

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
PLANNING AND REGULATORY COMMITTEE
30th NOVEMBER 2004 AT 6.30 P.M.

PRESENT: Mr. R.J. Furniss - Chairman
Mr. D.E. Hinton - Vice-Chairman

Mrs. M. Aldridge, Mr. D.R. Bown, Mrs. R. Camamile, Mrs. C.M. Claridge, Mrs. M.A. Cook, Mr. W.J. Crooks, Mr. R.D. Ellis, Mrs. D. Finney, Mrs. S. Francks, Mr. M.R. Lay (see minute number 283(e) below), Mrs. M.L. Sherwin, Mrs. E.A. Spencer and Mr. J.E. Stanley.

In accordance with Council Procedure Rule 4.4 Messrs. D.C. Bill and N.B.L. Davis also attended the meeting.

Officers in attendance: Mrs. J. Clayton, Mrs. T. Darke, Mr. C. Merriman, Mr. R. Palmer, Mrs. P.I. Pitt and Mr. P. Reid.

279 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mr. P.T. Andrews, Mr. C.W. Boothby and Mr. C.G. Joyce and the following substitutions authorised in accordance with Council Procedure Rule 4.3:-

Mrs. Aldridge for Mr. Andrews
Mrs. Francks for Mr. Joyce

280 MINUTES (PR36)

On the motion of Mr. Ellis, seconded by Mr. Crooks, it was

RESOLVED - the minutes of the meeting held on 2nd November 2004 be confirmed and signed by the Chairman.

281 DECLARATIONS OF INTEREST

Mrs. Francks declared a prejudicial interest in planning application number 04/01142/OUT, having already spoken on this subject at a previous meeting.

Mr. Lay entered the meeting at 6.34 p.m. left at 6.36 p.m., as did Mr. Bill and both returned at 6.37 p.m.

282 CONSULTATION RESPONSE TO DRAFT PLANNING POLICY STATEMENT 9 - BIODIVERSITY AND GEOLOGICAL CONSERVATION AND DRAFT CIRCULAR XX/2004: BIODIVERSITY AND GEOLOGICAL CONSERVATION - STATUTORY OBLIGATIONS AND THEIR IMPACT WITHIN THE PLANNING SYSTEM (PR38)

Members were advised of the contents of the above draft document, the consultation period for which expired on 9th December 2004, together with officers' suggested responses to this. On the motion of Mrs. Sherwin, seconded by Mr. Crooks, it was

RESOLVED - Officers' proposed responses contained in the report of the Acting Head of Planning and Leisure form the basis of this Council's submission to the Office of the Deputy Prime Minister.

It was moved by Mrs. Camamile and seconded by Mrs. Sherwin that the recommendations of the Acting Head of Planning and Leisure contained in the schedule submitted, as amended by the list of late items be approved.

- (a) 04/01230/COU - Change of use to gymnastics club, C.J. Marketing, Unit 1, Hinckley Business Centre, Burbage - Hinckley and Burbage Gymnastics Club

Notwithstanding the recommendation of the Acting Head of Planning and Leisure for refusal, Members were of the opinion that this would be a welcome facility to the area and on the motion of Mrs. Sherwin, seconded by Mrs. Claridge, it was

RESOLVED - this application be approved subject to the following conditions:-

1. The development hereby permitted shall be begun within five years from the date of this permission.
2. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and the Town & Country Planning (General Permitted Development) Order 1995 the premises shall not be used other than for the purposes of a gymnastics club.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.
2. Other uses within the same Use Class as the development hereby approved may not be suitable in this location.

Notes to Applicant

1. This permission does not grant approval under the Building Act 1984 and the Building Regulations 1991 for which a separate application may be required. You are advised to contact the Building Control Section.
2. This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
3. It should be noted that this permission relates solely to the change of use of the premises and that any external alterations and advertisement may require a separate planning approval.

At this point Mr. Furniss, having become aware that the applicant was known to him, declared a personal interest in planning application number 04/01142/OUT.

- (b) 04/00908/FUL - Factory extension C.J. Upton and Son, 21 Shaw Lane, Markfield - C.J. Upton and Sons Ltd.

Despite the recommendation of the Acting Head of Planning and Leisure that this be refused the Committee was of the opinion that this application, if approved, would provide local employment and would not be detrimental to the environment. On the motion of Mr. Crooks, seconded by Mrs. Finney, it was

RESOLVED - this application be approved subject to the following conditions:-

1. The development hereby permitted shall be begun within five years from the date of this permission.
2. The materials and finishes to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials and finishes of the adjoining factory unless previously agreed in writing with the Local Planning Authority.
3. The development shall be drained by separate systems with surface water excluded from the foul sewer unless otherwise agreed in writing with the Local Planning Authority.
4. Before any development is commenced on site a landscaping scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials proposed and their disposition.
5. The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed extension and alterations are ready for use. The scheme shall be maintained for a period of ten years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
6. Before the development hereby permitted is first brought into use, off-street car parking/lorry parking provision shall be made within the application site in accordance with the parking layout indicated on the submitted drawing No. 970/04/2b. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times thereafter.
7. No development shall commence until a 2.4 metres by 60 metres visibility splay has been provided at the junction of the access with Stanton Lane as indicated on the submitted drawing No. 970/04/2b. The splay shall be so maintained in perpetuity and nothing shall be allowed to grow within the visibility splay above a height of 0.9 metres.
8. The vegetation growing up/on/around the existing post and rail fence to the south eastern side of Stanton Lane vehicular access shall be permanently cut back/removed prior to the development hereby approved being brought into use and the area shall be kept clear at all times thereafter.
9. No development shall commence until a 6 metre kerbed radii on both sides of the access has been constructed at the vehicular access to the site from the A511.
10. Prior to being discharged into any watercourse, surface water, sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.
2. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
3. To avoid water pollution.
4. To enhance the appearance of the development to accord with policy BE1 and EMP2 of the Hinckley & Bosworth Local Plan.
5. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE23 of the Hinckley & Bosworth Local Plan.
6. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
7. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
8. To afford the best visibility possible to and from emerging vehicles at the access and to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
9. To enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.
10. To safeguard the capacity of the foul sewer.

Notes to Applicant

1. This permission does not grant approval under the Building Act 1984 and the Building Regulations 1991 for which a separate application may be required. You are advised to contact the Building Control Section.
2. This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
3. In accordance with Section 76 of the Town & Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted in relation to buildings to which Section 175 of the Factories Act 1961 applies:-
 - (a) Relevant provisions in Sections 7 and 8A of the Chronically Sick & Disabled Persons Act 1970 and any subsequent amending legislation; and
 - (b) the Code of Practice for Access for the Disabled to Buildings by the British Standards Institution, reference BS 5810:1979.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Western Area Manager (telephone 01530 414151).
5. Your attention is drawn to the attached correspondence from the Environment Agency.
6. In relation to Condition 7, the visibility splay shall be provided in accordance with the standards contained in Places, Streets and Movement document and the current County Council Design Guide.

Mrs. Finney left the meeting at 7.35 p.m. returning at 7.40 p.m.

- (c) 04/01102/FUL - Extension and alteration to dwelling and replacement garage, 11 Cottage Lane, Desford - Mr. R. Stretton

Despite the recommendation of the Acting Head of Planning and Leisure that this be refused Members were sympathetic to this proposed development and on the motion of Mrs. Camamile, seconded by Mrs. Claridge, it was

RESOLVED - further talks be held between officers and the applicant regarding these proposals and subject to a suitable revised scheme being submitted to the satisfaction of the Acting Head of Planning and Leisure planning permission be granted.

Mr. Stanley left the meeting at 7.46 p.m. and returned at 7.52 p.m.

- (d) 04/01104/FUL - Erection of private stables and hay store, Winnowing Barn, Main Street, Orton on the Hill - Mrs. M. Cook

Despite the recommendation of the Acting Head of Planning and Leisure that this be refused Members were of the opinion that an overall reduction in the scale of the proposal might be looked upon more favourably and that consideration might be given to a restriction limiting the use by the applicant and her family only. On the motion of Mr. Bown, seconded by Mr. Ellis, it was

RESOLVED - this application be deferred pending further negotiations between officers and the applicant along the lines indicated above and the outcome of these discussions be reported back to this Committee.

Mrs. Francks and Mr. Furniss, having both declared an interest in the following item withdrew from the meeting at 8.01 p.m. whilst this was considered and voted upon.

Mr. Hinton thereupon took the Chair during consideration of this item only.

- (e) 04/01142/OUT - Residential development of 4 dwellings, land off Red Hall Drive, Barwell - Mr. and Mrs. J. Spencer

Despite the recommendation of the Acting Head of Planning and Leisure that this be approved Members expressed concerns regarding the mature protected oak tree and associated proposed building and highway works and it was moved by Mrs. Cook and seconded by Mrs. Camamile that this application be refused. A vote was then taken resulting in 5 Members voting to overturn the recommendation and 5 Members voting to accept the officer's recommendation.

Amongst the latter was Mr. Lay, the substitution of whom had not been authorised in accordance with Council Procedure Rule 4.3(c). On the advice of the Council's legal officer Mr. Lay was permitted to vote. In consequence the Chairman exercised his casting vote in favour of refusing this application and it was thereupon

RESOLVED - this application be refused for the following reason:-

1. In the opinion of the Local Planning Authority, the proposed development is likely to result in a seriously detrimental effect on the protected mature oak tree, due to the siting of the proposed dwellings and access road and, in addition, likely to result in future pressure for its removal. It is therefore contrary to policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Mrs. Franks and Mr. Furniss returned to the meeting at 8.32 p.m.

- (f) 04/01191/COU - Change of use to allow dog grooming, Plot 3, Market Bosworth Industrial Estate, Station Road, Market Bosworth - Samantha Lake

Mrs. Cook left the meeting at 8.55 p.m. returning at 8.58 p.m. Mrs. Francks withdrew from the meeting at 9.01 p.m.

Notwithstanding the recommendation of the Acting Head of Planning and Leisure that this should be refused Members' felt that insufficient evidence had been provided by the owner as to how this empty unit had been advertised. On the motion of Mrs. Aldridge, seconded by Mrs. Cook, it was

RESOLVED - consideration of this application be deferred pending officers' receipt of information from the owner of these premises relating to advertising arrangements.

- (g) 04/01218/FUL - Retention of rear extension to dwelling 29 Church Street, Burbage - Mr. and Mrs. Holt

Whilst in agreement with officers' recommendation for refusal Members were sympathetic to the circumstances in this case and received advice from officers as to the appeals process which the applicant could now undertake. On the motion of Mr. Bown, seconded by Mr. Crooks, it was

RESOLVED - a joint report by the Acting Head of Planning and Leisure and the Head of Property setting out the full details of this application be brought to this Committee.

RESOLVED - the remaining recommendations of the Acting Head of Planning and Leisure as set out in the schedule submitted, as amended by the list of late items and/or as indicated above, be approved.

In view of the lateness of the hour and in accordance with Council Procedure Rule 9 it was moved by Mr. Furniss, seconded by Mr. Crooks and

RESOLVED - this meeting be extended to 9.40 p.m.

Mr. Lay left the meeting at 9.28 p.m.

284 APPEALS LODGED AND DETERMINED (PR39)

Members were informed of appeals lodged and determined since the last meeting and on the motion of Mr. Ellis, seconded by Mr. Crooks it was

RESOLVED - the report be noted.

285 APPEALS - PROGRESS (PR40)

The Committee having received details of the above, it was moved by Mr. Ellis, seconded by Mr. Furniss, and

RESOLVED - the report be noted.

(The meeting closed at 9.30 p.m.)