

HINCKLEY AND BOSWORTH BOROUGH COUNCIL  
PLANNING AND REGULATORY COMMITTEE  
17<sup>th</sup> MAY 2005 AT 6.30 P.M.

PRESENT: MR. R.J. FURNISS - CHAIRMAN  
MR. D.E. HINTON - VICE-CHAIRMAN

Mrs. M. Aldridge, Mr. D.C. Bill, Mr. C.W. Boothby, Mrs. R. Camamile, Mr. J.F. Collins, Mrs. M.A. Cook, Mr. W.J. Crooks, Mr. B.H. Edwards, Mrs. D. Finney, Mr. K.A.J. Hunnybun, Mr. C.G. Joyce, Mr. M.R. Lay, Mrs. E.A. Spencer, Mr. K. Vessey and Mrs. R.W. Wright.

In accordance with Council Procedure Rule 4.4, Mrs. C.M. Claridge, Mr. N.B.L. Davis and Ms. J.E. Price also attended the meeting.

Officers in attendance: Ms. J. Clayton, Mrs. T. Darke, Mrs. P.I. Pitt, Mr. P. Reid and Mr. N. Wright.

18 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Messrs. D.R. Bown, R.D. Ellis and J.E. Stanley and the following substitutions authorised in accordance with Council Procedure Rule 4.3.

Mr. Bill for Mr. Stanley  
Mr. Hunnybun for Mr. Ellis  
Mr. Lay for Mr. Bown

19 MINUTES (PR1)

Subject to the inclusion of the name of Mr. Boothby being included in the list of apologies it was moved by Mrs. Spencer, seconded by Mr. Hinton and

RESOLVED - the minutes of the meeting held on 19<sup>th</sup> April 2005 be confirmed and signed by the Chairman.

20 DECLARATIONS OF INTEREST

Mr. Furniss declared an interest in planning application No. 05/00059/FUL on the grounds that the owner of that site lived adjacent to land farmed by Mr. Furniss at Higham on the Hill.

21 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (PR2)

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Acting Head of Planning and Leisure.

It was moved by Mrs. Camamile and seconded by Mr. Hinton 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) 04/01407/OUT - Residential development of 6 dwellings, Outwoods Timber, The Outwoods, Burbage - Mr. D. Thatcher

Members' concerns were raised with regard to the legal issues still to be resolved but received advice from the Council's legal representative that the Committee should have regard to the planning considerations. In view of uncertainty as to the archaeological advice received it was moved by Mr. Crooks, seconded by Mrs. Finney and

RESOLVED - this application be deferred to allow Leicestershire County Council Archaeological Services the opportunity to comment further.

Mr. Edwards entered the meeting at 6.55 p.m.

Mr. Furniss, having declared an interest in planning application no. 05/00059/FUL left the meeting at 7.02 p.m., whilst this was considered, at which time Mr. Hinton took the Chair. Mr. Furniss returned at 7.16 p.m. and resumed the Chair.

- (b) 05/00065/FUL - Demolition of existing workshop and offices and erection of 6 no. flats, Wharf Builders Yard, Coventry Road, Hinckley - Mr. S. Plant

Whilst generally supportive of this proposal Members received advice from planning officers that should the contribution by the applicant of £6,000 in lieu of the shortfall in planning spaces not be forthcoming within a reasonable time this application should be refused.

Ms. Price left the meeting at 7.20 p.m. and Mr. Vessey left at 7.27 p.m., the latter returning at 7.30 p.m.

Although listed to speak on planning application no. 05/00174/FUL the objector did not attend.

Mrs. Finney left at 7.47 p.m. and Mrs. Claridge and Mr. Davis at 7.52 p.m.

Mr. Bill declared a personal interest in planning application no. 05/00238/FUL in that he had known the applicant and his family for some years and withdrew from the meeting at 7.56 p.m. whilst this was considered. Mrs. Finney returned to the meeting at 7.56 p.m. and Mr. Davis at 7.57 p.m. Mr. Lay left at 8.07 p.m., returning at 8.09 p.m.

- (c) 05/00266/FUL - Erection of 13 no. apartments and associated works, Motor Holdings, 310 Coventry Road, Hinckley - Colton Estates Ltd.

Although generally supportive of these proposals Members raised concerns on the need to maintain good visibility at the corner of this site and on the retention of the established right of way and were of the view that an appropriate condition and note to applicant should be included on the decision notice.

Mr. Bill left the meeting at 8.25 p.m. returning at 8.27 p.m.

- (d) 05/00373/FUL - Extensions and alterations to dwelling, change of use of ground floor to dance studio, barn to domestic garage and garden area to car park and repositioning of conservatory, Manor View, Aston Flamville Road, Burbage - Mr. & Mrs. N.S. Chapman

Notwithstanding the recommendation of the Acting Head of Planning and Leisure that this should be refused the Committee were of the view that this would provide a useful amenity in this area and on the motion of Mr. Crooks, seconded by Mrs. Finney it was

RESOLVED - this application be approved subject to the appeal currently being considered is withdrawn and the following conditions:-

1. The development hereby permitted shall be begun within five years from the date of the permission.
2. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extension shall be deposited with and approved by the Local Planning Authority. The approved materials shall be incorporated with the development hereby permitted.
3. 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, including parking areas and driveway, together with the species and materials proposed and their disposition.
4. The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dance studio is first ready for use. The scheme shall be maintained for a period of five 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.
5. The access shall be surfaced in tarmacadam or similar bound materials for the first 10 metres behind the highway boundary before the dance studio is first brought into use and no gates shall be erected within 10 metres of the highway boundary.
6. Before the first use of the development hereby permitted, the western vehicular access to the site shall be provided with a minimum 6 metre control radii on both sides of the access.
7. Before the first use of the development hereby permitted a vehicular turning space shall be provided on the highway boundary on both sides of the access and shall be retained at all times thereafter.
8. No development shall commence until details of acoustic treatment and mechanical ventilation of the dance studio, which incorporates no opening windows and internal air conditioning units, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the proposed dance studio hereby approved is first made available for use, and the approved scheme shall be maintained in accordance with the manufacturers specifications in perpetuity.

9. The use of the dance studio as extended shall be for the benefit of Mr. and Mrs. Chapman and shall not be hired out or used independently without the prior written consent of the Local Planning Authority.
10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town & Country Planning General Development Order 1988 (as amended) the area hatched on the attached plan shall be used for purposes of a dance studio only.
11. No other door shall be used as entrance to the dance studio other than the western door indicated on the approved plan, all other doorways shall be closed at all times with the exception of use as fire escapes.
12. No more than 30 dance students shall be present at the dance studio at any one time, with the exception of eight events a calendar year where there shall be no more than 50 dance students present at any one time, without the prior written consent of the Local Planning Authority.
13. The dance studio shall not be used between the hours of 10.00 p.m. and 8.00 a.m. Monday to Saturday; and 9.45 p.m. and 8.00 a.m. on Sunday.
14. 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.
15. The first floor window on the eastern elevation shall be obscure glazed and maintained as such in perpetuity.
16. Before the first use of the development hereby permitted visibility splays of minimum 2.4 metres by 120 metres shall be provided at the junction of the western access with Aston Flamville Road and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above the ground level within the visibility splay.
17. No development shall commence until details of a noise attenuation barrier adjacent to the access and dance studio entrance has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed before the proposed dance studio hereby approved is first used, and the approved scheme shall be maintained in perpetuity.
18. No vehicles, other than for residential purposes only, shall use the eastern vehicular access to the site.
19. No development shall commence until a plan indicating a replanted hedge line along Aston Flamville Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be planted in accordance with the approved drawing prior to the use hereby approved commences. If any part of the hedge line is removed or damaged it shall be replaced during the next available planting season with similar species in accordance with specifications agreed by the Local Planning Authority.

The reasons for the conditions are :-

1. To comply with the requirements of section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development has satisfactory external appearance in accordance with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
3. To enhance the appearance of the development in accordance with policy NE10 of the adopted Hinckley & Bosworth Local Plan.
4. To ensure that the work is carried out within a reasonable period and thereafter maintained.
5. In the interests of road safety.
6. To ensure that an adequate line of vision is available in the interests of road safety.
7. To ensure that vehicles may and enter and leave the site in a forward direction in the interests of road safety.
8. To ensure the use of the studio does not become a source of annoyance to nearby residents in accordance with policy BE1 and REC4 of the adopted Hinckley & Bosworth Local Plan.
9. To ensure the use of the studio does not become a source of annoyance to nearby residents in accordance with policy BE1 and REC4 of the adopted Hinckley & Bosworth Local Plan.
10. To ensure the use of the studio does not become a source of annoyance to nearby residents in accordance with policy BE1 and REC4 of the adopted Hinckley & Bosworth Local Plan.
11. To ensure the use of the studio does not become a source of annoyance to nearby residents in accordance with policy BE1 and REC4 of the adopted Hinckley & Bosworth Local Plan.
12. To ensure the use of the studio does not become a source of annoyance to nearby residents in accordance with policy BE1 and REC4 of the adopted Hinckley & Bosworth Local Plan.
13. To ensure the use of the studio does not become a source of annoyance to nearby residents in accordance with policy REC4 of the adopted Hinckley & Bosworth Local Plan.
14. To safeguard the capacity of the foul sewer.
15. To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
16. To ensure that an adequate line of vision is available in the interests of road safety to accord with policy BE1 of the Hinckley and Bosworth Local Plan.

17. To ensure the use of the parking, entrance and manoeuvring areas do not become a source of annoyance to nearby residents in accordance with policy REC4 and BE1 of the adopted Hinckley & Bosworth Local Plan.
18. To define the permission and to ensure the use of the parking, entrance and manoeuvring areas do not become a source of annoyance to nearby residents in accordance with policy REC4 and BE1 of the adopted Hinckley & Bosworth Local Plan.
19. To ensure that the approved hedge line is maintained in a satisfactory manner and in accordance with policy REC4 and NE10 of the adopted Hinckley & Bosworth Local Plan.

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 and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted relating to buildings to which Section 4 of the Chronically Sick and Disabled Persons Act 1970 applies :-
  - a) Relevant provision in Sections 4 and 7 of the Chronically Sick and 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. In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted relating to buildings to which Section 4 of the Chronically Sick and Disabled Persons Act 1970 applies :-
  - a) Relevant provision in Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation.

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

22 03/00244/FUL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 5 DWELLINGS WITH ASSOCIATED GARAGING AND ACCESS (AMENDED SCHEME) AT 18 MAIN STREET, CARLTON (PR3)

Further to minute number 53 of 17<sup>th</sup> June 2003 the Acting Head of Planning and Leisure reported the receipt of details relating to existing and proposed ground and finished floor levels, in accordance with a condition of the original planning permission. Members expressed concerns regarding the level of the eaves and the floor levels on this development and on the motion of Mrs. Wright, seconded by Mr. Crooks, it was

RESOLVED - the details now submitted be not approved.

23 CONSULTATION PAPER - THE PLANNING (CONTROL OF MAJOR ACCIDENT HAZARDS) REGULATIONS 2005 (PR4)

The Acting Head of Planning and Leisure reported the contents of the above on which the Government was seeking views and on the motion of Mr. Lay, seconded by Mrs. Spencer, it was

RESOLVED - the comments set out in the report form the basis of this Authority's response to the Government.

Mr. Boothby left the meeting at 9.17 p.m.

24 THE BOROUGH OF HINCKLEY AND BOSWORTH (LAND AT THE GREEN, HIGHAM ON THE HILL) TREE PRESERVATION ORDER 2005

Members considered the confirmation of the above Order and on the motion of Mr. Hinton, seconded by Mr. Furniss, it was

RESOLVED - this Order be confirmed as it stands.

25 APPEALS LODGED AND DETERMINED (PR7)

A summary was submitted of appeals lodged and determined since the last meeting of this Committee. On the motion of Mr. Furniss, seconded by Mr. Hinton, it was

RESOLVED - the report be noted.

26 APPEALS - PROGRESS (PR8)

A schedule was submitted indicating the stage which various appeals against planning decisions had reached. On the motion of Mr. Furniss, seconded by Mr. Hinton, it was

RESOLVED - the report be noted.

(The meeting closed at 9.23 p.m.)