

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

19 March 2012

Present: Councillor Sweet in the Chair.

Councillors Barber, Butcher, L Dirveiks, Holland. Humphreys, Lea, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Winter and Wykes

Councillors Fox, Lewis, May, Moore and Payne were also in attendance.

72 **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 Barber (Ansley), Butcher (Polesworth), B Moss (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) were deemed to be declared at this meeting.

Councillor Sherratt declared a personal and prejudicial interest in Minute No 74 Planning Applications (Application No 2011/0565 Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL) and took no part in the discussion or voting thereon.

Councillors Lea, B Moss and Sweet declared a personal interest in Minute No 74 Planning Applications (Consultations by Warwickshire County Council relating to Middleton Hall Quarry, Bodymoor Heath Lane, Middleton and consultation by Warwickshire County Council relating to Faraday Avenue, Hams Hall) by reason of being Members of Warwickshire County Council. In addition Councillor Sweet vacated the Chair for the consideration of these items.

73 **Minutes**

The minutes of the meetings of the Board held on 19 December 2011, 16 January and 13 February 2012, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

74 **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 consideration of Application No 2012/0070 (Land adjacent to Austrey House Farm, Orton Lane, Austrey, CV9 3NR) be deferred for a site visit;**

[Speakers Damian Gallagher and Paul Smith]

- b That Application No 2011/0623 (Junction 10 Service Station, Tamworth Motorway Services, Green Lane, Dordon) be refused for the following reason**

“It is considered that the development does not meet the requirements of saved policies ENV12 and ENV13 of the North Warwickshire Local Plan 2006 in that it does not positively integrate into its surroundings or harmonise with both the immediate setting and wider surrounds. This is by virtue of its size and scale relative to the surrounding development and to its visibility over a wide geographic area. In short it does not present a visually attractive development.”

[Speakers Councillor Daniel Cooke, Judy Vero and Kevin Caveney]

- c That the report in respect of Application No 2012/0016 (Car Park, Park Road, Coleshill, Birmingham, B46 3LA) be noted;**

- d That provided the applicant first enters in to a Section 106 Agreement in respect of the issues set out in the report, Application No 2010/0622 (Brook House, Warton Lane, Grendon, Atherstone, CV9 3DT) be approved subject to the conditions set out in the report of the Head of Development Control;**

- e That consideration of Application No 2011/0565 (Laxes Farm, Nuneaton Road, Over Whitacre, B46 2NL) be deferred;**

[Speakers Richard Hancocks and Judy Vero]

- f That Application No2011/0634 (The Common, Baddesley Ensor, Warwickshire) be approved subject to the conditions set out in the report of the Head of Development Control;**

[Speaker Martyn Barrett]

g That Application No 2011/0646 (Land rear of 17 to 21, Queensway, Hurley) be approved subject to the conditions set out in the report of the Head of Development Control;

h That Application No 2011/0670 (Ash End Farm, Middleton Lane, Middleton, Tamworth) be approved subject to conditions to be agreed by the Head of Development Control in consultation with the Chairman, Vice Chairman, Opposition Spokesperson and the Local Ward Member;

[Speaker David Stentiford]

i That Application No 2012/0008 (Arley Working Mens Club, Spring Hill, Arley, CV7 8EF) be approved subject to the conditions set out in the report of the Head of Development Control;

[Speaker Richard Ellis]

j That Application No 2012/0020 (Car Park, Park Road, Coleshill) be approved as set out in the report of the Head of Development Control;

k That Application No: PAP/2012/0051 (Bretts Hall Recreation Ground, Bretts Hall Estate, Ansley Common, CV10 0PQ) be approved subject to the conditions set out in the report of the Head of Development Control;

l That the report of the Head of Development Control in respect of Applications No 2012/0078 and 2012/0084 (Land at South Street, Rear of Atherstone Garage, Atherstone, CV9 1DR) be noted;

m That in respect of Application No 2012/0087 (Rear of 73, Coleshill Road, Water Orton, B46 1QF) a certificate under Section 191 of the 1990 Act be granted as described in the report of the Head of Development Control. That the three informatives set out below be included

i) This Certificate does not grant or establish any private right of access over public footpath M38 between the site and the Coleshill Road;

ii) Enquires concerning private rights of access in this respect are matters to be dealt with by the Land Registry, not the Borough Council; and

- iii) Enquires concerning the ownership of land connected with the works covered by this Certificate are to be resolved privately and not through the Borough Council.

[Speaker Daryl Burgess]

[Councillor Winter in the Chair]

- n That in response to the consultations by Warwickshire County Council relating to Middleton Hall Quarry, Bodymoor Heath Lane, Middleton
 - i) the Council has no objection to the construction waste recycling facility given the extant lawful use at the quarry site, subject to the extinguishment of the current permission; an end date of 2022 or the completion of the land fill operation whichever is the sooner and the imposition of conditions to reduce adverse environmental impacts; and
 - ii) the Council objects to the wood recycling facility for the reasons given in the report of the Head of Development Control namely that it represents the addition of new development unrelated to the restoration of the site and is inappropriate within the Green Belt.
- o That in response to the consultation by Warwickshire County Council relating to Faraday Avenue, Hams Hall, the Council objects to this application on the grounds as set out in the report of the Head of Development Control namely that it considers greater weight should be given to the objective of retaining this land within the Green Belt than that of dealing with the recycling of this particular waste stream, and on the grounds of potential noise and dust pollution; and

[Councillor Sweet in the Chair]

- p That Application No 2011/0657 (Land at Old Farm Road, Mancetter) be approved subject to the conditions set out in the report of the Head of Development Control.

75 A5 Strategy 2011 – 2026 Adoption

The Assistant Chief Executive and Solicitor to the Council sought agreement to the adoption of the A5 Strategy covering the A5 from the A449 Gailey (Staffordshire) to the A45 Weedon (Northamptonshire) passing through the Borough.

Resolved:

That the Strategy and accompanying Action Plan, attached as an Appendix to the report of the Assistant Chief Executive and Solicitor to the Council, be adopted as a formal evidence base to underpin and inform the development of Local Development Frameworks and Local Transport Plans and Policy, to inform negotiations with developments and to support any potential bids for infrastructure funding.

76 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.

77 Breaches of Planning Control

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

Resolved:

- a That in respect of land to the rear of Whitegate Farm, Quarry Lane, Mancetter, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with two extant Enforcement Notices as set out in the report of the Head of Development Control;**
- b That in respect of land to the rear of 92 Coleshill Road, Hartshill, 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 heavy goods vehicles, vehicle trailers, plant and containers and that the compliance period be three months; and**
- c That in respect of land at Manor House Farm, Coleshill Road, Ansley, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with an extant Enforcement Notice as set out in the report of the Head of Development Control.**

R Sweet
Chairman

Planning and Development Board

19 March 2012

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
5 (9)	2012/0020	Warwickshire Police	Consultation	19.3.12
5 (9)	2012/0020	Severn Trent Water Limited	Consultation	12.3.12
5 (9)	2012/0020	Fire Services Authority	Consultation	12.3.12
5(13)	2012/0087	Mr Paton	Objection	09.3.12
5(13)	2012/0087	Dan Byles M.P.	Letter	18.3.12
5(13)	2012/0087	R Gurney	Representative	17.3.12
5(16)	2011/0057	Mancetter Parish Council	Support	25.1.12
5 (4)	2011/0623	Agent	Email	12.3.12
5 (4)	2011/0623	Agent	Email	16.3.12
5 (4)	2011/0623	K Usher	Email	14.3.12