

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

15 March 2010

Present: Councillor Simpson in the Chair.

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

Councillor Phillips was also in attendance.

76 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Fox, Lea, B Moss and Sweet and membership of the various Town/Parish Councils of Councillors Fox (Shustoke), B Moss (Kingsbury), Sherratt (Coleshill) and M Stanley (Polesworth) were deemed to be declared at this meeting.

Councillor Lea declared a personal and prejudicial interest in Minute No 77 (Minutes of the meeting of the Board held on 18 January 2010) left the meeting and took no part in the discussion or voting thereon.

77 **Minutes**

The minutes of the meetings of the Board held on 7 December 2009, 18 January 2010 and 15 February 2010, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

78 **Planning Applications**

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

Resolved:

- a **That in respect of Application No Application No 2010/0009 (Land adj. to Dog Inn Public House, Marsh Lane, Water Orton)**
 - (i) **Outline planning permission be granted subject to the receipt of acceptable plans that satisfy the Highway Authority concerns; the conditions as set out in the report of the Head of Development Control, and the prior completion of a Section 106 Agreement to provide a financial contribution of £247,250 in lieu of on-site affordable housing; and**

(ii) If the terms of the Agreement as set out above cannot be settled, then the Application be referred back to the Board for further deliberation.

b That in respect of the Heart of England Ltd, Old Hall Farm, Meriden Road, Fillongley

A The following Notices be agreed in principle:

i) An Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 be issued in respect of the unauthorised change in use of land at the Heart of England centre from forestry land to a mixed use of forestry together with recreational uses, including paint ball activities and motor driving activities. The Notice will require the cessation of the recreational uses, such that they do not exceed the limits set out in Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, and that the compliance period be three months. The reasons for this Notice are as set out in the report of the Head of Development Control;

ii) An Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, be issued in respect of the construction of buildings and structures as identified in the report as numbered 1 to 5 in Appendix A to the report, and that the Notice requires their demolition and the removal of the resultant materials from the site within a period of three months. Additionally the Notice to include the unauthorised engineering operations of hard surfacing a length of track with bitumen, together with the formation of a bitumen storage area, requiring their removal and safe disposal, also within a period of three months. The reasons for the Notice are as set out in the report;

iii) An Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 be issued in respect of the unauthorised change in use of land at the Heart of England centre for motor recreation activity, with the requirement to cease the use of that motor recreation activity, together with the removal of two buildings used in association with this use, within a period of three months. The reasons for the Notice are as set out in the report;

- iv) **An Enforcement Notice be issued under Section 172 of the Town and Country Planning Act 1990, as amended, in respect of the unauthorised material change in the use of a building at the Heart of England centre from a dwelling house to a hotel use, with the requirement to cease the hotel use of the building within a period of six months. The reasons for the Notice are as set out in the report.**
- B) That the precise wording and land areas to be covered by each of the Notices be delegated to the Solicitor to the Council prior to their issue;**
- C) That the Company be notified that it appears that there may well have been breaches of Listed Building Control in respect of works undertaken within the house at this site, and thus an internal inspection is required to establish the situation. A further report will be submitted to the Board as appropriate; and**
- D) That, if these recommendations are agreed, that the Heart of England Company be informed that the Council will hold their issue in abeyance until the end of March 2010.**

79 Section 106 Monitoring Report

The Head of Development Control provided a first review of outstanding Section 106 Agreements, highlighting where outstanding contributions had been expended.

Resolved:

That the report be noted.

80 HS2 Route

The Head of Development Control reported verbally on the proposed route of the new high speed rail service through North Warwickshire which had recently been announced. Further reports would be submitted to the Board in due course.

81 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 by Schedule 12A to the Act.

82 **Building Control Partnership**

The Director of Community and Environment reported on the progress of the Building Control Partnership and the Board was asked to agree a suggested course of action.

Resolved:

- a That the current Partnership Agreement continues to operate for another 12 months from October 2010; and**
- b That the potential for Rugby Borough Council to become involved in the Partnership be investigated by officers from the Partnership and Rugby Borough Council Building Control, to develop a business case that identifies possible options for shared working with Rugby which will be brought back to this Board for consideration before the extended Partnership Agreement expires.**

M Simpson
Chairman