Oldbury Road, Oldbury)**

**i the Council Objects to this proposal on the grounds that:**

**a) The number of pitches proposed far exceeds the requirement for the number of transit pitches in**

North Warwickshire as defined in Policy NW7 (Gypsy and Travellers) of the North Warwickshire Core Strategy 2014. The site proposed also fails to comply with Policy NW8 (Gypsy and Travellers Sites) of the Core Strategy in that the number of pitches proposed exceeds the limit of five pitches set in this Policy. There is no justification as to why such a large site needs to be located within North Warwickshire to meet the needs of other Boroughs in Warwickshire. The location of this site is in a rural area and as such this large site will dominate the surrounding area.

b) Policies NW1 (Sustainable Development) and NW8 (Gypsy and Travellers Sites) require that there is a presumption in favour of sustainable development. The site proposed is located in an isolated rural location which is not within a safe walking distance of any development boundary being some 1.7km from Hartshill along a rural road without any footpaths. The site is also not within a safe walking distance of public transport. As such, this site cannot be classed as a sustainable location.

c) There are concerns raised about the use of Oldbury Road by up to 12 towing vehicles plus other vehicles. Whilst improvements to the vehicular access into the site might be sought, there is concern that the proposed development will not be able to fully mitigate its impacts on the wider rural highway network which is of concern.

ii the County Council also be made aware that:

1) The application form states that there will be no further works to the hardstanding area. During the site visit it was observed that a large proportion of the surfaced area was waterlogged. The material used to create this surfaced area is not compacted and towing vehicles would have difficulties driving over it. Drainage improvements are required for this site along with improvements to the surface of this area.

2) Notwithstanding the objections, although not mentioned in the application form or supporting documentation, it is expected that any permission granted will be subject to a condition limiting occupancy to Gypsy and Travellers only.

**[Speaker Chris Clark]**

- c That in respect of Application No 2015/0065 (Former Baddesley Colliery, Main Road, Baxterley, Atherstone, CV9 2LE) a site visit be organised to the JLR plant at Damson Wood in Solihull, and that officers report to the Board in due course on this matter once all of the consultation responses have been received;**
- d That provided the applicant first enters in to a Section 106 Agreement in respect of the provision of an off-site contribution for affordable housing as set out in the report of the Head of Development Control, Application No 2015/0004 (Land To Rear Of 6, Moorbrooke, Hartshill, CV10 0QQ) be approved subject to the conditions set out in the said report. That the Head of Development Control contact the County Council Flood Officers to draw attention to the flooding situation at Coleshill Road in Chapel End, Hartshill and request what measures are proposed to relieve the situation;**

**[Speaker Steven Salisbury]**

- e That the Council indicates that it is minded to support Applications No 2015/0110 and 2015/0113 (The Angel Inn, 24 Church Street, Atherstone, CV9 1HA) and the Head of Development Control, in consultation with Councillors Simpspon, Sweet and two local Ward Members, be given delegated authority to approve detailed matters;**

**[Speakers Judy Vero and Andrew Taylor]**

- f That consideration of Application No 2015/0369 (52 New Street, Baddesley, CV9 2DN) be deferred for a site visit;**
- g That consideration of Application No 2015/0478 (Dordon Ambulance Station, Watling Street, Dordon, B78 1TE) be deferred;**
- h That Application No 2015/0483 (The Brambles, Main Road, Baxterley, Atherstone, CV9 2LW) be approved subject to the following conditions**
  - “1. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan received on 31 July 2015.**
  - 2. The permission hereby granted shall expire on 31 December 2018 and the caravan shall be removed from the site, together with all associated structures and all ancillary services and infrastructure either on or**

before this date. The land shall be restored to its former condition within one calendar month of the removal of this caravan. The restoration shall be in accordance with a scheme which shall first be submitted to and approved by the Local Planning Authority in writing. The land shall be restored to the written satisfaction of the Local Planning Authority.

3. The permission hereby granted shall enure solely for the benefit of Mr and Mrs M and K Smith, and for no other persons whomsoever.
4. For the avoidance of doubt this permission relates to the stationing of a caravan which shall conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968.”

**[Speakers Charles Holt and Martin Smith]**

- i That consideration of Application No 2015/0585 (Hill Top Farm, Church Lane, Corley, CV7 8DA) be deferred;
- j That Application No 2015/0607 (Land Adjacent To Fir Tree Paddock, Quarry Lane, Mancetter, CV9 2RD) be approved subject to the conditions set out in the report of the Head of Development Control;

**[Speaker Nathaniel Green]**

- k That Application No 2015/0614 (Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor, CV9 2QB) be refused for the reasons set out in the report of the Head of Development Control;

**[Speakers Rob Cole and Guy Maxfield]**

- l That consideration of Applications No 2015/0631 and 0645 (Blackberry Barn, Coleshill Road, Maxstoke) be deferred;

**[Speaker Ray Evans]**

- m That the receipt of Application No 2015/0674 (Former Social Club, 66 Station Road, Nether Whitacre, Coleshill, B46 2EH) be noted; and
- n That Application No 2015/0701 (Land East Of Kirby Glebe Farm, Atherstone Road, Hartshill, CV10 0TB) be approved subject to the conditions set out in the report of the Head of Development Control and the following additional condition

**“The vehicular access to the site from the public highway (Atherstone Road C12) shall not be used until it has been remodelled to provide an access no less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway, and surfaced with a bound material for a distance of 12 metres, as measured from the near edge of the public highway carriageway. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.”**

**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 - Arley**

The Board was invited to consider the making of a Tree Preservation Order in respect of a number of trees on land adjacent to 60 Spring Hill, New Arley.

**Resolved:**

**That a Tree Preservation Order be made to replace the existing Order 713.002/4 with immediate effect, in respect of the trees Turkey Oak (T1), the English Oaks (T3, T2, T4, T5, T6 and T7), the Scots Pines (T8, T9, T10, T11, T12, T13, T14 and T15) all located on or adjacent to 60 Spring Hill, New Arley, 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 - Fillongley**

The Board was invited to consider the making of a Tree Preservation Order in respect of a number of trees on land at Hill Top House (formerly Timbertops), Mill Lane, Fillongley.

**Resolved:**

**That a Tree Preservation Order be made with immediate effect, in respect of the Weeping Willow (T1), Blue Atlantic Cedar (T2), Birches (T3, T4, T5, T6 and T9, T10, T11), Crack Willow (T7), Leyland Cypress (T12) and the tree (T8) species to be confirmed, all located**



**at Land At Hill Top House (formerly Timbertops), Mill Lane, Fillongley, 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.**

J Lea  
Chairman

**Planning and Development Board  
14 December 2015  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
6/5	CON/2015/0020	Mr & Mrs Allsopp	Objection	1/12/15
		Mr Smith	Objection	1/12/15
6/15	PAP/2015/0004	Warwickshire County Council Flooding	Consultation	30/11/15
		Applicant	E-mail	30/11/15
6/24	PAP/2015/0110 and PAP/2015/0113	Atherstone Civic Society	Objection	1/12/15
		Consultant Architect	Consultation	2/12/15
		Applicant	Amended plans	9/12/15
6/80	PAP/2015/0550	Member Site Visit	Note	9/12/15
		CPRE	Objection	6/12/15
		J Thompson	Objection	13/12/15
		Applicant	E-mail	5/12/15
		Craig Tracey MP	Representation	27/10/15
		S Sweet and 66 others	Objection	9/12/15
		Nether Whitacre Parish Council	Objection	14/12/15
6/109	PAP/2015/0585	Applicant	E-mail	11/12/15
6/149	PAP/2015/0614	Member Site Visit	Note	9/12/15
		K Cole	Objection	30/11/15
		Applicant	Letter	4/12/15
		Case Officer	E-mail	7/12/15
		Warwickshire County Council Footpaths	Consultation	25/11/15
		Warwickshire Museum	Consultation	11/12/15

		Applicant	E-mail	1/12/15
		Applicant	Letter	4/12/15
		Applicant	E-mail	14/12/15
6/171	PAP/2015/0631 and PAP/2015/0645	Mr Fetherston-Dilke	E-mail	10/12/15
		Maxstoke Parish Council	E-mail	14/12/15
6/196	PAP/2015/0701	A Turner	Objection	5/12/15
		J Lowe	Objection	4/12/15
		S Turner	Objection	3/12/15
		G McKenzie	Objection	7/12/15
		Mr Smith	Objection	8/12/15
		Mr B	Objection	8/12/15
		Mr A	Objection	8/12/15
		Warwickshire County Council Highways	Consultation	4/12/15

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

11 January 2016

Present: Councillor Lea in the Chair.

Councillors Bell, Davey, L Dirveiks, Farrell, Henney, Humphreys, Jarvis, Jenns, Jones, Morson, Phillips, Smitten, Sweet and A Wright.

Apologies for absence were received from Councillors Moss (Substitute Councillor Farrell) and Simpson (Substitute Councillor Davey).

Councillors Smith and Waters were also in attendance. With the consent of the Chairman Councillor Smith spoke Minute 47 Planning Applications (Application No 2015/0687 (Ashleigh, Coventry Road, Fillongley, CV7 8BZ).

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

Councillor Sweet declared a non-pecuniary interest in Minute No 47 Planning Applications (Applications No 2015/0065 and 2015/0068 - Former Baddesley Colliery, Main Road, Baxterley, Atherstone, CV9 2LE) left the meeting and took no part in the discussion or voting thereon.

Jenny Price declared a pecuniary interest in Minute No 47 Planning Applications (Application No 2015/0726 - Oak Tree House, Main Road, Austrey, CV9 3EH) and left the meeting during consideration of this matter.

#### 47 **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 Applications No 2015/0065 and 2015/0068 (Former Baddesley Colliery, Main Road, Baxterley, Atherstone, CV9 2LE)**
  - i **The details set out in the report of the Head of Development Control be approved in full discharge of conditions attached to planning permission PAP/2015/0271 dated 23/6/15; and**

- ii That subject to there being no objections from the Environmental Health Officer or the Local Lead Flooding Authority that cannot be overcome by the imposition of conditions, the details submitted in respect of condition 7 (remediation) and 8 (surface water discharge) be approved by the Head of Development Control under his delegated powers.

[Speaker Mark Walton]

- b That provided the applicant first enters in to a Section 106 Agreement as set out in the report of the Head of Development Control, Applications No 2015/0631 and 2015/0635 (Blackberry Barn, Coleshill Road, Maxstoke, B46 2QE) be approved subject to the conditions set out in the report of the Head of Development Control and to an additional condition requiring utilities to be served from the main house;

[Speaker Zoe Morris]

- c That in respect of Application No 2015/0643 (52 Station Road, Whitacre Heath, B46 2EH) the Council confirms that the change of use is permitted development and that the change of use may proceed;
- d That provided the applicant first enters in to a Section 106 Agreement in respect of the provision of an off-site contribution for affordable housing as set out in the report of the Head of Development Control, Application No 2015/0664 (Ridley House, Ridley Lane, Nether Whitacre, B46 2DH) be approved subject to the conditions set out in the said report;

[Speaker Darren Freeman]

- e That Application No 2015/0687 (Ashleigh, Coventry Road, Fillongley, CV7 8BZ) be refused for the following reasons

“Notwithstanding the location of the site within the development boundary of Fillongley, the proposal is not considered to be in keeping with the character and local distinctiveness of this part of the village by virtue of it being “back-land” development not in accordance with the ribbon development seen in this location. As a consequence it also has adverse impacts on the residential amenity that occupiers of the existing houses might reasonably be expected to enjoy. The proposal is contrary to Policies NW10 and NW12 of the North Warwickshire Core Strategy 2014.”

**[Speakers Stuart McIndoe and James Cassidy]**

- f That Application No 2015/0726 (Oak Tree House, Main Road, Austrey, CV9 3EH) be approved subject to the conditions set out in the report of the Head of Development Control.**

**48 Recent Appeal Decisions**

The Head of Development Control reported on a number of recent appeal decisions.

**Resolved:**

**That the decisions be noted.**

**49 Heart of England Liaison Group**

The Board was invited to consider the appointment of the Council's representatives to serve on the Heart of England Liaison Group.

**Resolved:**

**That Councillors Smith and D Wright be appointed as the Council's representatives on the Heart of England Liaison Group.**

**50 Proposed Changes to National Planning Policy**

The Head of Development Control reported that the Government had published proposed changes to the National Planning Policy Framework 2012 following its recent planning and housing announcements. The Board was invited to endorse a number of recommended responses.

**Resolved:**

**That, subject to the inclusion of representations in relation to the submission of applications as reported at the meeting, the Council responds to the proposed National Planning Policy Framework changes as set out in the report of the Head of Development Control.**

**51 The Coventry and Warwickshire LEP: Planning Protocol**

The Board was invited to approve the Coventry and Warwickshire LEP: Planning Protocol.

**Resolved:**

**That the Coventry and Warwickshire LEP: Planning Protocol be approved.**

52 **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.**

53 **Appeal by St Modwen Development Limited Land at Junction 10 M42**

The Assistant Chief Executive and Solicitor to the Council sought approval to appoint a barrister to assist with the appeal by St Modwen Development Limited.

**Resolved:**

- a That a barrister be appointed as detailed in the report of the Assistant Chief Executive and Solicitor to the Council; and**

**Recommended to the Executive Board:**

- b That a supplementary estimate is approved to fund the appeal costs to the value set out in the report.**

J Lea  
Chairman

**Planning and Development Board  
11 January 2016  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4//4	DOC/2015/0065 and DOC/2015/0068	Note  Mr Rollason	Site Visit  E-mail	6/1/16  11/1/16
4/64	PAP/2015/0643	Coleshill Civic Society	Representation	11/1/16
4/92	PAP/2015/0687	Agent	Representation	22/12/15



**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE  
PLANNING AND DEVELOPMENT BOARD**

**8 February 2016**

Present: Councillor Lea in the Chair.

Councillors Bell, Davey, L Dirveiks, Henney, Humphreys, Jarvis, Jenns, Jones, Morson, Moss, Phillips, Simpson, Smitten and Sweet

An apology for absence was received from Councillor A Wright (substitute Councillor Davey)

Councillors Clews, Farrell, Smith and Waters were also in attendance.

**54 Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Humphreys declared a non-pecuniary interest in Minute No 59 Planning Applications (Application No 2015/0922 – Barge and Bridge PH, 79 Coleshill Road, Atherstone), left the meeting and took no part in the discussion thereon.

Councillor Sweet declared a non-pecuniary interest in Minute No 59 Planning Applications (Application No 2015/0369 – 52 New Street, Baddesley), left the meeting and took no part in the discussion thereon.

**55 Planning Application No 2015/0348 – Land at Crown Stables, Nuneaton Road, Mancetter**

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:**

**That consideration of Application No 2015/0348 (Land at Crown Stables, Nuneaton Road, Mancetter) be deferred for further information.**

**[Speakers Trevor Hopkins and Kashan Aslam]**

**56 Corporate Plan 2016-17**

The Chief Executive presented the updated Corporate Plan for 2016/17. 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 2016/17 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 a report be brought on staffing resources within the Planning Division; and**
- c That, subject to the inclusion of indicators to measure the levels of co-operation, the Service Plans as set out in Appendix B to the report be agreed.**

**57 General Fund Fees and Charges 2016/2017**

The Board was asked to consider the fees and charges for 2015/16 and the proposed fees and charges for 2016/17.

**Resolved:**

**That the schedule of fees and charges for 2016/17 as set out in the report, be accepted.**

**58 General Fund Revenue Estimates 2016/17**

The Deputy Chief Executive detailed the revised budget for 2015/16 and an estimate of expenditure for 2016/17, together with forward commitments for 2017/18, 2018/19 and 2019/20.

**Resolved:**

- a That the revised budgets for 2015/16 be accepted; and**
- b That the Estimates of Expenditure for 2016/17, 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 9 February 2016.**

**59 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 consideration of Application No 2015/0222 (Barge And Bridge PH, 79, Coleshill Road, Atherstone, CV9 2AB) be deferred for the applicant to give further consideration to the proposal.**

**[Speaker Judy Vero]**

- b **That the receipt of Application No 2015/0253 (Land North Of, Eastlang Road, Fillongley) be noted at this time;**
- c **That Application No 2015/0297 (Land North of 19, Southfields Close, Coleshill) be refused for the following reasons**

**“1. It is considered that the existing highway and parking situation on Southfields Close is such that additional traffic, turning and parking generated by the proposed development would be adverse such that it would not accord with Policy NW10(6) of the Core Strategy 2014, leading to additional congestion and difficulty for parking and access.**

**2. It is considered that the proposed development does not positively improve the character, appearance and environmental quality of this part of Coleshill because it would result in the loss of open space. This is a significant feature of the Coventry Road, Coleshill, Conservation Area. Moreover the design of the houses introduces a different built approach to the existing streetscene. The proposal is thus considered to not be in accordance with policies NW12 and NW14 of the Core Strategy 2014.”**

**[Speaker William Richards]**

- d **That Application No 2015/0369 (52, New Street, Baddesley Ensor, CV9 2DN) be refused for the following reasons:**

**“1. It is considered that the proposed development will exacerbate an already unacceptable highway, traffic and parking situation in New Street, by giving rise to the need for additional on-street car parking, thus increasing traffic and highway hazards and affecting the free flow of traffic. The proposal does not accord with Policy NW10(6) of the Core Strategy 2014.**

**2. It is considered that the proposal would result in a poor level of amenity for the future occupiers of the**

site because of the significant overlooking from the houses in Bowling Green Close to the south; the small rear gardens and the proximity of the development, particularly the central unit to the side gable of 26 Bakers Croft. This is so adverse that it does not accord with Policy NW10(9) of the Core Strategy 2014.

3. It is considered that the proposal would not positively improve or integrate with the character, appearance and environmental quality of the immediate area because of the introduction of bungalows within an area characterised by terraced properties. The proposal does not therefore accord with Policy NW12 of the Core Strategy 2014.”

[Speaker Mark Montague]

- e
  - i) That in respect of Application No 2015/0478 (Dordon Ambulance Station, Watling Street, Dordon, B78 1TE) planning permission be approved subject to the conditions set out in the report of the Head of Development Control; and
  - ii) That a meeting be sought with Highway England, the Police and Local Members to discuss the wider issues along the A5 within this vicinity.

[Speaker Steve Faizey]

60 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2015**

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 2015.

**Resolved:**

**That the report be noted.**

61 **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.**

62 **Breaches of Planning Control**

The Head of Development Control reported on an alleged breach of planning control at Tudor Cottage, Trinity Road, Kingsbury and the Board was asked to agree a suggested course of action.

**Resolved:**

**That the Solicitor to the Council be authorised to take legal action through the Magistrates' Court in response to the non-compliance with an extant High Hedge Remedial Notice at Tudor Cottage, Trinity Road, Kingsbury.**

J Lea  
Chairman

**Planning and Development Board  
8 February 2016  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
7/4	PAP/2016/0348	Mr Holdway	Note	5/2/16
		Environment Agency	Letter	29/1/16
7/205	PAP/2015/0369	North Warwickshire Borough Council	Note	3/2/16
7/228	PAP/2015/0478	Councillor Chambers	Note	5/2/15

**Agenda Item No 6**

**Planning and Development Board**

**7 March 2016**

**Report of the  
Head of Development Control**

**Tree Preservation Order  
60 Spring Hill Arley**

**1 Summary**

- 1.1 Following the Board's decision to make a Tree Preservation Order at this site, an objection has been received during the consultation period. This report considers a response.

**Recommendation to the Board**

**That the Tree Preservation Order made in respect of a Turkey Oak, six English Oaks and a group of eight Scots Pine trees at the above address be confirmed without modification.**

**2 Background**

- 2.1 The County Council's Tree Officer was consulted following receipt of an application to fell trees protected by a Tree Preservation Order at this address in October 2015. The application was subsequently revised to one for maintenance works only in accordance with the Arboriculturalist report submitted with the application. The proposed maintenance works were approved in December 2015.
- 2.2 At the time of the Forestry Officer's initial inspection, it was identified that many of the trees were incorrectly plotted on the existing Tree Preservation Order – reference 713.002/4 dated 11/11/1988. It was therefore agreed that the trees should be accurately plotted using GIS mapping and that a new Tree Evaluation Method for Preservation Order (TEMPO), be undertaken to re-assess the trees. The TEMPO identified that a number of Scots Pines on the site were now also worthy of protection.
- 2.3 A report was presented to the Board in December 2015 that a Tree Preservation Order be made, in respect of 1 Turkey Oak, 6 English Oaks and a group of 8 Scots Pine trees, and that any representations received be referred to the Board for it to consider whether to make the Order permanent. The Order was made on 7 January 2016 and was served on 12 January 2016. It applies in provisional form until 7 July 2016.

### **3 Observations**

3.1 The Council's Solicitor is satisfied that the Council has complied with the legislative requirements with regards to notifying adjoining owners / occupiers.

3.2 One representation has been received from the owner in response to the Council making the Tree Preservation Order. The concerns are that the Scots Pines numbered T10 to T15 inclusive had been included as this would result in additional cost for maintenance of the trees. The owner is also concerned that the Forestry Officer did not make him aware that the additional group of Scots Pine trees was being considered for inclusion in the Tree Preservation Order at the time of the inspection.

... 3.3 A copy of the objection is attached at Appendix A.

3.4 This representation was referred to the County Council's Forestry Officer who advises that the trees be included in the Tree Preservation Order (TPO) as it is considered to be expedient in the interest of amenity to protect them on site. With regards to extra potential costs then there should be no additional cost beyond that which the owner would normally expend on good management of the trees. The planning authority cannot require maintenance work to be done to a tree, just because it is protected. However, the authority can encourage good tree management and may be able to offer arboricultural advice which will help to inform tree owners of their responsibilities and options.

3.5 Both trees and the legislation protecting them changes with time. It is therefore good practice to review a TPO in order to make sure it is still fit for purpose.

### **4 Report**

#### **4.1 Report Implications**

##### **4.1.1 Legal and Human Rights Implications**

4.1.2 The owners of the land have been given the opportunity to make representations to the Council before the Order is confirmed as being permanent. Following a response from the owners of the land they are aware that a tree preservation order is recommended by the tree officer to be permanent.

4.1.3 The trees to be protected exhibit significant amenity value for both the present and the future given the prominent location on the edge of the rural village of Arley within the Green Belt.

The Contact Officer for this report is Christina Fortune (719481).



## Background Papers

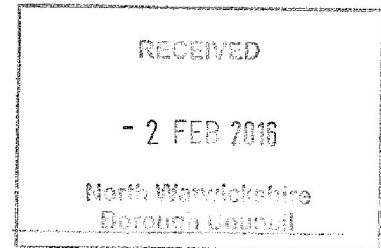
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
Memo	NWBC Principal Solicitor	Copy of representation received	25 January 2016
Email	NWBC Tree Officer	Instruction of response to representations author	15 February 2016

W JAMES HARRIS  
60 SPRING HILL  
ARLEY WARWICKSHIRE CV7 8FE

TELEPHONE 01676540423

25th January 2015



Dear Sir,

AR/TPO SPRING HILL ARLEY

i am in receipt of your letter of the 11th instant together with the documents referred to therein.

I object to the inclusion of the trees T10 T11 T12 T13 T14 T15 being in your proposed order.

At no time did the Forestry Officer comment on the quality or significant amenity value of the trees I have referred to, in fact they were not discussed in any way. He and I were concentrating on the new plan affecting the remainder of the trees under the former TPO. His assistant was however busily measuring the trees they now wish to include in the new order. Absolutely nothing was said about any proposals concerning these trees which are in my garden. The other trees the subject of the original order are in fact on land adjoining the original garden which over the last sixteen years has been cultivated by us. We take care of those trees which have cost us a lot of money over the years.

The order for the additional trees will add to our costs.

The reasons given for the inclusions are quite ludicrous. There are many properties in Spring Hill with similar trees as a back drop but with no TPO in force. One neighbour has removed at least eight similar trees both in size and character from the foot of his garden without comment from the Forestry Officer although to be fair there was no TPO in force. The amenity value, if there is one has already been broken by their removal