

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

14 February 2011

Present: Councillor Lea the Chair.

Councillors L Dirveiks, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes

Apologies for absence were received from Councillors Bowden, Davis, Jenkins and Simpson.

Councillors Lewis and Phillips were also in attendance.

#### 70 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

Councillor L Dirveiks declared a personal and prejudicial interest in Minute 71 Planning Applications (Application No 2010/0374 (Atherstone Police Station and Magistrates Court, Sheepy Road, Atherstone) left the meeting and took no part in the discussion or voting thereon.

Councillor Sherratt declared a personal and prejudicial interest in Minute 71 Planning (Application No 2010/0375 Rear Garden of 124 Coventry Road, Coleshill) left the meeting and took no part in the discussion or voting thereon.

#### 71 **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 determination of Application No 2010/0315 (108 Long Street, Atherstone be deferred for a site visit and that prior to referring the case back to Board, the applicant be invited to consider further amendments to the proposal involving a further reduction in the overall footprint and length of the proposed extension;**

- b** That, subject to the completion of the Section 106 Agreement as described in the report of the Head of Development Control, outline planning permission be granted for the residential development of the site should in Application No 2010/0374 (Atherstone Police Station and Magistrates Court, Sheepy Road, Atherstone) and subject to the conditions set out in the report;
- c** That prior to the determination of Application No 2010/0375 (Rear Garden of 124 Coventry Road Coleshill) the Board visit the site;
- d** That in respect of Application No 2010/0462 (Beech House, 19 Market Street, Atherstone) and Applications No 2010/0250 and 2010/0327 (Bank Gardens and Post Office Yard, Rear of 94/96 Long Street, Atherstone) the Board visits the sites and buildings before they are determined;
- e** That Application No 2010/0498 (Land at Stiper's Hill Polesworth, Kisses Barn Lane, Warton) be given a temporary period of consent subject to the conditions specified in the report of the Head of Development Control being amended as follows:

  - i)** Condition 3 to read “No more than three spheres shall be present on site at any one time. Only one shall be rolled at any one time.”
  - ii)** Condition 12 to read “The recently constructed sphere recovery track immediately adjacent to the eastern boundary fence on the hill slope shall be replaced with a Bodpave geotextile surface or similar, prior to the first sphereing event; of which detailed plans showing the length, width, position, construction method and a propriety rootzone mix seeding timescale, shall be submitted to the Local Planning Authority for approval in writing prior to these works taking place. The works shall be implemented in accordance with the details approved, with the propriety rootzone mix planted no later than 31 November 2011, and permanently maintained as such.”
- f** That Application No 2010/0546 (Land south of Orton Road, Warton) be approved subject to the conditions specified in the report of the Head of Development Control;

**g** That in respect of Application No 2010/0577 (71 The Arcade, Long Street, Atherstone), the action taken by the Chief Executive be endorsed;

**h** That Application No 2010/0584 (The Club Spice 45 Ltd, Club Spice, A45 Birmingham Road, Meriden) be refused for the following reasons;

**“1. The premises are considered to be in a unsustainable location outside of any development boundary as defined by saved Core Policy 2 of the North Warwickshire Local Plan 2006. It is considered that the use is dependent upon visitors using private vehicles to attend the site and thus the proposal fails to meet the first pre-condition of saved Policy ECON9 of the North Warwickshire Local Plan 2006**

**2. Notwithstanding the lawful use of these premises, it is considered that the proposed use is materially different such that its impacts are sufficiently different to that lawful use to warrant refusal. In particular, this is because of the preferred hours of business; the low ambient noise levels at these times; and the comings and goings at these times. Due to the presence of a residential property in close proximity to the site it is considered that these factors will have an adverse impact on the standards of residential amenity that occupiers of that property could reasonably expect, and thus the proposal is contrary to saved Policy ENV11 of the North Warwickshire Local Plan 2006”; and**

**i** That prior to the determination of Application No: PAP/2010/0592 (The Sportsman’s Arms, Perryman Drive, Piccadilly) the Board visits the site.

**72 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2010 to December 2010**

Members were informed of the achievement of the Council's Corporate Plan and Performance Indicator targets for 2010 during April to December 2010.

**Resolved:**

**That the performance achieved for the Corporate Plan and Performance Indicator targets for April to December 2010, be noted.**

**73 National Planning Guidance – Revised PPG13 (Transport)**

The Head of Development Control reported on the publication of a revised version of the Planning Guidance Note on Transport and highlighted the main changes.

**Resolved:**

**That the report be noted.**

**74 Proposals for the Expansion of the Daventry International Rail Freight Terminal - Consultation**

The Head of Development Control reported that the Council had been invited to comment at a preliminary stage about proposals to significantly expand the Rail Freight Terminal at Daventry.

**Resolved:**

**That the Council responds as highlighted in the report of the Head of Development Control.**

**75 Network Rail Proposals – Atherstone Station**

The Head of Development Control reported on Network Rail's proposals for a new car park at Atherstone Station, which had recently been made public.

**Resolved:**

- a That the Board refers the closure of the footbridge to the Department of Transport for it to consider the closure of that bridge under the 2005 Railways Act;**
- b That Network Rail be requested to agree facing materials and street furniture details with the Council prior to work being undertaken on site;**
- c That Network Rail be requested to work with officers to prepare and implement a tree re-planting programme; and**

- d That Officers be requested to write to the Government and to the Council's two MP's seeking support for the review of the Permitted Development rights granted to Network Rail under existing planning legislation.**

**76 Tree Preservation Order – Atherstone Magistrate's Court**

The Head of Development Control reported on the possibility of making a Tree Preservation Order on a further tree at the former Atherstone Magistrate's Court site and the Board was asked to agree a suggested course of action.

**Resolved:**

**That a Tree Preservation Order not be made in respect of the magnolia tree at the former Atherstone Magistrate's Court site for the reasons set out in the report the Head of Development Control.**

**77 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.**

**78 Breaches of Planning Control**

The Head of Development Control reported on alleged breaches of planning control at Lynwyn in Botts Green and the Board was asked to agree suggested courses of action as a consequence of alternative measures put forward by the owner, in lieu of Enforcement Notices, which whilst authorised, had not yet been issued.

With the consent of the Chairman, Councillor Zgraja's comments on behalf of the local community were reported to the Board.

**Resolved:**

- a That in respect of the original outbuilding at the Lynwyn, Botts Green, Over Whitacre, the Solicitor to the Council be authorised to issue the Enforcement Notice as originally agreed by the Board, requiring cessation of the use of the outbuilding as a separate dwelling house and that any kitchen facilities also be removed; and**

- b That in respect of a second outbuilding at Lynwyn, Botts Green Lane, Over Whitacre, the Board noted the alterations suggested by the owner, and instructed officers to write to him requesting further alterations, particularly to the height of the building, so as to bring it closer to the approved plans. If these further alterations were not submitted, then the Solicitor to the Council be authorised to issue the Enforcement Notice as originally agreed, requiring the alteration of the existing building so as to be in accordance with the approved plans.**

**79 Emergency Tree Preservation Order 18 Minworth Road, Water Orton**

Under Section 100B(4)(b) of the Local Government Act 1972 the Chairman had agreed to the consideration of this report by reason of the urgent need to make the Tree Preservation Order.

The Head of Development Control reported that the Council had received Notice that the owner of 18 Minworth Road, Water Orton wished to fell an Ash tree located in his garden. The Board was informed of the amenity value of the tree and Members were asked to agree a suggested course of action.

**Resolved:**

**That a Tree Preservation Order be made with immediate effect, in respect of an ash tree at 18 Minworth Road, Water Orton, for the reasons given in the report, and that any representations received be referred to the Board for it to consider when it decides whether to make the Order permanent.**

J Lea  
Chairman

**Planning and Development Board  
14 February 2011  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/5	2010/0498	Applicant	Representation	11/2/11
4/8	2010/0584	S. Smith	Objection	9/2/11
		Solihull Ward Member	Objection	9/2/11
4/9	2010/0592	Kingsbury Parish Council	Representation	6/2/11
		Mr Warden	Objection	10/2/11
		Mrs Thompson	Objection	11/2/11
		WCC Highways	Consultation	11/2/11
		Piccadilly Community Association	Representation	11/2/11