

# Planning Committee

31 March 2009

## MINUTES

### Present:

Councillor Michael Chalk (Chair), Councillor David Smith (Vice-Chair) and Councillors J Field, W Hartnett, N Hicks and D Hunt.

### Officers:

N Chana, A Hussain, A Rutt, S Skinner and J Staniland.

### Committee Services Officer:

J Smyth.

### 88. APOLOGIES

An apology for absence was received on behalf of Councillor Enderby.

### 89. DECLARATIONS OF INTEREST

Councillors Hartnett and Hunt declared personal but not prejudicial interests in Planning Application 2009/021/FUL (erection of a detached dwelling) at 2 Hennals Avenue, Webheath, as detailed at Minute 93 below.

Councillor Smith declared a personal and prejudicial interest in Enforcement Report 2008/059/ENF (non-compliance with requirements of a Section 215 Notice) in Fenwick Close, Headless Cross, as detailed at Minute 98 below.

### 90. CONFIRMATION OF MINUTES

#### RESOLVED that

**the minutes of the meeting of the Committee held on the 3 March 2009 be confirmed as a correct record and signed by the Chair.**

### 91. APPLICATIONS FOR PLANNING PERMISSION

The Committee considered and determined two Planning Applications as detailed in the subsequent minutes below.

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Chair

Public speaking was permitted, in accordance with the Council's agreed procedures, in relation to both of the applications being considered.

**92. PLANNING APPLICATION 2009/019/COU - UNIT 1  
MATCHBOROUGH CENTRE, MATCHBOROUGH WAY**

Change of use from A1 (Retail) to D2  
(Assembly and Leisure Use)

Applicant: Mr S Marshall ('Your Ideas')

Mr Marshall, the Applicant, addressed the Committee under the Council's public speaking rules.

A brief letter of support was also read out on behalf of Councillor Brunner, local Ward Member, who had also been registered to speak but had not been able to attend in person.

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions detailed in the report.**

**93. PLANNING APPLICATION 2009/021/FUL - 2 HENNALS  
AVENUE, WEBHEATH**

Erection of a detached dwelling.

Applicant: Mr B Yeng

Mrs S Yeng, on behalf of the Applicant, addressed the Committee under the Council's public speaking rules.

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED for the reasons stated in the report.**

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillors Hartnett and Hunt declared personal but not prejudicial interests in view of the fact that they were acquainted with the Applicant.)

**94. INFORMATION REPORT**

The Committee received information relating to the outcome of an appeal against the imposition of a planning condition. The condition had requiring the removal of two heaters under an approved

retrospective Planning Permission relating to Astwood Bank Club, 5a Dark Lane, Astwood Bank.

Members noted the Inspector's decision that the appeal should succeed and that the disputed condition be removed from the Planning Permission.

**RESOLVED that**

**the item of information be noted.**

**95. PLANNING APPEALS PROCEDURES - CHANGES**

The Committee received a report which detailed changes to the planning appeals system and the resultant changes required in the Council's practices and procedures to accommodate the new regulations.

Members were informed that the changes were significant for all those who engaged in the planning appeals system following refusal of planning permission, particularly those in receipt of refusal under the new Householder Planning Application process. The more significant changes to the procedures were highlighted, particularly in relation to the new methods of appeal, third party representations, awarding of costs and notification of Appeals decisions.

Officers pointed out that, whilst there were no substantial changes to the Committee's own procedures, it would be essential that Members provide full and clear reasons for any changes to Officers' recommendations, with particular attention to be paid to the recording of such reasons, for instance, where Members sought to overturn Officer's recommendations for approval, or where additional conditions were to be imposed.

It was agreed that Officers should report back to the Committee on the feasibility, benefits, and associated costs of recording Planning Committee meetings to assist with representation at any subsequent appeals.

With regard to the changes in relation to awarding of costs, Officers agreed to provide Members with the new procedures and criteria against which costs could be awarded and likely tariffs, if available, as soon as the relevant information had been published.

**RESOLVED that**

- 1) the information provided be noted and taken into account in future decision making and advisory processes;**

- 2) a report be brought to Committee on the possibilities and associated costs of providing sound recordings of Planning Committee meetings; and
- 3) when further information is available, Members be advised on the criteria and likely tariffs to be applied by the Planning Inspectorate on awarding costs.

**96. ENFORCEMENT OF PLANNING CONTROL**

The Committee considered three contraventions of planning law, as detailed in the subsequent minutes below.

**97. ENFORCEMENT REPORT 2007/195/ENF - MUNSLEY CLOSE, MATCHBOROUGH**

Non-compliance with the requirements of a Section 215 Notice

**RESOLVED that**

authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to

- 1) take Enforcement action by way of instigating proceedings in the Magistrates Court, if necessary, to secure a cessation of the breach of Planning Control; and / or
- 2) take direct remedial action under Section 219 of the Town and Country Planning Act 1990 to remedy the condition of the land, if necessary, and recover any expenses reasonably incurred by the Local Planning Authority in doing so.

**98. ENFORCEMENT REPORT 2008/059/ENF - FENWICK CLOSE, HEADLESS CROSS**

Non-compliance with the requirements of a Section 215 Notice

**RESOLVED that**

authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to

- 1) take Enforcement action by way of instigating proceedings in the Magistrates Court, if necessary, to secure a cessation of the breach of Planning Control; and / or

- 2) **take direct remedial action under Section 219 of the Town and Country Planning Act 1990 to remedy the condition of the land, if necessary, and recover any expenses reasonably incurred by the Local Planning Authority in doing so.**

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Smith declared a personal and prejudicial interest in view of the fact that he lived adjacent to the site the subject of the Enforcement action and withdrew from the meeting.)

**99. ENFORCEMENT REPORT 2008/165/ENF - BARFORD CLOSE, MATCHBOROUGH**

Non-compliance with the requirements of a Section 215 Notice

**RESOLVED that**

**authority be delegated to the Head of Legal, Democratic and Property Services, in consultation with the Acting Head of Planning and Building Control, to**

- 1) **take Enforcement action by way of instigating proceedings in the Magistrates Court, if necessary, to secure a cessation of the breach of Planning Control; and / or**
- 2) **take direct remedial action under Section 219 of the Town and Country Planning Act 1990 to remedy the condition of the land, if necessary, and recover any expenses reasonably incurred by the Local Planning Authority in doing so.**

The Meeting commenced at 7.00 pm  
and closed at 8.12 pm

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CHAIR