

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

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

For the information of other Members of the Council

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

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

PLANNING AND DEVELOPMENT BOARD AGENDA

12 DECEMBER 2016

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 12 December 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 Board held on 10 October and 7 November 2016** – copies herewith, to be approved as a correct record and signed by the Chairman.

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 **Submission of Mancetter Neighbourhood Plan for public consultation** – Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report informs Members of the progress of the submitted Mancetter Neighbourhood Plan and seeks approval to go out for a formal consultation in accordance with section 16 of the Neighbourhood Planning (General) Regulations 2012.

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

- 7 **Submission of Hartshill Neighbourhood Plan for Referendum** – Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report informs Members of the progress of the Hartshill Neighbourhood Plan and seeks approval for a formal referendum in accordance with section 16 of the Neighbourhood Planning (General) Regulations 2012 to be carried out.

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

- 8 **Appeals Update** – Report of the Head of Development Control.

Summary

This is a progress report in respect of outstanding appeals.

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

- 9 **Planning Designation Regime** – Report of the Head of Development Control.

Summary

This report outlines the new criteria for designating Local Planning Authorities that are considered to be “under-performing” by the Government.

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

- 10 **Tree Preservation Order – 3 The Gables, Polesworth** – Report of the Head of Development Control.

Summary

An emergency Order was made on 7 September 2016 for a sweet chestnut tree at this address. Notices were served on the owner, the tenant and immediate neighbours. Responses have been received and the Board is recommended to confirm the Order.

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

- 11 **Tree Preservation Order – Seven Foot Wood, Ansley Common** – Report of the Head of Development Control.

Summary

Following the Board making an emergency Order to protect at this address, the Board is now asked to consider the representations made with a view to confirming the Order.

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

**EXEMPT INFORMATION
(GOLD PAPERS)**

- 12 **Exclusion of the Public and Press**

Recommendation:

That under Section 110A(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.

- 13 **25 Station Street, Atherstone** – Report of the Head of Development Control

The Contact Officer for this report is Sheila Faulkner (719486)

- 14 **Moor Farm Stables, Corley Moor** – Report of the Head of Development Control.

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

10 October 2016

Present: Councillor Simpson in the Chair.

Councillors Bell, L Dirveiks, N Dirveiks, Henney, Humphreys, Jarvis, Jenns, Jones, Lewis, Morson, Moss, Reilly, Smitten and Waters

Apologies for absence were received from Councillors Phillips (substitute Councillor N Dirveiks), Sweet (substitute Councillor Lewis) and A Wright (substitute Councillor Waters)

Councillor Davey was also in attendance.

36 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Bell declared a pecuniary interest in planning applications number 3, PAP/2016/0199, left the room and took no part in the discussion on that item.

37 **Minutes**

The minutes of the meetings of the Board held on 11 July, 8 August and 5 September 2016, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

38 **Budgetary Control Report 2016/2017 Period Ended 30 September 2016**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2016 to 30 September 2016. The 2016/2017 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

39 **Planning Applications**

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

Resolved:

- a That Application No 2016/0012 (7 Oakfield Gardens, Atherstone, Warwickshire, CV9 1SA) be deferred for a site visit;**

[Speaker Paul Bostock]

- b That Application No 2016/0187 (109, Tamworth Road, Wood End, CV9 2QQ) be deferred for a site visit;**

- c That Application No 2016/0199 (Land to the rear of 145, Coleshill Road, Hartshill, CV10 0PG)**

i subject to the Highways Authority and other consultees confirming they have no objections to the scheme and subject to the signing of the Section 106 Agreement on the basis set out in the report of the Head of Development Control, planning permission be granted subject to the conditions set out in the said report; and

ii the County's Arborculturalist be instructed to inspect the trees to be retained on site with a view to issuing a Tree Preservation Order for the site.

[Speaker Robert Woolston]

- d That Application No 2016/0249 (Former Police Station, Park Road/Birmingham Road, Coleshill) be approved subject to the conditions specified in Appendix B to the report of the Head of Development Control as amended so as to reflect the revised plans where appropriate and an additional condition requiring there shall be no rendered panels on any of the elevations;**

[Speaker David Sercombe]

- e That Application No 2016/0301(Crida House, Kingsbury Road, Curdworth, B76 9DS) be deferred for a site visit;**

- f That Application No 2016/0367 (28, Church Lane, Old Arley, Coventry, CV7 8FW) be approved subject to the conditions specified in the report of the Head of Development Control;**

[Speaker Carl Sanders]

- g That Application No 2016/0375 (43 Stanley Road, Atherstone) be refused due to the impact on the character and**

appearance of the area and on residential amenity contrary to policy NW12 of the Core Strategy;

[Speakers John Vickers and Daniel Aldridge]

- h That Application No 2016/0376 (41 Stanley Road, Atherstone) be refused due to the impact on the character and appearance of the area and on residential amenity contrary to policy NW12 of the Core Strategy;

[Speaker John Vickers]

- i That in respect of Application No 2016/0396 (Rawn Hill Cottage, Coleshill Road, Mancetter, Atherstone, CV9 2RL)

i planning permission be refused for the reason set out in the report of the Head of Development Control; and

ii That the Assistant Chief Executive and Solicitor to the Council be authorised to issue an enforcement notice requiring the removal of the enclosure, hardstanding and miniature pedestrian bridge and that the compliance period be six months.

- j That in respect of Application No 2016/0420 (Land 225m South Of Lakeside Industrial Park, Marsh Lane, Water Orton), the Council is minded to approve the application in principle, subject to the identified ecological issues being successfully resolved. The application is then to be referred to the Secretary of State for the final decision to be made in accordance with the Direction 2009 (contrary to Green Belt policy);

[Speaker James Harley]

- k That Application No 2016/0485 (21 Stewart Court, Coventry Road, Coleshill, B46 3BB) be refused as the proposal would cause substantial harm to the character and appearance of the High Street, Coleshill which would not be outweighed by its public benefits and for the reasons set out by the Council for serving the Enforcement Notice

[Speakers Nick Adams and Janet Hodson]

40 Planning Appeals

The Head of Development Control provided a summary of the planning appeal process.

Resolved:

That the report be noted

41 **Occupancy Conditions**

The Head of Development Control provided a briefing note on occupancy conditions.

Resolved:

That the report be noted

42 **Tree Preservation Order – Land at 3 The Gables, Polesworth**

The Board was invited to confirm the action taken to issue an emergency Tree Preservation Order relating to a Sweet Chestnut at 3 The Gables, Polesworth.

Resolved:

That the action taken in the issue of an Emergency Tree Preservation Order for the protection of a Sweet Chestnut (T4) at 3 The Gables Polesworth, under delegated powers on 7 September 2016 be confirmed.

43 **Woodland Preservation Order – Land at Seven Foot Wood, Coleshill Road, Ansley Common**

The Board was invited to confirm the action to issue an Emergency Tree Preservation Order for the protection of Seven Foot Wood, Coleshill Road, Ansley Common.

Resolved:

That the action to issue an Emergency Tree Preservation Order for the protection of Seven Foot Wood, Coleshill Road, Ansley Common be confirmed.

44 **Woodland Preservation Order – Land At Vicarage Lane, Water Orton**

The Board was invited to confirm the action to issue an Emergency Tree Preservation Order for the protection of an area of woodland at 62 Vicarage Lane, Water Orton.

Resolved:

That the action taken in the making of an Emergency Tree Preservation Order for woodland at 62 Vicarage Lane, Water Orton and adjacent land be confirmed.

45 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.

46 Proposed Tree Preservation Order, Wood End

The Board was invited to make a Tree Preservation Order in respect of six mature Oak Trees at 109 Tamworth Road, Wood End.

Resolved:

That a Tree Preservation Order be made in respect of six mature Oak Trees at 109 Tamworth Road, Wood End 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 when it decides whether to make the Order permanent.

47 Heart of England Premises

The Head of Development Control reported on the current situation in respect of the Heart of England premises at Fillongley and the Board was asked to agree a suggested course of action.

Resolved:

That the Assistant Chief Executive and Solicitor to the Council be instructed to submit an application with the Court for an Injunction in respect of these premises in regard of current failures to comply with extant Enforcement Notices and extant planning permissions together with future apprehended breaches of planning control.

M Simpson
Chairman

**Planning and Development Board
10 October 2016
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
6/4	PAP/2016/0249	Coleshill Town Council	Representation	5/10/16
		Coleshill Civic Society	Representation	7/10/16
		D Starkey	Representation	3/10/16
		A Trefino	Representation	9/10/16
6/9	PAP/2016/0420	Highways England	Consultation	30/9/16
6/10	PAP/2016/0485	Applicant	Petitions	7/10/16

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

7 November 2016

Present: Councillor Reilly in the Chair.

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

Apologies for absence were received from Councillors Simpson (substitute Councillor Hayfield) and A Wright (substitute Councillor Davey)

Councillors Farrell and Ferro were also in attendance.

48 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Sweet declared a non-pecuniary interest in planning applications number 1 and 8, took no part in the discussion and left the meeting.

Councillor Davey declared a pecuniary interest in planning application number 8, took no part in the discussion and left the meeting.

Councillor Hayfield declared a non-pecuniary interest in planning application number 1 be reason of being a tenant of one of the applicants. Councillor Hayfield remained for the consideration of this issue following advice given the remoteness of the interest.

Councillor L Dirveiks declared a non-pecuniary interest in planning application number 3, took no part in the discussion and left the meeting.

Councillor Reilly declared a non-pecuniary interest in planning application number 6, took no part in the discussion and left the meeting.

49 **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 2014/0540 and 2014/0542 (Old Holly Lane, Atherstone)**

- i The proposed Growth Board and the Steering Group for Atherstone, as endorsed by the Local Development Framework Sub-Committee, be tasked with co-ordinating the delivery of the Infrastructure Improvement Projects proposed as part of the Section 106 Agreement, particularly pedestrian and cycling linkages to Atherstone and access over the railway;**
- ii That subject to the completion of the two Section 106 Agreements on the basis set out in the report of the Head of Development Control, planning permissions be granted subject to the conditions set out in the said report; and**
- iii That subject to the following additional conditions:**
 - The inclusion of a condition on PAP/2014/0540 as follows; "Prior to the first occupation of any part of the development hereby permitted, three bins for the purposes of refuse, recycling and green waste for each dwelling, shall be provided in accordance with the Council's bin specification".
Reason: In the interests of promoting sustainable development.**
 - The removal of condition 11 from PAP/2014/0540 and**
 - The change in time period in condition 2 of PAP/2014/0542 to 8 years.**

[Speakers David Brownbridge and Steve Lewis-Roberts]

Additional background documents – emails from Edward Jordon and the Atherstone Civic Society

- b That Application No 2015/0584 (Former quarry & land, Grimstock Hill, Lichfield Road, Coleshill) be approved subject to the conditions set out in the report of the Head of Development Control and subject to additional conditions preventing the export of materials from the site and the provision of affordable housing subject to a viability assessment;**
- c That Application No 2016/0012 (7 Oakfield Gardens, Atherstone, Warwickshire, CV9 1SA) be approved subject to the conditions set out in the reports of the Head of**

Development Control and subject to an additional condition requiring the details of the water supply and fire hydrants;

[Speakers Paul Bostock, Susan Shaw and Jeff Hayward]

- d That Application No 2016/0187 (109, Tamworth Road, Wood End, CV9 2QQ) be approved subject to the conditions set out in the report of the Head of Development Control;**
- e That Application No 2016/0301(Crida House, Kingsbury Road, Curdworth, B76 9DS) be refused due to the over development of the site and the impact on the character and appearance of the area and on residential amenity contrary to policies NW 10 and NW12 of the Core Strategy;**
- f That in respect of Application No 2016/0399 (Former B Station Site, Faraday Avenue, Hams Hall, Coleshill)
 - i the Council is minded to support the grant of planning permission for the reasons stated in the report of the Head of Development Control subject to the schedule of conditions and the completion of the Section 106 Agreement as referred to in the said report; and**
 - ii as a consequence the Application should be referred to the Secretary of State under the 2009 Direction as Green Belt development in order to ascertain whether he wishes to determine the application himself.****

[Speaker David Green]

Additional background paper – additional report of the Head of Development Control

- g That in respect of Application No 2016/0491 (Mallard Lodge Site, Marsh Lane, Water Orton, B46 1NS) the Council is minded to grant planning permission for the reasons set out in the report of the Head of Development Control subject to the following conditions; to there being no objections from the Environment Agency or the Local Lead Flood Authority that cannot be dealt with by conditions and to consequential amendments to the existing Section 106 Agreement, subject to the matter first being referred to the Secretary of State under Article 9 of the 2009 Town and Country Planning (Consultation) Direction. If the case is not called-in by the Secretary of State then the development be granted planning permission subject to the conditions set out in the said report;**

[Speaker Richard Cobb]

- h That Application No 2016/0521 (52, New Street, Baddesley Ensor, CV9 2DN) be approved subject to the conditions set out in the report of the Head of Development Control; and
- i That Application No 2016/0557 (29, Lawnsdale Close, Coleshill, B46 1BS) be approved subject to the conditions set out in the report of the Head of Development Control and subject to the following amended conditions:
 - condition 10 being amended so that working hours be limited to between 9am and 5pm Monday to Friday, 9am and 1pm on Saturdays and with no work on Sundays, Bank Holidays or Public Holidays
 - a condition requiring a construction management plan

[Speaker Richard Cobb]

50 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2016

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 2016.

Resolved:

That the report be noted.

51 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 by Schedule 12A to the Act.

52 Breaches of Planning Control

The Head of Development Control reported on two alleged breaches of Planning Control and the Board was asked to agree suggested courses of action.

Resolved:

- a That in respect of land at Dexter Grange, Dexter Lane, Hurley, the Solicitor to the Council be authorised to take legal action

through the Magistrates' Court in response to the non-compliance with an extant Enforcement Notice; and

b That in respect of land adjacent to The Cedars, Coton Road, Nether Whitacre (former Buchan's site) the Solicitor to the Council be authorised to issue enforcement notices in relation to the construction of an unauthorised office building; engineering works to create a bunded compound area and the change of use of the land from agriculture to an unauthorised mixed use comprising B1 (business use, including offices) and B8 (storage and distribution use). The Notices to require

- **The demolition and removal of the office building;**
- **The digging up and removal of the bunds, including the removal of the bunding material from the site;**
- **Cessation of the mixed use of the land for B1 (business use, including offices) and B8 (storage and distribution use) and removal of the storage and any other associated items from the land; and**
- **A compliance period of six months.**

Chairman

**Planning and Development Board
7 November 2016
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/4	PAP/2014/0540 and PAP/2014/0542	E Jordan	Objection	4/11/16
4/51	PAP/2015/0584	K Boffrey A Core	Objection Objection	27/10/16 26/10/16
4/118	PAP/2016/0301	Site Visit Note Atherstone Surgery	 Letter	1/11/16 4/11/16
4/276	PAP/2016/0491	WCC Flooding	Consultation	1/11/16