

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

17 January 2011

Present: Councillor Lea the Chair.

Councillors Bowden, Davis, L Dirveiks, Morson, B Moss, Sherratt, Swann, Sweet, Winter and Wykes

Apologies for absence were received from Councillors Jenkins, M Stanley and Simpson.

Councillor Phillips was also in attendance.

55 **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) and Sherratt (Coleshill) were deemed to be declared at this meeting.

Councillors Lea, B Moss and Sweet declared a personal interest in Minute No 60 - Application No 2008/0550 (Former Shale Tip Land on the Corner of The Common and Merevale Lane, Atherstone) by reason being members of Warwickshire County Council.

Councillor Swann declared a personal interest in Minute No 60 - Application No 2008/0482 (Kingsbury Hall, Coventry Road, Kingsbury) by reason of his personal acquaintance with the applicant.

56 **Minutes**

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

57 **Corporate Plan 2011/12**

The Chief Executive presented the updated Corporate Plan for 2011/12. The Board's approval was sought to those parts of the Corporate Plan for which the Board was responsible. Members were also asked to agree the 2011/12 Service Plan for the Development Control Division.

Recommended to the Executive Board:

- a **That those Corporate Plan Targets as set out in Appendix A to the report for which the Planning and Development Board is responsible be agreed; and**

Resolved:

- b That the Service Plan as set out in Appendix B to the report be agreed.**

58 General Fund Fees and Charges 2011/12

The Board was asked to consider the fees and charges for 2010/11 and the proposed fees and charges for 2011/12.

Resolved:

That the schedule of fees and charges for 2011/12 as set out in the report, be accepted.

59 General Fund Revenue Estimates 2011/12

The Deputy Chief Executive detailed the revised budget for 2010/11 and an estimate of expenditure for 2011/12, together with forward commitments for 2012/13, 2013/14 and 2014/15.

Resolved:

- a That the revised budgets for 2010/11 be accepted; and**
- b That, the Estimates of Expenditure for 2011/12, as submitted in the report of the Deputy Chief Executive be accepted, and included in the budget to be brought before the meeting of the Executive Board on 7 February 2011.**

60 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 in respect of Application No 2008/0482 (Kingsbury Hall, Coventry Road, Coleshill), subject to confirmation that the repairs as specified in the Section 106 Agreement have been satisfactorily completed, the Council issues a Certificate as required by Schedule Four of that Agreement relating to Kingsbury Hall and to the Manor House at Over Whitacre;**

- b** That in respect of Application No 2008/0550 (Former Baxterley Shale Tip, Merevale Lane, Atherstone) the Council raises no objection to the proposed amendments seeing them as an overall improvement in the works to be undertaken at this site and that the County Council be asked to extend the consultation period to enable local groups to assess the proposals;
- c** That in respect of Application No 2010/0236 (The Vero Works, 36 Station Street, Atherstone) a Member site visit be arranged prior to the Application being reported back to the Planning and Development Board;
- d** That, subject to a Section 106 Agreement providing the contribution as set out in the report of the Head of Development Control; there being no objections from the County Council as Highway Authority, or matters being able to be dealt with by way of condition, and the additional conditions set out in the report, outline planning permission in respect of Application No 2010/0399 (Miners Welfare Centre, Ransome Road, Arley) be granted;
- e** That Application No 2010/0403 (Sandrock, Tamworth Road, Corley) be approved and that a letter be sent to the applicant urging him to discuss future proposals for his site with officers prior to submission of applications;
- f** That Application No 2010/0466 (2 Malthouse Cottages, Tippers Hill Lane, Fillongley) be refused for the reasons specified in the report of the Head of Development Control;
- g** That, subject to a Section 106 Agreement containing the matters as mentioned in the report of the Head of Development Control, Application No 2010/0514 (Plot 1, Phase 2, Birch Coppice) be granted for the approval of all matters reserved by condition 1 (iii) and (iv), together with condition 23 of planning permission 2010/0102 dated 19 August 2010, subject to the deletion of condition (ii) and the following amended conditions:

“ii) Space for 825 cars shall be provided in the locations shown on the approved plan defined by condition (i) above. This shall be constructed, laid and marked out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. These spaces shall be made fully available prior to the first occupation of the building hereby approved for business purposes. For the

avoidance of doubt, these spaces as constructed under the terms of this condition shall be defined as “original permanent parking spaces”.

Reason: In the interests of securing on-site car parking provision.

iii) Additional land shall be safeguarded in the locations as shown on the approved plan defined by condition (i) above for overspill car parking space. This shall be constructed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. This space shall be made fully available prior to the first occupation of the building hereby approved for business purposes. For the avoidance of doubt this space shall be defined as “overflow parking space”.

Reason: In the interests of securing on-site car parking provision.

iv) None of the land defined as “overflow parking space”, defined by condition (iii) above, shall be used for any car parking purposes without the written consent of the Local Planning Authority. Any such request under this condition, to use this overflow space for permanent car parking purposes shall be accompanied by evidence to verify that such additional permanent space is essential with reference to the outcomes of the measures contained in the Green Travel Plan as set out in the Section 106 Agreement, accompanying this decision.”

Reason: In order to ensure that the objectives of the Green Travel Plan in encouraging more sustainable modes of transport are being effective.”

- h That, subject to the owners of the land agreeing to the making of a Revocation Order under Section 97 of the 1990 Town and Country Planning Act, with no claim for compensation, in respect of planning permission 2007/0029 dated 5 March 2007, then Application No 2010/0602 (Lea Marston Hotel and Leisure Complex, Haunch Lane, Lea Marston) be granted subject to the conditions specified in the report of the Head of Development Control.

- 61 Proposed Tree Preservation Order – Land at The Police Station and Magistrates Court, Junction of Sheepy Road and Croft Road, Atherstone.

Having considered the representations received, the Board was invited to confirm a Tree Preservation Order made in respect of the Police Station and Magistrates Court Site in Sheepy Road, Atherstone. The site contained groups of trees and individual trees along the frontages with Croft Road and Sheepy Road.

Resolved:

- a That the Tree Preservation Order be confirmed; and**
- b That officers be asked to submit a further report to the Board in respect of the Magnolia tree in the courtyard at the centre of the Magistrates Court site.**

62 Tree Preservation Order – Land to the rear of 13 to 15b Coventry Road, Coleshill

With no representations having been received, the Board was invited to confirm a Tree Preservation Order made in respect of land to the rear of 13 to 15b Coventry Road, Coleshill.

Resolved:

That the Tree Preservation Order be confirmed.

63 Arboricultural Works on Borough Council Land

The Assistant Director (Leisure and Community Development) reported on the outcome of consultation in respect of proposed works in the current arboricultural contract. He also set out details of the Authority's tree management process and proposed a formal procedure in respect of future consultation.

Resolved:

- a That the consultation undertaken in respect of the currently proposed arboricultural works be noted; and**
- b That the proposed consultation procedure in respect of future arboricultural contracts be noted, prior to the further consideration and determination of this matter by the Community and Environment Board.**

64 Planning Application Validation Requirements

The Board was invited to confirm the action taken by the Chief Executive under his emergency powers to formally adopt the revisions to the Council's Planning Application Validation Requirements.

Resolved:

That the action taken by the Chief Executive under his emergency powers to formally adopt the revisions to the Council's Planning Application Validation Requirements for the reasons given in the report of the Head of Development Control dated 20 December 2010, be confirmed.

65 Planning Fees Consultation Paper

The Head of Development Control reported that the Government had published a consultation paper setting out its proposals to enable Local Planning Authorities to replace the national schedule of planning fees, with their own bespoke scale of fees so that they could recover the costs of handling planning applications. Members were asked to agree a suggested response.

Resolved:

That the Council responds to the consultation paper by

- a giving a general welcome to the opportunity to prepare its own schedule of planning fees;**
- b agreeing with the suggestion that re-submitted applications should carry a fee, and that the fee to be charged for handling retrospective applications should reflect prior investigatory work, together with;**
- c suggesting that when a planning application involves a Listed Building, a higher fee should be charged so as to reflect the additional costs because of the specialist advice that is needed in such cases. Listed Building applications themselves can remain non-fee earning as at present.**

66 Enforcement Policy

The Head of Development Control reported on a review of the Council's Enforcement Policy. The Board was invited to approve a number of suggested amendments.

Resolved:

That the changes to the Enforcement Policy as indicated in the report of the Head of Development Control be adopted.

67 **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 in Schedule 12A to the Act.

68 **Tree Preservation Order – Water Orton**

The Head of Development Control sought authority for the making of a Tree Preservation Order on land adjacent to Plank Lane, Water Orton and Members were asked to agree a suggested course of action.

Resolved:

That a Tree Preservation Order be made, in respect of 35 individual trees, 5 groups of trees and 2 areas of trees for the reasons given in the report of the Head of Development Control, and that any representations received be referred to the Board for it to consider when it decides whether to make the Order permanent.

69 **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 Corley Ash Garage, Tamworth Road, Corley, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with an extant Enforcement Notice requiring: ‘Cease the use of the land for the storage and display of vehicles offered for sale and remove the stored vehicles from the site’;**
- b **That in respect of Manor House Farm, Coleshill Road, Ansley, the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of the use of the land as a depot with office; and the storage of motorised vehicles, including HGV’S, vans and road sweepers that are not associated with agriculture, agricultural hire or equestrian uses and that the compliance period be six months; and**

- c That in respect of Gold and Silver Investments, 38 Long Street, Atherstone, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with an extant Enforcement Notice requiring: 'Remove the unauthorised UPVC windows and reinstate the original sash windows in hardwood or painted softwood with 100mm reveals and to match the original design'.**

Chairman

**Planning and Development Board
17 January 2011
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
8/4	2010/0399	Highway Authority Applicant's Solicitors	Consultation Draft Section 106 Agreement	6/12/10 16/12/10