

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

16 August 2010

Present: Councillor Simpson in the Chair.

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

Apologies for absence were received from Councillors Jenkins and Morson.

Councillors Forwood, Fox, Freer, Lewis, Moore, Phillips, Pickard and Y Stanley were also in attendance.

#### 22 **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.

Councillors Lea, B Moss and Sweet declared a personal interest in Minute No 23 Planning Applications (Application No 2010/0393 - Lower House Farm, Lower House Lane, Baddesley Ensor) by reason of being Warwickshire County Councillors and took no part in the discussion or voting thereon.

#### 23 **Planning Applications**

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

##### **Resolved:**

- a **That the issues report in respect of Application No 2010/0374 (Atherstone Police Station and Magistrates Court, Sheepy Road, Atherstone) be noted: and**
- b **That in respect of Application No 2010/0393 (Lower House Farm, Lower House Lane, Baddesley Ensor):**
  - l) **this Council has no objection to the proposals subject to the conditions attached to the planning permission for Phase Two of Birch Coppice, and that the draft Section 106 Agreement accompanying that permission is also signed;**

- ii) the County Council be strongly recommended to undertake an archaeological survey of the existing Lower House Farm site in liaison with the Warwickshire Museum, and that no planning permission for this current proposal be granted until such time as it is satisfied that appropriate measures commensurate with the conclusions of that survey are agreed and implemented in full; and
- iii) the County Council condition any planning permission such that the colour of the materials to be used matches that on the Phase Two Birch Coppice proposals and that the operating hours are as set out in the report of the Head of Development Control.

**24 Annual Performance Report 2009/10**

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

**Resolved:**

- a That the report be noted; and
- b That a further report be brought to the Board making recommendations concerning a review of the Council's Enforcement Policy.

**25 Local Transport Plan 3 - Consultation**

The Assistant Chief Executive and Solicitor to the Council reported on the "The Local Transport Plan (LTP)", prepared by Warwickshire County Council setting out the transport strategy for Warwickshire and outlined a programme of transport schemes and initiatives to be delivered over the short to medium term.

**Resolved:**

**That the comments on the feedback form be sent to Warwickshire County Council as this Council's response to the consultation document.**

**26 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 officers be asked to identify the emergency works required to be undertaken to the walls and trees within Old Bank House Garden and bring a further report to the Board in respect of any other proposed works be undertaken as part of a planned maintenance programme;**
- b That the comments in a) above be referred to the Resources Board for consideration; and**
- c That the Board be advised of all future works to remove trees the in ownership or care of the Borough Council.**

**27 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – June 2010**

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 2010.

**Resolved:**

**That the report be noted.**

**28 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.**

**29 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 the case of Heart of England Promotions, Wall Hill Road, Fillongley and relating to a 'forestry/agricultural building' the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with three elements of a separate, extant Enforcement Notice requiring:
- Removal of the toilet block and replacing it with that shown on the approved plan
  - Removal of the internal staircase and the first floor
  - Removal of the cantilevered platform together with its hand rail.
- b** That in the case of Heart of England Promotions, Wall Hill Road, Fillongley the Solicitor to the Council be authorised to take further enforcement action in relation to the 'forestry/agricultural building' with the issue of an Enforcement Notice relating to the unauthorised erection of a building. The notice to require the cessation of the recreational use of the land and the removal of the whole of this unauthorised development including the building, its foundation, compound, fencing, associated hardstanding and all services. The compliance period will be six months;
- c** That in the case of Heart of England Promotions, Wall Hill Road, Fillongley, the Solicitor to the Council be authorised to issue an enforcement notice in relation to an unauthorised mock lighthouse structure erected on an island within the lake. The compliance period will be one month;
- d** That in the case of Heart of England Promotions, Wall Hill Road, Fillongley, the Solicitor to the Council be authorised to take appropriate legal action in response to the erection of eight unlawful signs on the former field access comprising:
- Two free standing 'welcome' signs
  - Two signs on the fencing at the entrance to the site
  - Two box style signs on fabricated steel mountings
  - One free standing double sided 'A' board and
  - One directional sign.

- e** That in respect of land to the rear of Whitegate Farm, Quarry Lane, Mancetter, the Solicitor to the Council be authorised to issue two Enforcement Notices relating to:
- i)** The change of use of the land for the storage of plant (heavy machines used in industry and for earth moving equipment; heavy machine parts; containers; builders materials; heavy goods vehicles; vehicle parts; fuel storage tank; aggregate and skips; together with the formation of a raised hardstanding area, comprising brick, concrete rubble and stone; the formation of a waste bund comprising earth, brick and concrete rubble; and
  - ii)** Secondly, to serve an enforcement notice in relation to the erection of a steel framed, block and wooden clad industrial type building with roller shutter door.
  - iii)** The owner being required to cease the unauthorised storage use, dig up and remove from the site the unauthorised hardstanding and waste bund, demolish and remove the unauthorised building and reinstate the land with a covering of top soil. The compliance period will be six months.
- f** That in respect of The Field , Lamp Lane, Arley, the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the unauthorised change of use of the site, to a mixed use, comprising agriculture, together with the siting of a residential mobile home. The Notice to require the cessation of the use of the land for the siting of a residential mobile home by the removal of the mobile home from the site and the land restored to its previous condition. The compliance period will be six months;
- g** That in respect of the The Dog Inn, Marsh Lane, Water Orton, the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the unauthorised change of use of the site from a Public House falling within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987 as amended, to a mixed use involving this public house together with its use for car boot sales. The Notice to require the cessation of the car boot sales at the site and the compliance period be four weeks; and

- h That in respect of 81 Ansley Common, Ansley and adjoining land, the Solicitor to the Council be authorised to take appropriate legal action in response to the non-compliance with part of an extant Enforcement Notice requiring the cessation of the use of the land for a vehicle recovery business together with the storage of recovery vehicles, scrap, and car parts.**

**30 Tree Preservation Order, Atherstone**

Under Section 100B(4)(b) of the Local Government Act 1972 the Chairman had agreed to the consideration of this report by reason of the urgent need to make the Tree Preservation Order.

The Board was informed that an outline planning application had been submitted proposing the redevelopment 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. The trees had been inspected and were considered worthy of a Tree Preservation Order.

**Resolved:**

**That a Tree Preservation Order be made with immediate effect, in respect of T1 a Lime Tree, T2 a Silver Birch Tree, G1 - 4 Silver Birch Trees and 1 Downey Birch Tree, G2 - 3 Lime Trees and G3 – 3 Ash 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.**

M Simpson  
Chairman