

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

11 December 2023

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, H Phillips, O Phillips, Reilly, Ridley and Ririe

Apologies for absence were received from Councillor Parsons (Substitute O Phillips)

Also in attendance was Councillor D Wright who, with the permission of the Chair, spoke in support of Minute No 56d (Fir Tree Farm, Breach Oak Lane, Fillongley, CV7 8DE)

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

When considering Minute No 56g (Workshop, Manor Road, Mancetter, CV9 1QL) Councillor Ridley declared a non-pecuniary interest by reason of being a customer of the applicant and took no part in the discussion or voting thereon.

#### 54 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 6 November 2023, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

#### 55 **Budgetary Control Report 2023/24 Period Ended 31 October 2023**

The Interim Corporate Director – Resources reported on revenue expenditure and income for the period from 1 April 2023 to 31 October 2023. The 2023/2024 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the outturn position for services reporting to the Board.

#### **Resolved**

**That the report be noted.**

56 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

**Resolved:**

- a **That in respect of Application No's PAP/2023/0062 and PAP/2023/0334 (Whitehall Farm, Atherstone Road, Hartshill, Nuneaton, Warwickshire, CV10 0TB)**
  - a) **PAP/2023/0062 – In accordance with the location plan received on 13 September 2023 and the proposed plans and elevations received on 1 August 2023, the development may proceed; and**
  - b) **PAP/2023/0334 - In accordance with the location plan received on 17 August 2023 and the proposed site plan, floor plans and elevations received on 31 July 2023, the development may proceed;**

**[Speaker: James Hammond]**

- b **That in respect of Application No CON/2023/0019 - (Land 290 Metres North West Of Greenacre, Caldecote Lane, Caldecote, Warwickshire) the Council objects to the proposal on the grounds that the landscape mitigation is inadequate to reduce the cumulative significant visual, landscape and heritage harms caused. The proposal does not therefore accord with policies LP14 and LP15 of the North Warwickshire Local Plan 2021. Additionally, it has not been demonstrated that the proposal would not give rise to adverse noise impacts, as such it does not accord with policy LP29(9) of the 2021 Local Plan;**
- c **That in respect of Application CON/2023/0026 (Twycross Zoological Park, Burton Road, Norton Juxta, Twycross) the Council has no objection in principle but lodges a holding objection at this time as it has not been shown that access to this site cannot be achieved from the A444, thus eliminating the potential for traffic to use Orton Hill and having to travel through the North Warwickshire rural highway network;**
- d **That Application No PAP/2023/0093 (Fir Tree Farm, Breach Oak Lane, Fillongley, CV7 8DE) be granted subject to conditions to be agreed by the Head of Development Control in consultation with the Chairman and Opposition Spokesperson;**

**[Speakers: Charles Holt and John Nightingale]**

- e That Application No PAP/2022/0522 (Land Adjacent To Dog Inn, Marsh Lane, Water Orton) be granted subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Altine Elias]

- f That Application No PAP/2023/0057 (Packington Lane Farm, Packington Lane, Coleshill, B46 3JJ) be granted subject to the conditions set out in the report of the Head of Development Control and the completion of a legal agreement revoking the Certificate at Brook Farm without a claim for compensation; and
- g That in respect of Application No's PAP/2023/0280 and PAP/2023/0283 (Workshop, Manor Road, Mancetter, CV9 1QL)
  - a) PAP/2023/0280 – The extension be granted subject to the conditions set out in the report of the Head of Development Control; and
  - b) PAP/2023/0283 – Car Sales be granted subject to the conditions set out in the report of the Head of Development Control but with a review of condition number 7 regarding online sales to be agreed by the Head of Development Control in consultation with the Chairman of the Board together with the Opposition Spokesperson.

[Speaker: Craig Phillipson]

## 57 The Levelling Up and Regeneration Act 2023

The Head of Development Control drew attention to the enactment of this piece of major planning legislation.

**Resolved:**

**That the report be noted and that further reports be brought to the Board in due course outlining the details of the changes to the preparation of local plan policy and the determination of planning applications.**

## 58 Tree Preservation Orders - Land East of Chase Cottage, Purley Chase Lane, Mancetter

The Head of Development Control sought to replace an existing temporary order, once lapsed on 22 December 2023, with a second order that included twenty individual trees within the previous Group order. The second Order took into account the representations received on the initial Order.

**Resolved:**

- a That the issue of a Tree Preservation Order for the protection of 20 trees on land to the east side of Chase Cottage Purley Chase Lane Mancetter be confirmed; and**
- b That the previous Group order at Chase Cottage, Purley Chase Lane, Mancetter not be confirmed.**

**59 Appeal Update**

The Head of Development Control brought Members up to date with recent appeal decisions.

**Resolved:**

**That the report be noted.**

**60 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 paragraphs 5 and 6 of Schedule 12A to the Act**

**61 Authorisation to seek Injunction to prevent further unauthorised development and begin prosecution proceedings**

The Head of Legal Services brought Members up to date with recent developments.

**Resolved:**

- a That authorisation to begin injunctive proceedings to prevent further unauthorised development of land, for the reasons outlined in the report of the Head of Legal Services, be granted: and**
- b That authorisation to begin prosecution proceedings for breach of the existing court order be granted.**

**62 Consideration of Enforcement Notice**

The Head of Development Control brought Members up to date with recent developments.

**Resolved**

- a That the Council considers that it is expedient to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 for the reasons set out in the report of the Head of Development Control;**
- b That the final details for the description of required works and the associated Notice Plan, be delegated to Officers; and**
- c That the compliance period from the date of the Notice be agreed.**

M Simpson  
Chairman