

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 August 2011

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

Councillor N Dirveiks was also in attendance.

#### 24 **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 Sweet declared a personal and prejudicial interest in Minute No 27 (Proposed Tree Preservation Order - The Vicarage, Baddesley Ensor) vacated the Chair and took no part in the discussion or voting thereon.

#### 25 **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 subject to the signing of a Section 106 Agreement with the following terms:**

**“£25000 as a contribution towards improvement and/or enhancement of existing off-site Public Open Space provision in Atherstone and £10000 as a contribution towards the provision of additional spaces on the car park opposite the site and maintenance of the public car parks in Atherstone,”**

**planning application No 2010/0236 (The Vero Works, 36 Station Street, Atherstone) be approved subject to the conditions with the general wording as set out in the report of the Head of Development Control, but that the exact wording be delegated to officers in consultation with the Chairman and Vice-Chairman of the Board together with the Opposition Planning Spokesperson;**

- b** That Application No 2011/0122 (Victor Valet Limited, Kingsbury Road, Curdworth, Warwickshire) be approved subject to the conditions set out in the report of the Head of Development Control;
- c** That Application No 2011/0256 (3 The Green Austrey Atherstone) be refused for the reasons set out in the report of the Head of Development Control;
- d** That Application No 2011/0270 (19 Edward Road, Water Orton) be approved subject to the amendment of condition i) to read as follows  
  
“i) The development hereby approved shall be discontinued on or before 30 September 2012”
- e** That the report in respect of Planning Application No 2011/0286 (Grendon Fields Farm, Warton Lane, Grendon) be noted, and the Board undertake a site visit prior to determination of this application;
- f** That the report in respect of Applications No 2011/0340 and 2011/0342 (Shustoke House Barns, Coleshill Road (B4114), Shustoke) be noted and the Board undertake a site visit prior to determination of these applications;
- g** That in respect of Application No 2011/0353 (West Midland Water Ski Centre, Tamworth Road, Kingsbury) this Council raises no objection subject to the following conditions:
  - i)** that the County Council satisfies itself that the Environment Agency has no objection to the flood alleviation measures being proposed;
  - ii)** that the County Council satisfies itself, from its consultation with the appropriate ornithological bodies, that there is unlikely to be an adverse impact on the ornithological value of the lake as an over-wintering resource; and finally
  - iii)** that this Council remains very concerned about the adverse visual impact of this significant artificial feature in the landscape which is affecting the openness of the Green Belt hereabouts. As a consequence, the County Council is strongly urged to formally seek re-contouring of the main bund between the River and Lake A such that it appears as a lower and more natural feature.

- h That in respect of Application No 2011/0370 (Land Off Lower House Lane Lower House Lane Baddesley Ensor) the County Council be informed that this Council raises no objection.**

**26 Planning Protocol**

The Assistant Chief Executive and Solicitor to the Council reported on an outline Draft Planning Protocol which the Coventry and Warwickshire Local Enterprise Partnership had requested the Borough Council to consider.

**Resolved:**

- a That the Coventry and Warwickshire Local Enterprise Partnership be informed that this Council is unhappy with the Planning Protocol as drafted;**
- b That the Council recommends that the Planning Protocol be redrafted to better balance the commitments of the Local Planning Authority and the Business Community; and**
- c That these observations be sent to the Department for Communities and Local Government and the two local Members of Parliament.**

**27 Proposed Tree Preservation Order - The Vicarage, Baddesley Ensor**

[Councillor Sweet vacated the Chair for this item and took no part in the discussion or voting thereon – Councillor Winter in the Chair]

The Board was invited to confirm or otherwise a Tree Preservation Order made in respect of land at The Vicarage in Baddesley Ensor.

**Resolved:**

**That the Tree Preservation Order be confirmed.**

**28 Use Classes Order Consultation Paper**

The Head of Development Control reported that the Government had circulated a further paper for consultation concerning the possibility of further relaxation of the Use Classes Order and that the Council's comments had been invited.

**Resolved:**

- a That in North Warwickshire's case, this Council considers that any further relaxation in the Use Classes Order will**

**inevitably involve far worse adverse impacts arising from unrestricted changes of use, particularly traffic and environmental impacts, and that these would outweigh any benefits that might arise. Any alternative should be introduced through Local Development Orders such that local circumstances can be better reflected;**

- b That this Council has in particular seen the adverse impacts arising from temporary use permitted development rights, and once again requests that these are reviewed such that greater emphasis is given to limiting these rights so as to reduce these impacts on local communities; and**
- c That the Government be asked to consider the introduction of a rolling programme of modernisation for the Use Classes Order.**

**29 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2011**

The Chief Executive and the Deputy Chief Executive reported on the performance and achievement against the Corporate Plan and Performance Indicator targets relevant to the Board for the first quarter from April to June 2011.

**Resolved:**

**That the report be noted.**

**30 Annual Performance Report**

The Head of Development Control reported on the annual performance over 2009/10 of the Development Control service comparing it with recent years.

**Resolved:**

**That the report be noted.**

**31 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.**

## 32 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 Ash End Farm, Middleton Lane, Middleton**
  - 1.1 the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the unauthorised erection of a building intended for residential purposes; creation of hard standing with retaining wall; erection of wall adjacent to the public highway exceeding 1 metre in height; and change of use of land from agricultural to residential;**
  - 1.2 the compliance period be three months in relation to demolishing the building and removing unauthorised works;**
  - 1.3 the compliance period be six months in relation to restoring the agricultural land to its former condition;**
  - 1.4 the Solicitor to the Council also be authorised to issue a full Stop Notice relating to the erection of the building and creation of hard standing with retaining wall; and**
  - 1.5 Officers maintain an open dialogue with the landowner should they provide any possible solutions which would negate the need for formal enforcement action, ahead of any formal service of Notice(s).**
  
- b That in respect of the site adjacent to Woodside Farm Bungalow, Linden Lane, Polesworth it is no longer in the public interest for the Solicitor to the Council to take legal action in response to the non-compliance with an extant Enforcement Notice requiring the demolition and/or removal of a stables building because a similar volume of older, poor quality buildings have been demolished and the majority of the resulting materials have been removed from the land.**

R Sweet  
Chairman

**Planning and Development Board  
15 August 2011  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/1	2010/0236	Assistant Director (Streetscape)	Consultation	12/8/11
4/7	2011/0353	Turley Associates	Letter	15/8/11