

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Downes, Hayfield, D Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, Symonds, A Wright**

For the information of other Members of the Council

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

PLANNING AND DEVELOPMENT BOARD AGENDA

7 October 2019

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE on Monday 7 October 2019 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 Planning and Development Board held on 8 July, 5 August and 2 September 2019 – 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 Government Consultation Permitted Development for 5G coverage
– Report of the Head of Development Control**

Summary

The report sets out the Government's proposals to amend permitted development rights for extended mobile coverage through the deployment of 5G. The Council is invited to make representations.

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

7 Planning Enforcement Fund – Report of the Head of Development Control

Summary

The report confirms the successful outcome of a bid made to seek funding for additional enforcement resource.

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

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

8 July 2019

Present: Councillor Simpson in the Chair.

Councillors Bell, T Clews, Deakin, Downes, Hayfield, M Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, Symonds and A Wright.

Apologies for absence were received from Councillors Dirveiks and D Humphreys (substitute M Humphreys)

Councillor Lees was also in attendance

12 **Disclosable Pecuniary and Non-Pecuniary Interests**

None

13 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 20 May and 10 June 2019, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

14 **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. These include a further letter and technical report in respect of item (a) below.

Resolved:

- a **That Application PAP/2018/0140 (Land East of Castle Road & North of Camp Hill Road, Hartshill & Nuneaton) be deferred in order to receive a masterplan for the allocated site; to continue discussions concerning a through route, to gain more information on access to the school and to obtain more information on air over pressure and impacts arising from dust deposition, blasting and air quality.**

Speakers: Neil Beards and John Groves, Michelle Pearson and Glenys Roberts

- b That Application PAP/2018/0716 (Land Rear of 1 to 6 Copeland Close, Warton, B79 0JE be deferred to allow more discussion between the developer and residents, for clarity to be sought on whether the amended scheme has been approved and on the Council's powers generally;**

Speakers: Will Brearley and Julie Talbot

- c That Application PAP/2018/0762 (Land East of Islington Farm, Tamworth Road, Wood End) be refused for the following reason:**

“ It is considered that the scale of the proposal does not accord with the position of Wood End within the Borough's settlement boundary as defined by policies NW2 and NW5 of the North Warwickshire Core Strategy 2014. It neither accords with policy NW12 of that Strategy or the relevant sections of the National Planning Policy Framework 2019 – particularly Section 12. This is because of the scale of the proposal which causes significant and demonstrable harm to the character and appearance of the settlement and the surrounding area, which is not outweighed by the benefits of allowing the development”.

Speaker: Brian Mullin, Derek Smith and Ray Evans

- d That in respect of application PAP/2018/0764 (Land to the rear of Trinity Close, Warton):**
 - i) that the application be approved subject to the conditions set out in the report together with conditions as recommended by the Lead Local Flood Authority, and**
 - ii) that Officers commence discussions regarding the potential development of a neighbouring land being added to this development so as to provide a more comprehensive scheme.**

Speaker: Simon Tucker and Chris Baines

- e That Application PAP/2019/0022 (Land North East of Manor Farm Buildings, Main Road, Shuttington) be approved, subject to the conditions set out in the report;

Speaker: Hannah Price

15 Warwickshire Minerals Plan – Minerals Plan Update and Policy MCS 10 – Underground Coal Gasification Consultation – May 2019

The Acting Chief Executive informed Members of an update to the consultation on Warwickshire County Council's Minerals Plan consultation, the Publication version of the plan.

Resolved:

That the recommendations and responses contained with the report as well as any additional comments by Members be forwarded to WCC as the Council's response to the Minerals plan update and policy MCS 10, Underground coal gasification consultation ending on Tuesday 9 July 2019 at 5pm.

**Councillor Simpson
Chairman**

**Planning and Development Board
8 July 2019
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/4	PAP/2018/0140	Applicant	Monitoring Report	11/6/19
		Hartshill PC	Letter	25/6/19
		Environment Practice	Letter	5/7/19
		Applicant	Monitoring Report	5/7/19
		Marcus Jones MP	Letter	4/7/19
5/63	PAP/2018/0716	Note	Site Visit	4/7/19
5/96	PAP/2018/0762	Neighbour	Objection	4/7/19
		Applicant	Note	4/7/19
		Neighbour	E-mail	8/7/19
5/117	PAP/2018/0764	WCC Flooding	Consultation	5/7/19

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

5 August 2019

Present: Councillor Simpson in the Chair.

Councillors Bell, D Clews, T Clews, Deakin, Dirveiks, Downes, Hayfield, Jarvis, Lebrun, Morson, Parsons, H Phillips, Symonds and A Wright.

Apologies for absence were received from Councillor D Humphreys (substitute Councillor D Clews)

Councillor Lees was also in attendance

16 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Hayfield declared a non-pecuniary interest in Minute No 18(h) – Planning Application (Application No PAP/2019/0435) - by virtue of his role as a County Councillor, left the room and took no part in the discussion or voting thereon.

17 **Budgetary Control Report 2019/20 Period Ended 30 June 2019**

The Corporate Director – Resources reported on the revenue expenditure and income for the period from 1 April 2019 to 30 June 2019. The 2019/2020 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

That the report be noted.

18 **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 PAP/2018/0159 (Land South of Rowlands Way, Atherstone) be approved subject to Highways England conditions, the completion of a Section 106 Agreement, conditions as set out in the report of the Head of Development Control and that the County Council be requested to provide more clarity on the design and implementation of the works to the Holly Lane bridge over the West Coast Mainline.**

Speakers: Sarah Clark and Chris Bravington

- b That Application No PAP/2019/0152 (Land 100 Metres North of Woodpark Farm Cottage, Grendon Road, Polesworth) be approved subject to the conditions set out in the report of the Head of Development Control;**
- c That Application No PAP/2019/0156 (Land south of Dairy House Farm, Spon Lane, Grendon) be approved subject to the conditions set out in the report of the Head of Development Control;**
- d That in respect of Application No PAP/2019/0258 (Ansley Social Club, 142 Birmingham Road, Ansley, CV10 9PQ), provided the Highway Authority objection is withdrawn, any amended plans together with those relating to the house designs as submitted be approved in discharge of condition 1 (a), (b), (d) and (e) of PAP/2017/0150 dated 4 October 2017;**
- e That in respect of Application No PAP/2019/0299 (W M Morrison, Birmingham Road, Coleshill, B46 3LA) condition 13 of PP/2011/0529 dated 12 March 2013, be varied so as to read:**

“No service vehicles shall enter the site or deliveries be made to the site other than between 0700 hours and 2200 hours daily”

and additionally, that officers contact W M Morrison drawing attention to the approved car parking management plan for the store and requesting compliance with its conditions;

- f That Application Nos PAP/2019/0387 and PAP/2019/0391 (184-206 Long Street, Atherstone, CV9 1AE) be approved, subject to no objections being received that cannot be overcome by condition and subject to the conditions set out in the report of the Head of Development Control and any others agreed with the consultation Agencies;
- g That Application Nos PAP/2019/0388 and PAP/2019/0399 (8 to 14, Coleshill Road, Atherstone, CV9 1BW) be approved subject to no objections being received that cannot be overcome by condition and subject to the conditions as set out in the report of the Head of Development Control and any others agreed with the consultation Agencies, provided that amended plans relating to the doors in the front elevation are first agreed by the Chairman, the Vice-Chairman and Opposition Planning Spokesperson;
- h That Application No PAP/2019/0435 (Queen Elizabeth Academy, Witherley Road, Atherstone, CV9 1LZ) be supported provided that there are no objections received and subject to the conditions set out in the report of the Head of Development Control and additionally officers are requested to ask appropriate County Council officers to a meeting with Members to update them on progress made for the forward planning of schools in the Borough.

19 Submission of Fillongley Neighbourhood Plan for Adoption

The Acting Chief Executive informed Members of the progress of the Fillongley Neighbourhood Plan and sought approval to adopt in accordance with section 16 of the Neighbourhood Planning (General) Regulations 2012.

Resolved:

- a That the Fillongley Neighbourhood Plan be adopted and form part of the Development Plan; and
- b That officers write to the Parish Council on behalf of the Board to thank them for its involvement in the preparation of the Plan.

20 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – June 2019.**

The Acting Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Board for April to June 2019.

Resolved:

That the report be noted.

**Councillor Simpson
Chairman**

**Planning and Development Board
5 August 2019
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/5	PAP/2018/0159	Highways England	Consultation	2/8/19
5/34	PAP/2019/0156	Local Resident	Representation	30/7/19
		Local Resident	Objection	26/7/19
5/65	PAP/2019/0387	Environmental Health	Consultation	5/8/19
5/62	PAP/2019/0388	Atherstone Civic Society	Objection	30/7/19
		Applicant	New Plans	1/8/19
		Atherstone Civic Society	Consultation	3/8/19

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

2 September 2019

Present: Councillor Jarvis in the Chair.

Councillors D Clews, T Clews, Dirveiks, D Humphreys, M Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, Reilly, Symonds.

Apologies for absence were received from Councillors Bell (substitute Councillor Reilly), Deakin, Downes, Hayfield, Simpson (substitute Councillor M Humphreys) and A Wright (substitute Councillor D Clews).

Councillor Lees was also in attendance

21 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

22 **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 DOC/2019/0052 (Heart of England, Meriden Road, Fillongley) be refused for the following reasons:**

“The proposed lighting is too intensive in a rural dark sky location. It would be harmful to the openness of the Green Belt and to the rural character of the area. The lighting proposed along the Conference Centre elevation and parking areas are harmful to Fillongley Old Hall, a Grade II listed building, to the extent that it is harmful to its setting. The scheme would be contrary to the provisions of the Council’s Adopted Supplementary Planning Guidance – A Guide for the Design of Lighting Schemes, September 2003 which seeks to avoid the use of lights simply to create a presence at night and which seeks to minimise the use of

lighting. The proposals do not accord with Policies NW10, NW12 and NW14 of the North Warwickshire Core Strategy 2014 together with policies FNP01, FNP02 and FNP06 of the Fillongley Neighbourhood Plan and the provisions of Section 13 within the NPPF 2019”;

Speakers: Liz O’Brien and Robert Pargetter

- b That Application No PAP/2018/0743 (Heart of England, Meriden Road, Fillongley) be approved subject to the conditions set out in the report of the Head of Development Control;**

Speakers: Howard Darling and Robert Pargetter

- c That Application No PAP/2018/0745 (Heart of England Conference and Events Centre, Meriden Road, Fillongley) be refused for the following reasons:**

“1 The development would be inappropriate development in the Green Belt. It would not preserve openness causing substantial actual harm by virtue of its size and its location due to the cumulative impact with an adjoining similar building. It would conflict with the Green Belt purpose of safeguarding the countryside from encroachment by virtue of its size and location. Other harm is caused in respect of the development not satisfying policies NW12 and NW13 of the North Warwickshire Core Strategy 2014 in that the proposal does not positively improve the appearance and environmental quality of the area or protect the distinctiveness of the natural environment. It is not considered that the matters advanced by the applicant clearly outweigh the cumulative substantial harm caused. The proposal does not accord with policies NW3, NW12 and NW13 of the North Warwickshire Core Strategy 2014 or the associated relevant sections of the National Planning Policy Framework together with Policies FNP01 and FNP02 of the Fillongley Neighbourhood Plan 2019;

- 2 The proposed development, by reason of its location immediately adjacent to an Ancient Woodland, would result in the deterioration of**

that woodland contrary to Paragraph 175 of the National Planning Policy Framework together with Policy NW13 of the North Warwickshire Core Strategy 2014”;

Speakers: Howard Darling and Robert Pargetter

- d That in respect of Application No PAP/2018/0716 (Land Rear of 1 to 6 Copeland Close, Warton), be deferred to allow all parties to review the Counsel’s advice recently received;**
- e That Application No PAP/2019/0037 (The Woodlands, Reddings Lane, Nether Whitacre) be deferred due to the late submission of an amended plan;**
- f That Application No PAP/2019/0237 (Land Opposite Delves Field Stables, Boulters Lane, Wood End) be refused for the following reason:**

“The proposal is not considered to accord with Policy NW12 of the North Warwickshire Core Strategy 2014 and relevant sections of the National Planning Policy Framework 2019 – particularly Section 12. This is because significant and demonstrable harm will be caused to the impact of the proposal on the character and appearance of the surrounding area and the settlement of Wood End, which is not out-weighed by the benefits of allowing the development”.

“The access to the proposed site involves use of an existing junction onto Boulters Lane. This has not been constructed in accordance with highway specifications and thus increased use would be made of a substandard access if this development was approved. This is not in accordance with Policy NW10 (6) of the North Warwickshire Core Strategy 2014 nor paragraphs 108, 109 or 110 of the National Planning Policy Framework 2019”; and

Speaker: Simon Glover

- g That in respect of Application No PAP/2019/0455 (The Belfry Hotel, Lichfield Road, Wishaw) the receipt of the application be noted and a site visit be arranged prior to determination of the proposal.**

23 Consultation on Draft Warwickshire Rail Strategy 2019-2034

The Chief Executive reported on a consultation by Warwickshire County Council on a draft Warwickshire Rail Strategy 2019-2034 and recommended a response to the consultation which ended on 20 September 2019.

Resolved:

That the comments set out in the report of the Chief Executive, together with the additional points made by Councillors, be submitted to Warwickshire County Council by the closing date, following further consideration by the Local Development Framework Sub-Committee at its meeting to be held on 11 September 2019.

24 Air Quality SPD

The Chief Executive Sought approval for adoption of a Draft Supplementary Planning Document on Air Quality.

Resolved:

That the Air Quality SPD be approved for adoption.

25 Tree Preservation Order – 99 London Road, Bassetts Pole

The Head of Development Control sought confirmation of a Tree Preservation Order at 99 London Road, Bassetts Pole.

Resolved:

That the Tree Preservation Order at 99 London Road, Bassetts Pole be confirmed.

26 Tree Preservation Order – 35 Margaret Road, Atherstone

The Head of Development Control sought confirmation of a Tree Preservation Order at 35 Margaret Road, Atherstone.

Resolved:

That the Tree Preservation Order at 35 Margaret Road, Atherstone be confirmed.

27 Appeal Update

The Head of Development Control updated the Board on recent appeal decisions, including two further appeals issued since the agenda was published.

Resolved:

That the report be noted.

**Councillor Jarvis
Chairman**

Planning and Development Board

2 September 2019

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
4/4	PAP/2018/0716	Advice	Advice	2/9/19
4/5	PAP/2019/0037	Applicant	Amended plan	2/9/19
4/6	PAP/2019/0237	WCC Highways Applicant	Consultation Amended plan	28/8/19 2/9/19

Agenda Item No 6

Planning and Development Board

7 October 2019

Report of the Head of Development Control

Government Consultation Permitted Development for 5G coverage

1 Summary

- 1.1 The report sets out the Government's proposals to amend permitted development rights for extended mobile coverage through the deployment of 5G. The Council is invited to make representations

Recommendation to the Board

That the Board supports the observations made in the report and that they, together with any further comments from the Board be forwarded to the DCMS.

2 Background

- 2.1 Members may have seen reference to this on the National media a little while ago. This is the Government's proposal to extend permitted development rights for mobile operators in order to deploy 5G coverage throughout their networks.
- 2.2 The Board will be familiar with the current set of rights. In summary these allow masts of up to 20 metres to be erected without the need for a full planning application. This is a conditional right as for instance different limits apply to masts on buildings and sites in Conservation Areas and on Listed Buildings are not included. There are also additional rights for the installation of some new antennae on existing masts and for the ground based cabinets. The 15 metre "right" however is subject to what is known as the "prior approval" procedure. In effect the permitted development right grants an outline planning permission and under the prior approval procedure the Council has to decide whether it wishes to seek the prior approval of the siting and appearance of the equipment before it is constructed. This procedure is time limited and if no decision is taken after 56 days, the development proceeds by default.

- 2.3 Members will have noted that the focus of the recent media attention surrounding this consultation has been about extending coverage into hard to reach areas which currently are still struggling to receive 3 and 4G coverage. The mobile operators have advised the Government that in order to provide 5G and to extend geographic coverage, proposals will need to focus on:
- a) Enabling deployment of radio housing equipment on land without requiring prior approval with the only exception being on Sites of Special Scientific Interest;
 - b) Enabling the strengthening of existing masts to be upgraded for 5G and for mast sharing without prior approval;
 - c) Enabling building-based masts nearer to highways subject to prior approval; and
 - d) Enabling higher masts subject to prior approval.
- 2.4 The Government has made a series of recommendation in respect of each of these.

3 Observations

- 3.1 The first proposal would remove the prior approval procedures for new ground based cabinets apart from within Sites of Special Scientific Interest. There would not be an issue with this, provided Conservation Areas were also excluded from this relaxation and that there were conditions attached – a maximum volume and the need for operator's to share cabinets.
- 3.2 The second proposal is to enable existing masts to be strengthened by widening them by more than a third without the submission of a prior approval or a planning application. Again this should have little impact but it needs to be conditioned such that a different lesser dimension is included for sites in Conservation Areas; that a maximum height is determined and that as a consequence of strengthening, masts have to be shared.
- 3.3 The third proposal is aimed at increased coverage alongside roads. The proposal is to allow a permitted development right for masts to be located within 20 metres of a highway on buildings that are less than 15 metres in height. This is only likely to affect proposals close to the main road network in the Borough because of the relatively low scale of built form in the Borough. But any change should exclude Conservation Areas; be focussed solely on the "A" class and Trunk roads and include a maximum mast height.

3.4 The fourth proposal is the one that might affect the Borough the greatest as it will impact on the more rural areas of the Borough. There is no upper limit recommended in the consultation as it invites Local Planning Authorities to suggest one. It is considered that the present limits should be retained. If a larger mast is required then that should be determined on its own merits rather than under a blanket permitted development right. This would enable full assessment against the Council's Development Plan policies and its priorities to conserving its rural character and preserving the openness of the Green Belt.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 If permitted development rights are extended, then income from planning fees would be reduced as fewer applications would be needed. However this would not be significant given the overall level of income.

4.2 Links to Council's Priorities

4.2.1 The Council's priorities of conserving its rural character and preserving the openness of the Green Belt would be affected by the Government proposals.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date
1	DCMS	Consultation Paper	August 2019

Agenda Item No 7

Planning and Development Board

7 October 2019

Report of the Head of Development Control

Planning Enforcement Fund

1 Summary

- 1.1 The report confirms the successful outcome of a bid made to seek funding for additional enforcement resource.

Recommendation to the Board

That the report be noted and that a further report be brought to the Board in due course outlining how the funding has been spent.

2 Background

- 2.1 The Government recently invited Local Planning Authorities who have significant areas of Green Belt, to bid for one-off funding to enhance their enforcement service in connection with unauthorised developments in the Green Belt. The Borough Council was included.
- 2.2 On 12 September the Council received confirmation that its bid had been accepted along with those from 36 other Local Planning Authorities. It amounts to £50k and has to be spent on enforcement activity at sites within the Green Belt.

3 Observations

- 3.1 This additional resource is very welcome and will firstly enable there to be a targeted approach to certain Green Belt sites. This will be done by extending the contract of the present Agency member of staff working in the enforcement area. His work will thus focus directly on a number of outstanding Green Belt sites. Secondly, with the appointment and commencement of the Principal Enforcement Officer in mid-October, there will be three members of staff involved in enforcement matters for the duration of the additional funding. By enabling the extended contract to focus on a limited number of Green Belt cases, the other two members will be able to continue to work on all other cases.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 This is additional funding and will mean that the cost of extending the contract can be paid in full from this grant rather than the Council's budget.

4.2 Links to Council's Priorities

4.2.1 One of the Council's priorities is to protect and conserve its rural character. Additionally the Corporate Plan includes actions to defend the Green Belt in decision making. This funding will accord fully with these objectives.

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