

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

14 March 2011

Present: Councillor Simpson the Chair.

Councillors Bowden, Davis, L Dirveiks, Lea, Morson, B Moss, Sherratt, Swann, Sweet, Winter and Wykes

Apologies for absence were received from Councillors Jenkins and M Stanley.

Councillors Lewis and Phillips were also in attendance.

80 **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 Davis (Atherstone), B Moss (Kingsbury) and Sherratt (Coleshill) were deemed to be declared at this meeting.

Councillor Sherratt declared a personal and prejudicial interest in Minute No 82 Planning Applications (Application No 2010/0375 - Rear Garden of 124 Coventry Road Coleshill) left the meeting and took no part in the discussion or voting thereon.

Councillor L Dirveiks declared a personal and prejudicial interest in Minute No 87 Breaches of Planning Control (Site at Charity Farm, Baxterley) left the meeting and took no part in the discussion or voting thereon.

81 **Minutes**

Subject to the amendment of the second line of Minute No 60a to read Kingsbury Hall, Coventry Road, Kingsbury, the minutes of the meetings of the Board held on 17 January and 14 February 2011, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

82 **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 2011/0003 (Garage Site at George Road, Water Orton) be approved subject to the variation of condition 13 to read
- “13. Parking bays C1 and C2 shall be clearly labelled for the use of numbers 62 and 64 George Road only, within three months of the date of this permission. When the historical rights for the occupiers of numbers 62 and 64 George Road cease, the spaces shall be re-labelled to provide 3 parking bays for cars, and the 1.8m high close boarded timber fence immediately to the east of these bays removed.”**
- b That consideration of Application No 2009/0420 (Almshouses, Church Lane, Middleton) be deferred;
- c That consideration of Application No 2010/0315 (108 Long Street, Atherstone) be deferred;
- d That Application No 2010/0375 (Rear Garden of 124 Coventry Road Coleshill) be approved subject to the conditions specified in the report of the Head of Development Control;
- e That consideration of Applications No 2010/0462 and 2011/0014 (Beech House, 19 Market Street, Atherstone) be deferred to enable discussion with English Heritage and to enable the Board to inspect the interior of the building;
- f That in respect of Application No 2010/0584 (The Club Spice 45 Ltd, Club Spice A45, Birmingham Road, Meriden) if it is confirmed that the unauthorised use of these premises as a private members club has ceased, then it would not be expedient to issue an Enforcement Notice, but that the Solicitor to the Council be authorised to issue such a Notice requiring the cessation of the use of these premises as a private members club for the reasons outlined in the report, with a compliance period of three months, should such a use re-commence;
- g That consideration of Application No 2010/0592 (The Sportsmans Arms, Perryman Drive, Piccadilly) be deferred; and
- h That providing the applicant first enters into a Section 106 Agreement in respect of the obligations set out in the report of the Head of Development Control,

Application No 2010/0609 (3M (UK) Plc, Ratcliffe Road, Atherstone) be approved subject to the conditions set out in the said report.

83 Tree Preservation Orders

The Head of Development Control reported that two Tree Preservation Orders had recently been made and the period for representations had passed. Having considered the representations received, the Board was invited to confirm the Orders.

Resolved:

- a That the Tree Preservation Order relating to an oak tree at 8 Shawbury Village be confirmed; and**
- b The Tree Preservation Order relating to five oak trees at Nuthurst Crescent in Ansley, be confirmed.**

84 Section 106 Monitoring Report

The Head of Development Control provided the six monthly review of outstanding Section 106 Agreements.

Resolved:

- a That the report be noted; and**
- b That in respect of the Atherstone Magistrate's Court site the Landscape Officer be asked to arrange an early meeting with the Local Ward Members to bring this matter forward.**

85 Re-development Proposals for the MIRA Technology Park

The Head of Development Control outlined the proposals that were being put together for the redevelopment proposals of the MIRA premises at Higham-on-the-Hill in the Borough of Hinckley and Bosworth. The Board was asked to agree a suggested course of action.

Resolved:

That responsibility remains with North Warwickshire for determining the planning application in respect of the A5 access arrangements to the site.

86 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.

87 Breaches of Planning Control

The Head of Development Control reported on a number of alleged breaches of planning control and the Board was asked to agree suggested courses of action.

Resolved:

- a That in respect of Heart of England Ltd, Fillongley**
 - i The position as set out in the letters of 7 January 2010 and 21 February 2011 be treated as material considerations;**
 - ii Counsel's Opinion be sought on the success of Injunctive proceedings being commenced under Section 187(B) of the Town and Country Planning Act 1990, as amended, as outlined in this report;**
 - iii The Solicitor to the Council be authorised to issue an Enforcement Notice under Section 172 of the 1990 Act as amended, requiring the second field gate access to be reinstated to the same dimensions, and to the same position prior to the current unauthorised works taking place;**
 - iv The Solicitor to the Council be authorised to issue an Enforcement Notice under Section 172 of the 1990 Act as amended, requiring the removal of the tower superstructure around the pump equipment on the island in the lake; and**
 - v The Solicitor to the Council be authorised to issue an Enforcement Notice under Section 172 of the 1990 Act as amended, requiring the removal of the hard surfaced track running from the second field gate access to and alongside the woodland.**
- b That in respect of Lynwyn, Botts Green Lane, Over Whitacre, should the building be altered in accordance with the plan submitted on 28 February 2011, it would not be expedient to commence enforcement proceedings;**

- c That in respect of land at Stipers Hill Farm, Kisses Barn Lane, Warton, the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the change of use of the land for the storage of non-agricultural vehicles including: public service vehicles; heavy goods vehicles; caravans/mobile homes; scrap cars/car parts; containers; and boats; together with the formation of a hardstanding area. The enforcement notice to require the removal of the aforesaid and the proper reinstatement of the land; and**

- d That in respect of the site at Charity Farm, Main Road, Baxterley, the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the erection of a steel framed and clad, aircraft and historic vehicle storage building. The owner/occupier being required to demolish and/or remove the structure from the site and also to reinstate the land by digging up and removing the hardcore foundation for the building and that the compliance period be six months.**

M Simpson
Chairman

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

Agenda Item	Application Number	Author	Nature	Date
5/2	2009/0420	Mr & Mrs Elliott	Objection	11/3/11
5/4	2010/0375	Mr Barry	Objection	14/3/11
5/7	2010/0592	English Heritage Petition	Letter Objection	14/3/11 2/3/11
6	N/A	Letter	Objection	10/3/11