

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

16 November 2009

Present: Councillor Simpson in the Chair.

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

Apologies for absence were received from Councillors Bowden, Jenkins and Sweet.

Councillors Davis and Smith were also in attendance.

#### 49 **Declarations of Personal or Prejudicial Interests**

Personal interests arising from the membership of Warwickshire County Council of Councillors Fox, B Moss and Lea 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.

#### 50 **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:**

- (i) That in respect of Heart of England Ltd, Old Hall Farm, Fillongley**
  - a) Application 2009/0441 – The New Building - planning permission be REFUSED for the reasons set out in the report;**
  - b) Application 2009/0324 – Variation to Increase Imported Material - planning permission be REFUSED for the reasons set out in the report;**
  - c) Application 2009/0326 – Retention of Beach, Rockery and Building - planning permission be REFUSED for the reasons set out in the report;**
  - d) Application 2008/0607 – Variation of Condition to allow public access, and the use of the access for construction purposes - planning permission be REFUSED for the reason set out in the report;**
  - e) Application 2008/0571 - Alterations to the Access - planning permission be REFUSED for the reason set out in the report;**

- f) Application 2009/0322 – Sunday Use of the Lake and Surrounds - planning permission be REFUSED for the reason set out in the report;
- g) Application 2009/032 – Sunday Use of the Existing Buildings - planning permission be GRANTED subject to the conditions set out in the report;
- h) Application 2009/0327 – The Jetty - planning permission be GRANTED;
- i) Application 2009/0325 – The Pump House and Plant Room - planning permission be REFUSED for the reason set out in the report;

That the Solicitor to the Council be authorised to issue the following Notices and to take the action as set out below:

- j) To initiate proceedings in the Court under Section 179 of the 1990 Planning Act, following the failure of the owner to comply with the requirements of the Enforcement Notice relating to the removal of the two marquees dated 13 August 2009;
- k) To issue an Enforcement Notice under Section 172 of the 1990 Planning Act, requiring the removal of the beach; the rockery and the building within the rockery, for the reasons set out in the report; with the Notice requirements as set out in the report and with a compliance period of three months;
- l) To issue a Breach of Condition Notice under Section 187A of the 1990 Planning Act, in respect of condition number 7 of planning permission 2007/0503 dated 6 March 2008, requiring cessation of Sunday use of the site within a month of the date of the Notice;
- m) To issue an Enforcement Notice under Section 172 of the 1990 Planning Act, in respect of the unauthorised lighting installation, with a requirement for its removal within one month;
- n) To issue a Breach of Condition Notice under Section 187A of the 1990 Planning Act, in respect of condition 9 of the planning permission 2007/0503 dated 6 March 2008, requiring removal of the public address system at the site within one month of the date of the Notice;
- o) To issue an Enforcement Notice under Section 172 of the 1990 Planning Act, requiring the removal of the raised platform and balustrade, the children's play equipment, the volleyball court, the bouncy castle, the statue in the lake, and fairground rides as located on the Notice Plan, within a period of three months of the date of the Notice, for the reasons outlined in the report;

- p) That at the present time, it is not considered expedient to issue Enforcement Notices relating to the retention of the lake as existing; the pump house, the use of the second access and the engineering works undertaken to that access;
- q) That the applicant and his representatives be invited to meet the Chairman and Vice Chairman of the Board, together with the Shadow Planning spokesperson, in order to explore once again, the opportunity for seeking common ground on the future of the site; and
- r) That additional reports be brought to Board in light of the alleged breaches of planning control reported above.
- (ii) That in respect Application No 2009/0440 (Atherstone Station, Long Street Atherstone) Listed Building Consent be refused for the following reasons

"It is considered that the loss of this bridge would materially affect the setting of the Listed Victorian Station building at Atherstone, because of its historic value and association within the curtilage of the station, and it being on the edge of the Atherstone Conservation Area, and the Watling Street Bridge Conservation Area. Additionally it is considered that alternative access arrangements are unsatisfactory. As such the proposal does not accord with Saved Policies ENV15 and 16 of the North Warwickshire Local Plan 2006, and Government Guidance in the form of PPG15."

51 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2009 to September 2009**

Members were informed of the achievement of the Council's Corporate Plan and Performance Indicator targets for 2009 during April to September 2009.

**Resolved:**

**That the performance achieved for the Corporate Plan and Performance Indicator targets for April to September 2009, be noted.**

52 **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.**

53 **Breaches of Planning Control**

The Head of Development Control reported upon alleged breaches of planning control and Members were asked to agree suggested courses of action.

**Resolved:**

- (i) That in respect of Grendon Fields Farm, Warton Lane, Grendon**
  - a the Solicitor to the Council be authorised to issue an Enforcement Notice relating to the unauthorised change of use of the land to a mixed use of agriculture and the residential use of the land including the siting of residential mobile homes; and**
  - b the Notice to require the cessation of the residential use of the land by the removal of the mobile homes from the site and the land restored to its previous condition and that the compliance period be six months.**

**Recommended:**

- (ii) That in respect of the Heart of England Ltd – Old Hall Farm, Fillongley**
  - a) The Council be asked to approve a supplementary estimate of £10,000 to fund Counsel's Opinion in respect of the Heart of England Ltd site;**
  - b) The Solicitor to the Council be authorised to seek Counsel's Opinion on the prospects of seeking an Advance Injunction, preventing further developments at this site during 2010, beyond that within the lawful use of the land; and**
  - c) That the Opinion be reported to the Board prior to any further action being taken in respect of its recommendations.**

M Simpson  
Chairman

**Planning and Development Board  
16 November 2009  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/1	Heart of England	Agent	Correspondence	06/11/09
		Agent	Correspondence	09/11/09
		Agent	Correspondence	11/11/09
		Agent	Statement	12/11/09
		Mr & Mrs McHugh	Objection	10/11/09
		Mrs Smith	Objection	10/11/09
		Mr & Mrs Hooke	Objection	11/11/09
		Forestry Commission	Comments	12/11/09
		Warwickshire Ecology	Comments	13/11/09
		M Gibson	Objection	30/10/09
		Case Officer	Correspondence	04/11/09
		WCC Highways	Correspondence	4/11/09
		Agent	Correspondence	04/11/09
		Agent	Correspondence	05/11/09
		WCC Highways	Objection	02/11/09
		Case Officer	Correspondence	12/11/09
Case Officer	Correspondence	13/11/09		
Mr & Mrs Burrin	Objection	17/11/09		
4/2	2009/0440	Atherstone Town Council	Objection	12/11/09