

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

13 September 2010

Present: Councillor Simpson in the Chair.

Councillors Davis, L Dirveiks, Lea, Morson, B Moss, Sherratt, M Stanley, Swann, Sweet, Winter and Wykes.

Apologies for absence were received from Councillors Bowden and Jenkins.

Councillor Phillips was also in attendance.

#### 31 **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), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

#### 32 **Budgetary Control Report – Period Ended 31 August 2010**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2010 to 31 August 2010. The 2010/2011 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.**

#### 33 **Old Bank House Garden Wall and Trees**

The Assistant Director (Streetscape) and the Assistant Director (Leisure and Community Development) reported on the proposed felling of a number of trees in Old Bank House Garden, Atherstone; both to protect the unstable wall that surrounded the Garden and also to open up the area to provide a more attractive amenity space for the local community.

**Resolved:**

- a **That a further report on the phasing of tree works in Old Bank House Garden be referred to a future meeting of the Board for consideration;**

- b** That any emergency works identified as part of the proposed felling works included in the current “tree works” contract be undertaken and that officers be asked to circulate the report to Parish, Town and Ward Members for comment and report back to a future meeting of the Board;
- c** That any emergency works identified as part of the proposed felling works included in the current “tree works” contract be undertaken and that officers be asked to circulate the report to Parish, Town and Ward Members for comment and report back to a future meeting of the Board; and

**Recommended to Resources Board:**

- d** That emergency works to the wall and any associated emergency works to the trees adjacent to the wall within Old Bank House Garden be undertaken and that officers be asked to prepare a long term phased maintenance plan for the Garden and Wall.

**34 Planning Applications**

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

**Resolved:**

- a** That in respect of Application No 2007/0594 (Atherstone Garage, Long Street, Atherstone) officers be asked to continue discussions with the owner on the basis of the matters set out in the report of the Head of Development Control, and to bring a further report to the Board on the outcome;
- b** That officers be asked to prepare guidance for how the Council deals with requests to re-negotiate financial contributions when requested by other signatories, particularly given the current economic downturn;
- c** That in respect of Application No 2009/0952 (Wagstaff Farm Shawbury Lane Shustoke)
  - i)** the Council is prepared to consider support for this proposal providing that the applicant is prepared to enter into a Section 106 Agreement obligating a financial contribution of £240k to be paid to the Council in order to provide off-site

**affordable housing in the locality, in lieu of on-site provision.**

- ii) officers be instructed to inform the applicant of this position, and to report back to a further meeting on the outcome;**
  - iii) subject to the above Section 106 Agreement and the imposition of conditions as drafted in recommendation (iv) below, the application be referred to the Secretary of State under the 2009 Direction to see if he wishes to call-in the application for his own determination. If he does not, then the application be determined in line with recommendations (i) and (iv); and**
  - iii) the conditions set out in the report of the Head of Development Control be attached to the grant of any planning permission.**
- d That Application No 2010/0387 and 2010/0388 (Land Adjacent to and including 12 Meadow Street, Atherstone) be approved subject to the conditions specified in the report of the Head of Development Control.**

### **35 Interim Planning Policy Statement**

The Assistant Chief Executive and Solicitor to the Council reported on the recent changes to the Planning system and set out the Borough Council's planning policy stance in order to give clarity to residents, landowners, developers and other stakeholders on how the Council would consider development proposals. A Draft Interim Planning Policy Statement had been prepared and would be taken into account as a relevant material consideration in determining planning applications.

#### **Recommended to the Executive Board:**

- a That the Draft Interim Planning Policy Statement be approved for consultation;**
- b That representations be brought back to Board;**
- c That the Interim Planning Policy Statement be considered as a material planning consideration; and**
- d That the Statement be kept under review as further changes are announced.**

36 **Section 106 Monitoring**

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

**Resolved:**

**That the report be noted.**

37 **Design Briefs**

The Head of Development Control sought approval for a number of draft Design Briefs to be circulated for consultation purposes.

**Resolved:**

**That the draft design briefs as set out in the report of the Head of Development Control be agreed for a period of consultation, prior to considering any representations received as part of their adoption as material planning considerations.**

38 **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.**

39 **Breaches of Planning Control**

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

**Resolved:**

- a **That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of the use of the outbuilding as an independent dwelling at Lynwyn, Botts Green Lane, Over Whitacre and that the compliance period be six months; and**
- b **That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the reduction in height and the removal of the first floor of an outbuilding at Lynwyn, Botts Green Lane, Over Whitacre which has not**

**been constructed in accordance with the approval plans  
and that the compliance period be three months.**

M Simpson  
Chairman