

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
PLANNING COMMITTEE
29th NOVEMBER 2005 AT 6.32P.M.

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

Mrs. M. Aldridge, Mr. J.C. Bown, Mrs. R. Camamile, Mrs. M.A. Cook,
Mrs. M.J. Crooks, Mr. W.J. Crooks, Mr. N.B.L. Davis, Mr. R.D. Ellis,
Mr. C.G. Joyce, Mr. M.R. Lay, Ms. J.E. Price, Mr. J.E. Stanley and
Mrs. R.W. Wright.

In accordance with Council Procedure Rule 4.4 Messrs. P.R. Batty and D.C. Bill also attended the meeting.

Officers in attendance: Mr. P.F. Cash, Mrs. T. Darke, Mr. C. Merriman, Mr. S. Payne and Mrs. P.I. Pitt.

300 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mr. D.R. Bown, Mr. B.H. Edwards, Mrs. D. Finney, Mrs. E.A. Spencer and Mr. K. Vessey and the following substitutions were authorised in accordance with Council Procedure Rule 4.3:

Mr. J.C. Bown for Mr. D.R. Bown
Mrs. Crooks for Mrs. Finney
Mr. Davis for Mrs. Spencer
Mr. Lay for Mr. Vessey
Ms. Price for Mr. Edwards

301 MINUTES (P48)

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

RESOLVED – the minutes of the meeting held on 1st November 2005 be confirmed and signed by the Chairman.

302 DECLARATIONS OF INTEREST

Ms. Price declared an interest in planning application No. 05/00887/FUL.

303 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P39)

It was moved by Mr. Ellis, and seconded by Mr. Crooks, that the recommendations of the Head of Culture and Development contained in the schedule submitted, be approved.

(a) 05/00684/OUT – Residential development, The Pond, off Ashby Road, Hinckley – T. Poulton and R. Gretton

Following a motion by Mrs. Wright, seconded by Mr. Davis, that this application be refused, a vote was taken, recorded as follows:-

For refusal: Mrs. Camamile, Mrs. Cook, Mrs. Crooks, Mr. Crooks, Mr. Davis, Mr. Joyce, Ms. Price, Mr. Stanley and Mrs. Wright. (9)

Abstentions: Mrs. Aldridge, Mr. J.C. Bown, Mr. Ellis, Mr. Furness, Mr. Hinton and Mr. Lay. (6)

And it was thereupon

RESOLVED – this application be refused for the following reasons:

In the opinion of the Local Planning Authority the proposed development is considered out of keeping with the character of the area in particular its impact on amenities of neighbouring properties. Therefore does not comply with Strategy Policy 10 of the adopted Leicestershire, Leicester and Rutland Structure Plan and policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.

In the opinion of the Local Planning Authority the proposed development is considered unacceptable on the grounds of prematurity to the provisions of the Local Development Framework process. The proposal does not acknowledge the objectives of Government and the Borough Council to secure a portfolio of documents for the new style of Local Plan in particular the requirement for Community Involvement.

Notwithstanding the advice in Planning Policy Guidance Note 24, in the opinion of the Local Planning Authority the proposal has not provided sufficient or adequate information regarding the stability of the land to be built upon. Therefore does not comply with Strategic Policy 2B of the adopted Leicestershire, Leicester and Rutland Structure Plan and policy BE1 and Strategic Objective 2b of the adopted Hinckley and Bosworth Local Plan.

Ms. Price having declared an interest in the following item left the meeting at 7.15 p.m. whilst this was considered.

- (b) 05/00887/FUL – Installation of steel roller shutter and alterations to shop front Jan & Tom Wightman, 27 Regent Street, Hinckley – Jan & Tom Wightman

Notwithstanding the officer's recommendation that this application be refused Members were of the opinion that the proposed solid steel roller shutters were warranted and would not be detrimental to the street scene and on the motion of Mr. Crooks, seconded by Mr. Stanley it was

RESOLVED – this application be permitted subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. This permission relates to the application as endorsed by additional plan No.05/00887A/FUL received by the Local Planning Authority on 1st November 2005.
3. The materials to be used on the external elevations of the proposed shop front shall match the corresponding materials of the existing building unless previously agreed in writing with the Local Planning Authority.
4. Before installation of the steel roller shutters hereby approved details of the finished colour shall be submitted to and approved in writing 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 define the permission.
- 3.&4. To ensure that the development has a satisfactory external appearance to accord with policy BE1, BE7 and BE9 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 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

Ms. Price returned to the meeting at 7.25 p.m. and Mrs. Wright left at 7.27 p.m.

- (c) 05/01020/FUL – Erection of one bungalow, 22 Teign Bank Road, Hinckley – Mr. R. Green

In view of uncertainty regarding representations received it was moved by Mr. Ellis, seconded by Mrs. Aldridge, and

RESOLVED – consideration of this application be deferred pending an investigation into the consultation procedures used in this instance.

- (d) 05/01094/FUL – Extensions and alterations to dwelling (revised scheme) 1 Back Lane, Market Bosworth – Mr. & Mrs. J. Monkman

A motion by Mrs. Aldridge, seconded by Mrs. Cook failed to receive the necessary support. It was then moved by Mr. Crooks, seconded by Mr. Lay and

RESOLVED - consideration of this application be deferred and the applicant advised that the Committee is minded to refuse this scheme in its present form but would be inclined to look more favourably on a scaled down development more in keeping with the street scene.

Mrs. Aldridge and Mr. Stanley left the meeting at 7.50 p.m. and 7.52 p.m., respectively, returning at 7.53 p.m. and 7.54 p.m., respectively.

- (e) 05/01115/COU – Indoor go kart circuit, Right Price Motors Limited, 23 Harrowbrook Road, Hinckley – Mr. S.J. Miners

Notwithstanding the officer's recommendation that this should be refused the Committee was of the opinion that this facility was a welcome addition to this area and would be appropriately placed to avoid causing disturbance to residents. It was moved by Mr. Ellis, seconded by Mr. Hinton and

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Development shall not begin until a noise assessment has been submitted and approved by the local planning authority, and any necessary works required to protect neighbouring premises from noise, following the assessment, shall be undertaken prior to the commencement of use.
3. The development hereby permitted shall not commence until a comprehensive management plan has been submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the plan shall be fully implemented in accordance with the approved details, unless agreed in writing with the local planning authority.
4. The use hereby permitted shall take place only between the hours of 08.00 and 22.00 each day and at no other times unless previously agreed in writing with the local planning authority.
5. Before the development hereby permitted is first used, off-street car parking provision shall be made within the application site in accordance with the submitted details. The parking areas shall be surfaced and marked out prior to the development being brought into use and shall be so maintained at all times.

The reasons for the conditions are :-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of the amenities of the occupiers of neighbouring properties to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
3. In the interests of the amenities of the occupiers of neighbouring properties to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
4. In the interests of the amenities of the occupiers of neighbouring properties to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.
5. To ensure that adequate off-street parking facilities are available, to accord with Policy T5 of the Hinckley and Bosworth Local Plan

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. With regard to Condition 3, the plan should indicate proposed management arrangements to minimise noise and disturbance to neighbouring premises from activities within and outside the building and should show signage proposals to facilitate this e.g. for direction and warning.

(f) 05/01123/FUL – Conversion to seven apartments and car parking, King William IV, 35 Station Road, Market Bosworth – Hayden Ritchie Bailey Limited

At the request of the Head of Culture & Development it was agreed that consideration of this application be deferred.

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

304 04/00974/OUT – RESIDENTIAL DEVELOPMENT ON LAND TO REAR OF 104/112 HIGH STREET, BARWELL (P50)

Members were informed of progress regarding an appeal lodged against the refusal of outline planning permission for the above development and of additional information received since the decision was made regarding the conservation value of the buildings on this site.

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

RESOLVED – an additional reason for refusal be included when the Public Inquiry reconvenes, as follows:-

“The site lies within a conservation area designated under the Planning (Listed Building & Conservation Areas) Act 1990 where it is the policy of the Local Planning Authority to preserve and enhance the existing character and appearance. In the opinion of the Local Planning Authority the proposed development will result in the loss of buildings that add to the character of the conservation area and therefore their loss is considered contrary to Policies BE7 and BE8 of the adopted Hinckley & Bosworth Local Plan.

Mr. Stanley left at 8.18 p.m., returning at 8.19 p.m.

305 PUBLIC SPEAKING AT PLANNING COMMITTEE (P51)

The Committee was requested to approve the introduction of a revised permanent procedure for the above with effect from 24th January 2006. In welcoming this Members were agreed that etiquette should be observed and no vexatious or frivolous comments permitted.

It was moved by Mr. Crooks, seconded by Mr. Ellis, and

RESOLVED – the revised procedure for public speaking at Planning Committee be introduced on a permanent basis with effect from 24th January 2006.

306 CIRCULAR 08/005 – GUIDANCE ON CHANGES TO DEVELOPMENT CONTROL SYSTEM (P52)

Further to minute No. 408 of 22nd February 2005, Members were advised of the publication of the above, which would provide guidance on the operation of the Development Control provisions contained in part 4 of the Planning & Compulsory Purchase Act 2004. On the motion of Mr. Ellis, seconded by Mr. Furness it was

RESOLVED – the report of the Head of Culture & Development be noted.

307 CONSULTATION PAPER “APPLYING THE PLANNING ACT TO THE CROWN” (P53)

Prior to consideration of this Members’ attention was drawn to the provision of financial implications in tonight’s late items list. This paper included three statutory instruments and a draft circular needed to give effect to part 7, chapter 1 of the Planning & Compulsory Purchase Act 2004 which provided that other than in exceptional circumstances Crown bodies would have to comply with statutory planning controls.

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

RESOLVED – the contents of the report of the Head of Culture & Development be approved.

308 BOROUGH OF HINCKLEY & BOSWORTH (LAND AT THE BUNGALOW, ELM TREE DRIVE, BURBAGE, LAND AT 34 LYCHGATE LANE, BURBAGE AND LAND ADJACENT TO LITTLE SHAW LANE, MARKFIELD) TREE PRESERVATION ORDERS 2005 (P54, P55 & P56)

Having been requested to confirm the above Orders it was moved by Mr. Crooks, seconded by Mr. Ellis and

RESOLVED – each of the three Orders be confirmed as it stands.

309 APPEALS LODGED AND DETERMINED (P57)

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. Crooks, it was

RESOLVED - the report be noted.

310 APPEALS - PROGRESS (P58)

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. Furness, it was

RESOLVED - the report be noted.

(The meeting closed at 8.27 p.m.)