

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

10 MARCH 2009 AT 6.33 PM

PRESENT: MR R MAYNE - CHAIRMAN
MR DW INMAN - VICE-CHAIRMAN

Mrs M Aldridge, Mr JG Bannister, Mr CW Boothby, Mr JC Bown, Mr WJ Crooks, Mrs A Hall, Mr P Hall, Mr CG Joyce, Mr K Morrell, Mr K Nichols, Mr LJP O'Shea, Mr BE Sutton, Mr R Ward and Mrs BM Witherford.

In accordance with Council Procedure Rule 4.4 Mr D Gould and Mrs J Richards also attended the meeting.

Officers in attendance: Mrs T Darke, Miss R Owen, Mr TM Prowse, Mr M Rice, Miss E Shaw and Mr B Whirrity.

461 MINUTES (P54)

It was moved by Mr Nichols, seconded by Mrs Aldridge and

RESOLVED – the minutes of the meeting held on 10 February 2009 be confirmed and signed by the Chairman.

462 DECLARATIONS OF INTEREST

Mr Bown declared a prejudicial interest in application 08/00981/FUL and stated his wish to speak as Ward Councillor before leaving the meeting.

Mr and Mrs Hall and Mr Inman declared a prejudicial interest in applications 09/00006/FUL and 09/00076/FUL and Mrs Hall and Mr Inman stated their intention to speak on the latter before leaving the meeting.

463 DECISIONS DELEGATED AT PREVIOUS MEETING

The Director of Community and Planning Services reported that with regard to application 08/0003/LBC which had been considered at the previous meeting, the application had now been referred to the Secretary of State.

Regarding application 08/00553/FUL, it was stated that the objections had not been resolved within the timescale agreed which had resulted in the application being refused.

Mr Gould arrived at 6.40pm.

464 DRUID STREET, NEWBOLD VERDON AND SHACKERSTONE CONSERVATION AREA STATEMENTS AND MANAGEMENT PLANS (P56)

Members received a report which presented the Conservation Area Statements and Management Plans for the conservation areas in Druid Street, Hinckley and the villages of Newbold Verdon and Shackerstone.

A Member emphasised the need to ensure the character of the Conservation Area was maintained and not spoilt with modern buildings and extensions. In response it was explained that modern buildings would still be considered if of a high quality design as this would not affect the character.

It was moved by Mr Nichols, seconded by Mr O'Shea and

RESOLVED – The Conservation Area Statements and Management Plans be adopted as Planning Guidance.

465 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P55)

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Director of Community and Planning Services.

It was agreed the order of the agenda be altered for some of the items to take account of those items for which there were public speakers.

Mr Crooks arrived at 6.50pm.

- (a) 08/00981/FUL – Retrospective application for installation of roof extractor pipes and fans, Unit 1 Land Society Lane, Earl Shilton – Mr Michael Pickering

Having declared a prejudicial interest in this application, Mr Bown spoke as Ward Councillor then left the meeting at 7.04pm.

Members raised concerns with regard to noise and odour from the fans but were reminded that this was a separate issue as it was due to the fans already in existence, not the new fans which were under discussion.

Mr Gould left the meeting at 7.05pm and returned at 7.08pm.

Notwithstanding the officer's recommendation that the application be approved, it was moved by Mr Ward and seconded by Mr Sutton that the application be refused. Upon being put to the vote, the motion was LOST.

It was then moved by Mr Bannister, seconded by Mrs Hall and

RESOLVED – the application be permitted subject to the conditions contained within the officer's report and an

amendment to condition 1 to read 5 weeks instead of 2 weeks and 3 months instead of 1 month.

Mr Bown returned to the meeting at 7.31pm. Mr Crooks and Mrs Richards left the meeting at 7.31pm.

- (b) 08/01049/FUL – Demolition of existing buildings and erection of 1 A1 retail unit (shop), 22 apartments and car parking, Top Range Motors Ltd, 2A Stapleton Lane, Barwell – Mr Tony Porter

Mr Crooks returned at 7.34pm.

Attention was drawn to the amended recommendation in the late items.

On the motion of Mr Bown, seconded by Mr Bannister, it was

RESOLVED – the application be refused for the reasons contained within the late items.

Mr Gould left the meeting at 7.47pm.

- (c) 08/01123/FUL – Demolition of existing farm buildings and replacement with new build business units (class B1(a) offices and B1(c) light industry) and associated works (access from Desford Lane), Pear Tree Farm, Ratby – Cawrey Limited

Notwithstanding the officer's recommendation to refuse the application, Members felt that this development would improve the site and offer employment opportunities. It was moved by Mr Boothby and seconded by Mr Bannister that the application be approved subject to conditions. Upon being put to the vote, the motion was CARRIED. It was therefore

RESOLVED – the 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. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed buildings 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. Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
4. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land

contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

5. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
6. Notification of the commencement of development should be given in writing not less than 14 days before development commences.
7. The development hereby permitted shall not commence until drainage plans for the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
8. Notwithstanding the submitted details, before any of the units hereby permitted are first occupied, full details of the proposed biomass boiler and associated plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved scheme.
9. Before development commences, details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. Before first use of the development hereby permitted, the proposed cycle parking provision shall be made available for use and once provided shall be maintained and kept available for use at all times thereafter.
11. Before first use of any of the units hereby approved, full details of the security gates shown on drawing no DNS-02 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details. Once provided the gates shall be retained at all

times thereafter and shall be securely closed at all times outside the permitted hours detailed in Condition 15 of this permission, unless otherwise agreed in writing by the Local Planning Authority.

12. The premises shall not be used other than for purposes falling within Class B1(a) Offices and Class B1(c) Light Industry of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
13. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no openings other than those approved under this permission shall be inserted into the side or rear elevations of units 6, 7, 8 or 9 unless otherwise agreed in writing by the Local Planning Authority.
14. No deliveries shall be taken at or dispatched from the site outside the hours of 7.30am to 6.30pm Monday to Friday and 8am to 1pm on Saturdays; nor at any time on Sundays, Bank or Statutory Public Holidays.
15. There shall be no use of the premises hereby permitted outside the hours of 7am to 7pm Monday to Friday and 8am to 1pm on Saturdays and at no time on Sundays, Bank or Statutory Public Holidays.
16. There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.
17. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details as submitted on drawing No DNS-06. 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.
18. The development shall achieve a BREEAM rating of 'Very Good'. None of the units hereby approved shall be occupied until a final BREEAM Certificate has been issued certifying that 'Very Good' has been achieved and this has been submitted to and confirmed in writing by the Local Planning Authority.
19. Notwithstanding the submitted details, the proposed vehicular access security barrier shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.

20. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.
21. Before first use of the development hereby permitted, the access drive and turning areas shall be provided and surfaced in accordance with the details submitted on approved plan No DNS-03 unless otherwise agreed in writing by the Local Planning Authority and once provided shall not be obstructed and shall be maintained as such at all times thereafter.
22. Notwithstanding the details submitted on the approved plan, before development commences amended car parking layout details shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details. The parking areas shall be surfaced and marked out prior the development first being brought into use and once provided shall be so maintained at all times thereafter.
23. Before first use of the development hereby permitted, a footway shall be completed to the satisfaction of the Highway Authority from existing footways on Desford Lane to the point of the new access to the development site.
24. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

Mr Inman left the meeting at 8.10pm.

- (d) 08/01144/FUL – New Vehicle access with track, garage and store building, parking and turning area, Elmsdale, 23 Ratcliffe Lane, Sheepy Magna – Mr Calcott

Mr Boothby left the meeting at 8.12pm and returned at 8.14pm. Mr Inman returned at 8.17pm.

Mr Morrell, seconded by Mr Sutton, moved that the application be approved. Upon being put to the vote, the motion was LOST. It was then

RESOLVED – the application be refused for the reasons contained within the officer's report.

Having declared a prejudicial interest in the following two applications, Mr Hall left the meeting at 8.39pm.

- (e) 09/00076/FUL – Multi Use Games Area, Woodland Avenue Play Area, Burbage – Burbage Parish Council

Mrs Aldridge left the meeting at 8.45pm and returned at 8.46pm.

Having declared a prejudicial interest in this item, Mrs Hall and Mr Inman spoke as Ward Councillors then left the meeting at 8.45 and 8.46pm respectively.

On the motion of Mr Boothby, seconded by Mr O'Shea, it was

RESOLVED – the application be approved subject to the conditions contained within the officer's report and an additional condition with regard to agreeing noise mitigation measures, if any are necessary, with Environmental Health.

Mr Ward left the meeting at 9.01pm.

- (f) 09/00006/FUL – Extensions and alterations, Millennium Hall, Britannia Road, Burbage – Burbage Parish Council

Having declared a prejudicial interest in this application, Mr & Mrs Hall and Mr Inman remained outside of the meeting.

It was moved by Mr Boothby, seconded by Mr Crooks and

RESOLVED – the application be approved subject to the conditions contained within the officer's report.

Mr & Mrs Hall returned to the meeting at 9.03pm. Mr Inman returned at 9.05pm.

- (g) 09/00029/FUL – Conversions of barns into two dwellings, Common Farm, Barton Road, Carlton – Trafford Knitwear

Some Members felt that it would be preferable to rebuild the barn than to leave in a derelict state. It was moved by Mr Morrell and seconded by Mr Sutton that the application be approved. Upon being put to the vote, the motion was LOST. It was then

RESOLVED – the application be refused for the reasons contained in the officer's report.

Having reached 9.29pm, it was agreed that the meeting be extended by 30 minutes in order to complete the business on the agenda.

Messrs Boothby and O'Shea left at 9.29pm.

- (h) 09/00012/DEEM – Erection of 8m high tubular steel lighting column, Langdale Recreation Ground, Hinckley – Mr Alex Jones, HBBC

It was moved by Mr Bown, seconded by Mr Bannister and

RESOLVED – the application be approved subject to the conditions contained within the officer's report and late items.

- (i) 09/00013/DEEM – Erection of 8m high tubular steel lighting column, Clarendon Park Playing Fields, Coventry Road, Hinckley – Mr Alex Jones, HBBC

It was moved by Mr Nichols, seconded by Mr Bannister and

RESOLVED – the application be approved subject to the conditions contained within the officer's report and late items.

- (k) 09/00072/FUL – Extensions and alterations to dwelling re-submission of 08/01133/FUL, 16 Johns Close, Burbage – Mr Anthony Brown

It was moved by Mr Bown, seconded by Mr Crooks and

RESOLVED – the application be approved subject to the conditions contained within the officer's report.

466 APPEALS LODGED AND DETERMINED (P57)

A summary was submitted of appeals lodged and determined since the last meeting. It was noted that one appeal had been lodged.

RESOLVED – the report be noted.

467 APPEALS – PROGRESS (P58)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached.

RESOLVED – the report be noted.

468 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Mr Sutton, seconded by Mrs Hall, it was

RESOLVED - in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2 and 10 of Part I of Schedule 12A of that Act.

469 PLANNING ENFORCEMENT ACTION (P59)

Members were provided with a periodic report on planning enforcement actions taken. It was moved by Mr Nichols, seconded by Mrs Hall and

RESOLVED – the report be noted.

(The meeting closed at 9.40pm)