

HINKLEY AND BOSWORTH BOROUGH COUNCIL
PLANNING AND REGULATORY COMMITTEE
14th JUNE 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, Mr. D.R. Bown, Mr. J.F. Collins, Mrs. M.A. Cook, Mr. B.H. Edwards, Mr. R.D. Ellis, Mrs. D. Finney, Mrs. E.A. Spencer, Mr. J.E. Stanley, Mr. K. Vessey, Mr. R. Ward and Mrs. R.W. Wright.

In accordance with Council Procedure Rule 4.4, Mrs. C.M. Claridge, Mr. D.S. Cope, Mr. N.B.L. Davis, Mr. K.A.J. Hunnybun, Mr. M.R. Lay and Mrs. M.L. Sherwin also attended the meeting.

Officers in attendance: Mr. P.F. Cash, Ms. J. Clayton, Mrs. T. Darke, Mr. C. Merriman, Mrs. P.I. Pitt and Mr. P. Reid.

54 MR. P.F. CASH

Prior to the commencement of the meeting the Chairman welcomed Mr. P. F. Cash, the newly-appointed Head of Culture and Development, to his first meeting of this Committee.

55 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mrs. R. Camamile, Mr. W.J. Crooks and Mr. C.G. Joyce and the following substitutions authorised in accordance with Council Procedure Rule 4.3:-

Mr. Bill for Mr. Joyce
Mr. Ward for Mrs. Camamile

56 MINUTES (PR9)

It was moved by Mrs. Wright, seconded by Mr. Boothby and

RESOLVED - the minutes of the meeting held on 17th May 2005 be confirmed and signed by the Chairman.

57 DECLARATIONS OF INTEREST

Interests were declared as follows:-

Mrs. Finney, together with all members of the Liberal Democrat Group present, - a personal interest in planning application no. 05/00477/COU

Mr. Furniss - planning application no. 05/00505/FUL by virtue of the fact that the Applicant attended him medically.

Mr. Stanley - planning application no. 05/00422/C by virtue of the fact that he is a governor of that school.

Mrs. Wright - report number PR13 by virtue of the fact that the site in question adjoins her property.

Prior to consideration of this item the Chairman reminded the Committee of Council Procedure Rule 14.4 relating to the content and length of Members' speeches.

It was moved by Mr. Hinton and seconded by Mr. Ellis 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

Whilst generally supportive of this proposal concerns were raised as to the need to monitor any archaeological remains. Additionally, the Acting Development Control Manager undertook to liaise with Mrs. Wright to ensure clarity in the wording of the Note to Applicant.

Mr. Cope, Mrs. Finney, Mr. Lay, Mr. Bill and Mr. Vessey left the meeting at 7.06, 7.22, 7.23, 7.24 and 7.30 p.m. respectively, Mr. Lay returning at 7.25, Mr. Bill and Mrs. Finney at 7.26 and Mr. Vessey at 7.34 p.m. Mr. Stanley, having previously declared an interest in planning application number 05/00422/C, withdrew from the meeting at 7.36 p.m. whilst this was considered, returning at 7.37 p.m.

Although listed to speak on planning applications nod. 05/00366/FUL and 05/00432/GDOT the 2 objectors did not attend the meeting.

- (b) 05/00434/FUL - Extensions and alterations to dwelling, Cove Bungalow, Thornton Lane, Markfield - Mr. and Mrs. S. Leah

Although recommended for refusal Members were of the opinion that this development, if approved, would not have an adverse impact on the visual amenities and character of that area and on the motion of Mr. Vessey, 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. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extensions and alterations shall be deposited with and approved in writing by the Local Planning Authority.
3. This consent relates to extensions and alterations to the existing dwelling as submitted in the approved plans and in no way gives consent for demolition and rebuilding of the existing dwelling.

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 RES7 of the adopted Hinckley & Bosworth Local Plan.
3. For the avoidance of doubt and to ensure that the extensions and alterations are carried out in accordance with the approved plans.

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. Demolition of the garages requires notification to the Building Control Section of the Local Planning Authority in accordance with Sections 80 and 81 of the Building Act 1984.

Mr. Bill left the meeting at 7.41 p.m., returning at 7.43 p.m. Mr. Lay left at 7.55 p.m. Those members of the Liberal Democrat Group remaining, i.e. Mr. Bill, Mrs. Finney and Mr. Stanley, having declared a personal interest in planning application number 05/00477/COU left the meeting at 7.56 p.m. whilst this was considered, returning at 7.58 p.m., with the exception of Mrs. Finney and Mr. Bill who returned at 7.59 and 8.00 p.m. respectively.

Mr. Lay returned at 8.02 p.m.

- (c) 05/00489/GDOT - Erection of telecommunications mast, Street Verge, Rugby Road, Burbage - Vodaphone Ltd.

Notwithstanding the officer's recommendation for approval it was moved by Mr. Collins, seconded by Mrs. Wright and

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

1. In the opinion of the Local Planning Authority, the Code System Operator has not undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene.
2. In the opinion of the Local Planning Authority the proposed telecommunications mast and equipment is out of character with the streetscene and due to its location in close proximity to trees will cause damage to the root system thereby seriously affecting the viability of the trees and would therefore have an adverse impact on the visual amenity of this main route into Hinckley and the area generally. The proposed development is therefore contrary to Policy BE23 of the adopted Hinckley & Bosworth Local Plan, the Supplementary Planning Policy Guidance on Telecommunications adopted in May 2004 and the provisions of Planning Policy Guidance Note 8.

At this juncture there was a five minute recession whilst the public left the meeting following consideration of the aforementioned item.

Mrs. Cook withdrew from the meeting at 8.25 p.m., returning at 8.27 p.m.

Mr. Furniss, having earlier declared an interest in the following item, left the meeting at 8.37 p.m. whilst this was considered, during which time Mr. Hinton took the Chair.

Mrs. Claridge and Mrs. Sherwin also left the meeting at 8.37 p.m.

(d) 05/00505/FUL - Barn conversion to residential and reinstatement of single storey barn for residential use and extensions, Little Fields Farm, Stapleton Lane, Barwell - Doctors M. and M. Findlay

Although recommended for refusal the Committee was of the opinion that the proposed conversion would not result in significant rebuilding and extensions that would significantly alter the form and design of the existing buildings and on the motion of Mrs. Aldridge, seconded by Mrs. Cook it was

RESOLVED - this application be approved subject to the following conditions but it be recorded that this is an exception to the Council's guidelines regarding barn conversions and the Note to Applicant reflect the Committee's concerns relating to barn conversions intentionally knocked down and rebuilt.

1. The development hereby permitted shall be begun within five years from the date of this 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 dwelling shall be deposited with and approved in writing by the Local Planning Authority. The approved materials shall be incorporated as part of the planning permission.
3. Prior to the development being first brought into use the existing vehicular access shall be improved in accordance with the details shown on drawing no. 7637/3, attached to this consent.
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 dwelling is first ready for occupation. 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.
6. Before the dwelling is first occupied at least 3 car parking spaces shall be provided within the curtilage of the site and kept available at all times that the site is in use.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 development within Schedule 2, Part 1 Class A, B, C, D, E, F and G shall not be carried out before planning permission for such development has first been granted by the Local Planning Authority.

8. Notwithstanding the details submitted with the application, prior to commencement of development full details of the proposed garage doors shall be submitted to and approved in writing by the Local Planning Authority and thereafter retained in perpetuity.
9. The existing agricultural barn (shown in green on the attached plan reference no. 7632/2 received on the 7th May 2004) shall be retained for non livestock (storage) use in connection with and ancillary to the proposed barn conversion and shall not be used for any other purpose without the prior written approval of the Local Planning Authority.
10. Before the development is brought into use a vehicular turning space shall be constructed within the curtilage.
11. The access shall be surfaced in tarmacadam or similar bound materials for the first 5 metres behind the highway boundary before the dwelling is first occupied.
12. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
13. No development approved by this permission shall be commenced until:-
 - a) the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority
 - b) detailed proposals in line with current best practice for the removal, containment or otherwise, rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved in writing by the Local Planning Authority
 - c) for each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development as appropriate
 - d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority
 - e) if during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Contamination Proposals'.

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 a satisfactory external appearance to accord with policy BE20 of the adopted Hinckley & Bosworth Local Plan.
3. 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.
4. To enhance the appearance of the development to accord with policy BE1 of the adopted 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 of the adopted Hinckley & Bosworth Local Plan.
6. To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
7. To ensure that the use remains compatible with the surrounding area.
8. To ensure that the development has a satisfactory external appearance to accord with policy BE20 of the adopted Hinckley & Bosworth Local Plan.
9. To safeguard amenities of neighbouring properties to accord with policy BE20 of the adopted Hinckley & Bosworth Local Plan.
10. To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
11. To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
12. To prevent pollution of the water environment to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
13. To safeguard amenities of future residents to accord with policy BE1 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. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

4. The septic tank proposal will require the consent of the Environment Agency and must comply with that Authority's conditions.
5. The sum of £1,720 has been paid by the applicant as a contribution towards off-site public open space, in respect of the development hereby approved.
6. The applicant should note that planning permission has been granted for the rebuild of the barn due to special circumstances; as such the consent will not create a precedent. Any further demolition works that take place without the consent of the Local Planning Authority will not be looked upon favourably and are unlikely to receive further consent.

Mr. Furniss returned to the meeting at 8.55 p.m. and resumed the Chair. Mrs. Sherwin also returned at 8.55 p.m.

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.

59 03/00244/FUL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 5 DWELLINGS WITH ASSOCIATED GARAGING AND ACCESS (AMENDED SCHEME) AT 18 MAIN STREET, CARLTON

Further to minute number 22 of 17th May 2005 Members received additional information in this evening's late items sheet and were again requested to consider whether the revised proposals submitted for this development were acceptable and on the motion of Mr. Bown, seconded by Mr. Collins it was

RESOLVED - option A (i.e. as per the approved plans and with dropped ground levels) be approved.

60 DRAFT REVISIONS - CHANGES TO DEVELOPMENT CONTROL SYSTEM (PR12)

Further to minute number 408 of 22nd February 2005, Members were again invited to comment on proposed changes to the development control system and on the motion of Mr. Bown, seconded by Mr. Furniss it was

RESOLVED - the proposed responses set out in the report of the Head of Culture and Development form the basis of this Council's submission to the Government.

Mrs. Aldridge and Mr. Boothby left the meeting at 9.08 p.m., the former returning at 9.10 p.m. Mr. Ward left at 9.12 p.m. and Mrs. Wright, having declared an interest in the following item, left the meeting at 9.14 p.m. whilst this was considered.

61 THE BOROUGH OF HINCKLEY AND BOSWORTH (LAND AT THE REAR OF 9, 11 AND 13 LEICESTER ROAD, HINCKLEY) TREE PRESERVATION ORDER 2005

The Committee was requested to give consideration to the confirmation of the above Order and on the motion of Mr. Bown, seconded by Mr. Furniss it was

RESOLVED - the above Order be confirmed as it stands.

Mrs. Wright returned to the meeting at 9.15 p.m.

62 APPEALS LODGED AND DETERMINED (PR14)

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

RESOLVED - the report be noted.

63 APPEALS - PROGRESS (PR15)

A schedule and late information were submitted indicating the stage at which various appeals against planning decisions had reached. On the motion of Mr. Bown, seconded by Mr. Furniss, it was

RESOLVED - the report be noted.

64 CONSULTATION PAPER - STANDARD APPLICATION FORMS (PR16)

Members were advised of the contents of the above, which proposed a streamlining and simplification of the planning application process in line with the planning reform agenda.

It was moved by Mr. Bown, seconded by Mr. Furniss and

RESOLVED - the comments in the report of the Acting Head of Planning and Leisure be supported as this Authority's response to the Government.

65 PLANNING FOR WIND ENERGY - PLANNING POLICY STATEMENT 22, RENEWABLE ENERGY (PR17)

Members were advised of issues discussed at a recent conference organised by the Department of Trade and Industry in association with the British Wind Association and attended by the Chairman.

It was moved by Mr. Bown, seconded by Mr. Hinton and

RESOLVED - the report be noted.

(The meeting closed at 9.17 p.m.)