

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
PLANNING COMMITTEE
4th OCTOBER 2005 AT 6.30 P.M.

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

Mrs. M. Aldridge, Mr. C.W. Boothby, Mr. D.R. Bown, Mrs. R. Camamile, Mrs. M.A. Cook, Mr. W.J. Crooks, Mr. R.D. Ellis, Mrs. D. Finney, Mr. C.G. Joyce, Ms. J.E. Price, Mr. J.E. Stanley, Mr. K. Vessey, Mr. R. Ward and Mrs. R.W. Wright.

Officers in attendance: Mr. P.F. Cash, Mrs. T. Darke, Mrs. J. Kelly, Mr. R. Palmer and Mrs. P.I. Pitt.

214 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mr. J.F. Collins, Mr. B.H. Edwards and Mrs. E.A. Spencer and the following substitutions authorised in accordance with Council Procedure Rule 4.3:

Ms. Price for Mrs. Spencer
Mr. Ward for Mr. Edwards

215 MINUTES (P34)

On the motion of Mr. Bown seconded by Mr. Ellis it was

RESOLVED – subject to the inclusion of the name of Mrs. Cook in the list of those present and in the reference to those members of the Conservative Group who declared an interest in planning application number 05/00589/FUL the minutes of the meeting held on 6th September 2005 be confirmed and signed by the Chairman.

216 DECLARATIONS OF INTEREST

On behalf of those members of the Liberal Democratic Group present (Mrs. Finney, Mr. Joyce and Mr. Stanley) and himself, Mr. Crooks declared an interest in planning application number 05/00856/FUL on the grounds that the applicant was a Member of that Group.

Mrs. Wright declared a personal interest in planning application number 05/00798/FUL by virtue of the fact that one of the applicants was a former employee.

217 DEPARTMENT OF CULTURE, MEDIA AND SPORT'S CONSULTATION DOCUMENT 'REVISION TO THE PRINCIPLES OF SELECTION FOR LISTING BUILDINGS: PLANNING POLICY GUIDANCE NOTE 15' (P36)

Members' approval was sought to officers' proposed response to the Government's proposals to review the Principles of Selection used when assessing the suitability of a building for listing.

On the motion of Mr. Furniss, seconded by Mr. Bown, it was

RESOLVED – the Government Office be informed that this Council fully supports the proposed revised approach to the Principles of Selection for the listing of important historic buildings and the contents of a White Paper in early 2006 be awaited.

218 RESPONSES TO REPRESENTATIONS ON THE STATEMENT OF COMMUNITY INVOLVEMENT (P37)

Further to minute number 96 of 12th July 2005 the Committee's approval was sought to representations received in consequence of the consultation exercise undertaken in connection with the above.

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

RESOLVED – the summary of representations received be noted and the reasoned responses and proposed changes be approved.

219 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P35)

It was moved by Mr. Ellis, and seconded by Mrs. Camamile, that the recommendations of the Head of Culture and Development contained in the schedule submitted, as amended by the list of late items, be approved.

- (a) 05/00197/FUL – Barn conversions to two residential units and one commercial industrial unit, Common Farm, Barton Road, Market Bosworth – Mr. and Mrs. R. Thompson

In the light of late information received from the Highway Authority regarding access arrangements it was moved by Mr. Bown and seconded by Mrs. Aldridge that this application be approved subject to the provision of one means of access only, following which it was

RESOLVED – subject to the question of access arrangements being resolved satisfactorily between officers and the applicants, the Head of Culture and Development be authorised to issue the necessary planning permission.

- (b) 05/00573/FUL and 05/00587/LBC – Demolition of outbuildings and erection of new office building, Desford Hall, Leicester Lane, Desford – Shropshire Land Company

Prior to determination of this the Committee agreed not to consider Counsel opinion relating to this application (Report P41) in private session.

Notwithstanding officers' recommendations for refusal Members were of the opinion that these proposals would afford employment opportunities and enhance the appearance of this site and on the motion of Mrs. Finney, seconded by Mr. Joyce it was

RESOLVED – these applications be approved subject to the following conditions:-

Condition 05/00573/FUL

1. The development hereby permitted shall be begun before the expiration of 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 building shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (v) hard surfacing materials
 - (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other
 - (ix) retained historic landscape features and proposals for restoration, where relevant
 - (x) planting plans
 - (xi) written specifications
 - (xiii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - (xiii) implementation programme
4. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping 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 at which time shall be specified in writing by the Local Planning Authority.
5. Before any development is commenced on the site, including site works of any description, each of the trees (indicated by number on the plan attached to the permission) shall be securely fenced off by protective fencing on a scaffolding framework in accordance with BS 5837 erected in a circle round each tree at a radius from the hole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
6. The development hereby permitted shall not be brought into use until the car parking area has been provided, surfaced and marked out in accordance with the approved plans and shall be retained for these purposes at all times thereafter.

7. The development hereby permitted shall not be brought into use until visibility splays of 4.5 metres by 120 metres have been provided at the junction of the access with Leicester Lane and shall be so maintained in perpetuity. Nothing shall be allowed to grow above the height of 0.9 metres above ground level within the visibility splays.
8. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination of the site including any mitigation strategy has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

The reasons for the conditions are:-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Act 2004.
2. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
3. To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
4. 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.
5. The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development.
6. To ensure that adequate car parking and servicing facilities will be available to serve the premises when they are brought into use.
7. To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
8. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety.
9. To ensure the site is free from contamination in the interests of future occupiers.

Notes to applicant:-

1. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

2. The suitability of the ground for soakaways should be ascertained by using the test in BRE 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 Planning Authority.
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 in relation to buildings to which the Offices, Shops and Railways Premises Act 1963, applies or buildings where the Act is deemed to apply:-
 - (a) Relevant provisions in Sections 7 and 8A 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. Demolition of the outbuildings requires notification to the Building Control Section of the Local Planning Authority in accordance with Sections 80 and 81 of the Building Act 1984.
5. In relation to Condition 3, the Local Planning Authority will expect a high specification for the landscaping scheme and substantial screen planting to the rear of the site adjacent to the open countryside.
6. Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath which crosses the land to which this application relates. If it is intended to divert or stop the footpath the appropriate legal steps must be taken before development commences.

Condition 05/00587/LBC

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The demolition hereby granted shall not be carried out until an archaeological building assessment has been carried out and an appropriate level of building recording undertaken, to be agreed in writing with the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
2. To ensure proper historical records are taken of these important outbuildings in accordance with Policy BE3 of the adopted Hinckley & Bosworth Local Plan.

Mr. Boothby left the meeting at 7.13 p.m. and Mr. Stanley at 7.16 p.m.

- (c) 05/00736/FUL – Creation of car park and other associated works, Tesco Distribution Depot, Dodwells Road, Dodwells Bridge Industrial Estate, Hinckley – Tesco Stores Ltd.

Notwithstanding the recommendation of the Head of Culture and Development that this be refused and despite certain reservations regarding the impact on the Ashby Canal Conservation Area it was moved by Mr. Bown, seconded by Mr. Ellis and

RESOLVED – subject to agreement from the Applicants that they will voluntarily relinquish their planning permission for the decked car park at the front of the site and withdraw their current appeal 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 car park shall be used solely for the benefit of Tesco employees and visitors to the premises.
3. Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finish levels or contours
 - (ii) means of enclosure, including gates, fences and walls
 - (iii) hard surfacing materials
 - (iv) minor artefacts and structures (e.g. lighting)
 - (v) planting plans including species, plant sizes and numbers
 - (vi) construction of bunding
 - (vii) improvement to reinforce the existing hedge on the canalside boundary of the site.
4. The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed decked car park is 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. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
6. Prior to being discharged into any watercourse, surface water sewer and soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have the capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

7. A desk based archaeological assessment of the application area including consideration of how much of the site has been disturbed by previous works and an appropriate mitigation strategy as shown necessary by the assessment shall be submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation works shall be carried out before development commences or otherwise as agreed in writing with the Local Planning Authority.
8. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway.
9. Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. But for the special circumstances of the applicant, the Local Planning Authority would not have been prepared to grant permission.
3. To enhance the appearance of the development in accordance with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
4. 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.
5. To prevent pollution of the water environment to accord with Policy NE13 and NE14 of the adopted Hinckley & Bosworth Local Plan.
6. To prevent pollution of the water environment to accord with Policy NE13 and NE14 of the adopted Hinckley & Bosworth Local Plan.
7. To allow the opportunity for adequate exploration of the site to accord with Policy BE14 of the Hinckley & Bosworth Local Plan.
8. In the interests of road safety to accord with Policy T5 of the Hinckley & Bosworth Local Plan.
9. In the interests of the sustainability of the site to accord with Policy T5 of the Hinckley & Bosworth Local Plan.

Note to applicant:

In the interest of the ecology of the area, there should be no movement of soil between March and August.

- (d) 05/00758/OUT – Demolition of existing industrial building and erection of 16 apartments with associated car parking space and amenity space, 70/90 Upper Bond Street, Hinckley – Mr. M. Goode

Mr. Vessey left the meeting at 7.48 p.m. returning at 7.50 p.m.

Although generally supportive of this scheme concerns were expressed with regard to car parking provision and the proposed design of the development but since this was an indicative scheme in outline only it was agreed that officers address Members' concerns at the appropriate time.

Mrs. Wright, having declared an interest in planning application no. 05/00798/FUL withdrew from the meeting at 7.57 p.m. whilst this was considered, returning at 7.59 p.m. Additionally, those members of the Liberal Democrat Group present (Mr. Crooks, Mrs. Finney and Mr. Joyce), having declared an interest in planning application no. 05/00856/FUL, left the meeting at 8.01 p.m. whilst this was considered, returning at 8.02 p.m.

RESOLVED – the remaining recommendations of the Head of Culture and Development as set out in the schedule submitted and amended by the list of late items and/or as indicated above be approved.

220 PROPOSED CHANGES TO THE USE CLASSES ORDER: CASINOS (P38)

Prior to consideration of this Members' attention was drawn to details of revised financial implications contained in tonight's late items list.

The Committee was then informed that arising from the proposed changes to casino licensing and the new types and sizes of casinos permissible under the Gambling Act 2005 the Government was seeking views as to the appropriate classification of casinos within the Town and Country (Use Classes Order) 1987.

On the motion of Mr. Furniss, seconded by Mr. Bown, it was

RESOLVED – the comments set out in the report of the Head of Culture and Development be supported as this Council's response to the Government.

221 APPEALS LODGED AND DETERMINED (P39)

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

RESOLVED - the report be noted.

222 APPEALS - PROGRESS (P40)

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

RESOLVED - the report be noted.

(The meeting closed at 8.08 p.m.)