

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

17 August 2009

Present: Councillor Simpson in the Chair.

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

Apologies for absence were received from Councillors Morson and B Moss.

Councillor Phillips was also in attendance.

23 **Declarations of Personal or Prejudicial Interests**

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

Councillors Bowden, Jenkins, Lea and Winter declared a personal interest in Minute No 26 – Planning Applications (Application No 2008/0429 – Land Adjacent to 40 Kiln Way, Polesworth) by reason of being members of the Resources Board.

Councillor Swann declared a personal interest in Minute No 26 – Planning Applications (Applications No 2008/0482 and 0483 - Kingsbury Hall, Coventry Road, Kingsbury) by reason of his personal acquaintance with the applicant.

24 **Minutes**

The minutes of the meetings of the Board held on 18 May, 15 June and 20 July 2009, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

25 **Budgetary Control Report 2009/2010 Period Ended 31 July 2009**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2009 to 31 July 2009. The 2009/2010 budget and the actual position for the period, compared with the estimate at that date were detailed, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

- a That the report be noted; and**
- b That the Assistant Director (Finance and Human Resources) be asked to report to the next meeting of the Board on the Building Control Partnership and the extent of appeal costs that have transpired together with year end forecasts.**

26 **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 following the agreement of Resources Board that £2000 from the receipt of the sale of the land adjacent to 40 Kiln Way, Polesworth be used for the purposes set out in the report of the Head of Development Control, in lieu of a Section 106 Agreement, outline planning permission be granted in respect of Application No 2008/0249 subject to the conditions set out in Appendix A of the report;**
- b **That in respect of Kingsbury Hall, Coventry Road, Kingsbury, plan numbers 04/022/78E, 79F, 62E, 152 and 153 received by the Local Planning Authority on 28 July 2009, be approved as amendments to the Planning Permission reference 2008/0482, and the Listed Building Consent reference 2008/0483, both granted on 6 May 2009, subject to the conditions attached in both;**
- c **That Application No 2008/0513 (Manor House Farm, Green End Road, Green End, Fillongley) be approved subject to the amendment of conditions 14 and 19 to read as follows:-**

'14 No materials shall be delivered to or tipped on the site other than between 0800 hours and 1700 hours Mondays to Fridays. There shall be no such activity on Saturdays and not at all on Sundays, Bank Holidays or other public holidays.

Reason

In the interests of amenity.

19. The landscaping scheme as shown on plan number KL.073.003 and the lake bunding as shown on plan number 08/033/04 shall be implemented and maintained in accordance with the approved plans thereafter.

Reason

In the interest of the amenity.'

- d **That Application No 2009/0242 (Waverton Avenue Allotments, Waverton Avenue, Warton) be approved subject to the following additional condition:-**
- '5 All of the sheds hereby approved shall be maintained hereafter in a good structural condition and their appearance shall be maintained at all times to the written satisfaction of the Local Planning Authority."**

Reason

In the interest of the amenity.'

- e That Application No 2009/0248 (Whitacre Garden Centre, Tamworth Road, Nether Whitacre, Coleshill) be refused for the reasons specified in the report of the Head of Development Control; and**
- f That in respect of Application No 2009/2048 (Whitacre Garden Centre, Tamworth Road, Nether Whitacre, Coleshill) the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of this use from this site and the removal of the office building from the site, for the reasons outlined in the report, with a compliance period of six months.**

27 The Butchers Arms, Filongley

The Head of Development Control reported on the current position in respect of the Butchers Arms, Filongley, following the partial quashing of a Listed Building Enforcement Notice.

Resolved:

That the action taken by the Chief Executive under his emergency powers be noted.

28 Killian Pretty Review Further Consultations

The Head of Development Control reported that the Government had published the first of several consultation papers arising directly out of the Killian Pretty Review. Members were informed of proposals in respect of the "life" of planning permissions and secondly with new procedures to deal with amendments to planning permissions.

Resolved:

That the criticisms of the proposals as set out in the report of the Head of Development Control be referred to the DCLG.

29 Diversion of Footpaths Applications

The Board was informed of the amount of costs that could be reclaimed when processing public path orders to divert, extinguish and stop up footpaths and bridleways to allow development to proceed under Section 257 of the Town and Country Planning Act 1990 or to divert a footpath under Section 119 of the Highways Act 1980. Members were asked to agree a suggested course of action.

Resolved:

That charges as set out in the report the Head of Development Control be referred to Resources Board with a view to adding it to

the Councils scale of charges for the recovery of costs when making a public path diversion or extinguishment order.

30 Annual Performance Report 2008/9

The Head of Development Control reported on the annual performance over 2008/9 of the Development Control service comparing it with recent years. He also provided the first monitoring report following the recent Planning Review.

Resolved:

That the report be noted and the situation in respect of application numbers be reported when the half year figures are available.

31 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2009 – June 2009

The Chief Executive and the Director of Resources 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 2009.

Resolved:

That the report be noted.

32 Emergency Tree Preservation Order Beechwood House, Long Street, Atherstone

Under Section 100B(4)(b) of the Local Government Act 1972 ,the Chairman had agreed to the consideration of this matter by reason of the urgent need to confirm legal action.

The Board was asked to note the action of the Chief Executive in making an Emergency Tree Preservation Order in respect of a Yew Tree at Beechwood House, Long Street, Atherstone.

Resolved:

- a That the action of the Chief Executive in making an Emergency Tree Preservation Order in respect of a Yew Tree at Beechwood House, Long Street, Atherstone be noted; and**
- b That the matter be referred back to the Board once the consultation period has expired, so that the Board can consider whether to make the Order permanent or not.**

33 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 items of business, on the grounds that they involve the likely disclosure of exempt information, as defined by Schedule 12A to the Act.

34 Building Control Partnership

Ian Powell from Nuneaton and Bedworth Borough Council reported on the progress of the Building Control Partnership and Members were asked to agree a suggested course of action.

Resolved:

- a That the reporting arrangements are agreed and the report be noted; and**
- b That the dates proposed for Steering Group meetings in paragraph 3.3 of the report be agreed and that the Chairman of the Board continues to represent NWBC on the Steering Group with Councillor Sweet as deputy.**

35 Breach of Planning Control - Breach Brook, Square Lane, Corley

Under Section 100B(4)(b) of the Local Government Act 1972 ,the Chairman had agreed to the consideration of this matter by reason of the urgent need to take legal action.

The Head of Development Control reported on the current situation on the site at Breach Brook, Square Lane, Corley and the Board was asked to agree a suggested course of action.

Resolved:

That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of the mixed use of the small holding for agricultural and residential use through the cessation of the use of an existing former stable building as residential accommodation, for the reasons outlined in the report of the Head of Development Control, and that the compliance period be 6 months.

36 Heart of England Promotions Ltd Wall Hill Road Fillongley

The Head of Development Control reported verbally on the current situation in respect of the site at Heart of England Promotions Ltd, Wall Hill Road, Fillongley.

M Simpson
Chairman

**Planning and Development Board
17 August 2009
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
6	2009/0248	Mr Hughes	Objection	1/7/09
		Mr Hughes	Objection	13/8/09
		Applicant	Information	12/8/09 &4/8/09
		Mr Clifton	Objection	12/8/09
6	2008/0513	Internal	Site Visit Record	4/8/09