

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

30 NOVEMBER 2010 AT 6.30 PM

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

Mr JG Bannister, Mr CW Boothby, Mr JC Bown, Mr MB Cartwright, Mr WJ Crooks, Mr DM Gould, Mrs A Hall, Mr P Hall, Mr CG Joyce, Mr K Morrell, Mr K Nichols, Mr BE Sutton, Mr R Ward and Ms BM Witherford.

In accordance with Council Procedure Rule 4.4 Mr PR Batty and Mr PS Bessant also attended the meeting.

Officers in attendance: Mr R Crosthwaite, Mr B Cullen, Mrs S Fryer, Ms T Miller, Miss R Owen, Mr M Rice and Mr S Wood.

316 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Mrs Aldridge and Mr O'Shea with Mr Cartwright substituting for Mr O'Shea in accordance with Council Procedure Rule 4.3.

317 MINUTES (P30)

It was highlighted that Mr Cartwright was recorded as having attended the meeting, but he had not been present. On the motion of Mr Bown, seconded by Mr Bannister, it was

RESOLVED – the minutes of the meeting held on 2 November 2010 be confirmed subject to the above amendment and signed by the Chairman.

318 DECLARATIONS OF INTEREST

Mr Boothby declared a personal and prejudicial interest in application 10/00827/FUL as a member of the applicant's family was known to him.

Mr Cartwright wished it to be recorded that application 10/00590/FUL had been discussed at Groby Parish Council but he had left the room and did not take part in the debate or decision.

Mrs Hall declared a non-prejudicial interest in report P33 as she had requested the item. She stated that she would not take part in discussion. Mr Inman also declared a non-prejudicial interest in this item.

Mr Joyce arrived at 6.37pm.

319 DECISIONS DELEGATED AT PREVIOUS MEETING

The Head of Planning reported on the following applications which had been delegated at the meeting on 2 November:

- (i) 10/00695/FUL – it was reported that the decision had been issued on 25 November 2010;
- (ii) 10/00453/FUL – it was reported that the decision had been issued on 10 November 2010;
- (iii) 10/005888/EXT – it was reported that the decision had been issued on 12 November 2010;
- (iv) 10/00708/FUL – it was reported that the decision had been issued on 10 November 2010;

320 LOCAL DEVELOPMENT FRAMEWORK: EARL SHILTON AND BARWELL AREA ACTION PLAN PREFERRED OPTIONS - CONSULTATION (P34)

Members were presented with the Preferred Option document for the Earl Shilton and Barwell Area Action Plan DPD and associated sustainability appraisal in advance of going out to consultation.

On the motion of Mr Nichols, seconded by Mr Crooks it was

RESOLVED – the Preferred Options document for Earl Shilton and Barwell Area Action Plan DPD and associated Sustainability Appraisal be endorsed for the purpose of undertaking a six-week period of consultation from Friday, 7 January 2011 until Friday, 18 February 2011 inclusive.

321 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P31)

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Deputy Chief Executive (Community Direction).

- (a) 10/00743/OUT – Outline application including access, layout and scale, for the erection of a mixed-use development comprising retail (A1-A3 uses), leisure (D2 uses) and offices (B1A uses), together with all associated infrastructure and plant, public realm, landscaping and servicing. Works to include the provision of a part undercroft / part surface public car parking area and a new bus station, Bus Station, Lancaster Road, Hinckley – The Tin Hat Regeneration Partnership LLP

It was noted that consideration of this application was being deferred to a special meeting of the committee on 14 December 2010.

- (b) 10/00727/TEMP – Erection of a log cabin for use as a temporary agricultural dwelling for the period of three years, Land at Cloverfield, Watery Lane, Sheepy Magna – Mr Lyons

It was reported that this application had been withdrawn

- (c) 10/00590/FUL – Creation of new access, formation of new ménage, replacement stable block and erection of garage for horse trailer box, Land at the rear of 34 Fern Crescent, Groby – Mr Michael Akins

Mr Bessant left the meeting at 7.05pm and returned at 7.12pm. Mr Bown left at 7.17pm. Mr Crooks left at 7.28pm and returned at 7.31pm.

Whilst most Members were in support of the officer's recommendation, it was felt that conditions should be added to prevent traffic using Lena Drive and to prevent vehicular access from Fern Crescent, and that the length of the access in condition 6 be amended to 15 metres.

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

RESOLVED – the application be permitted subject to the conditions contained in the officer's report and the abovementioned additional conditions.

- (d) 10/00793/FUL – Erection of a bungalow (revised scheme), 59 Butt Lane, Hinckley – Mr L Ward

On the motion of Mr Gould, seconded by Mr Sutton, it was

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

Having declared a prejudicial interest in the following application, Mr Boothby left the meeting at 7.47pm.

- (e) 10/00827/FUL – Extensions and alterations to dwelling, 20 Hilary Crescent Groby – Mr Gary Hawkins

It was moved by Mr Cartwright that the application be refused as it was not in keeping with the character of the area. In the absence of a seconder, the motion was not put to the vote.

On the motion of Mr Morrell, seconded by Mr Sutton, it was

RESOLVED – subject to no significant additional objections being received before the end of the consultation period expiring on 3 December 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to issue planning permission subject to the conditions contained in the officer's report and late items.

Mr Boothby returned to the meeting at 8.08pm. Messrs Bessant, Gould and Inman left the meeting at 8.09pm.

- (f) 10/00640/OUT – Mixed use development comprising up to 68 dwellings and employment (use classes B1c and B2) (outline – access only), Dunlop Limited, Station Road, Bagworth – Johal and Kler Partnership

Mr Batty left the meeting at 8.10pm.

On the motion of Mr Cartwright, seconded by Mr Boothby, it was

RESOLVED – the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for the development subject to the conditions contained in the officer's report and late items and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards affordable housing, the provision and maintenance of public play and open space facilities. Failure to do so by 2 December 2010 might result in the application being refused.

- (g) 10/00665/ADV – Erection of non illuminated signage, Atkins Building, Lower Bond Street, Hinckley – Hinckley & Bosworth Borough Council

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

RESOLVED – the application be permitted subject to the conditions contained in the officer's report.

- (h) 10/00666/LBC – Erection of non illuminated signage, Atkins Building, Lower Bond Street, Hinckley – Hinckley & Bosworth Borough Council

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

RESOLVED – the application be permitted subject to the conditions contained in the officer's report.

Mr Gould returned at 8.14pm.

- (i) 10/00757/FUL – Conversion of farm buildings into dwelling and erection of two new dwellings, Yew Tree Farm, Occupation Road, Nailstone – Mr J Dawson

It was moved by Mr Sutton, seconded by Ms Witherford and

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

- (j) 10/00760/COU – Change of use from recreational fields to mixed use to recreational fields and dog training classes, Jubilee Playing Fields, Altar Stones Lane, Markfield – Mr Steven Havers

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

RESOLVED – the application be permitted subject to the conditions contained in the officer's report.

- (k) 10/00783/FUL – Extension to production building and alterations to aggregate bay area (retrospective), FP McCann, Brascote Lane, Cadeby – FP McCann

It was moved by Mr Sutton, seconded by Mr Gould and

RESOLVED – the application be permitted subject to the conditions contained in the officer's report.

At this juncture, Mr Nichols declared a personal, non-prejudicial interest in the following application.

Mr Inman returned at 8.20pm.

- (l) 10/00816/FUL – Agricultural workers dwelling with associated garage and access, Land adjacent New House Farm, Stapleton Lane, Dadlington – Mr Martin Morris

Attention was drawn to the amended recommendation in the late items that the application be refused. On the motion of Mr Nichols, seconded by Mr Crooks it was

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

### 322 PLANNING FOR SCHOOLS DEVELOPMENT: CONSULTATION (P32)

Members were advised of the consultation response on proposed changes to the General Permitted Development Order in relation to schools development to complement the Government's 'free schools' policy.

Mr Boothby left the meeting at 8.31pm.

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

RESOLVED – the response be agreed.

### 323 CERTIFICATES OF LAWFUL USE AND DELEGATION SCHEME (P33)

Members were presented with a report which proposed a course of action in relation to a specific application for a certificate of lawful proposed use and also highlighted an anomaly in the Constitution with regard to the scheme of delegation.

It was requested that in future these delegated decisions be reported to the Ward Member.

On the motion of Mr Nichols, seconded by Mr Gould, it was

RESOLVED –

- (i) the Deputy Chief Executive (Community Direction) be authorised to grant a certificate of lawful proposed use in relation to the particular application under consideration in the report;
- (ii) the Council be RECOMMENDED to amend the Constitution to authorise the Deputy Chief Executive (Community Direction) to consider and grant or refuse applications for certificates of lawful existing or proposed use in all cases notwithstanding that there are more than five objections;
- (iii) that delegated decisions taken by the Deputy Chief Executive (Community Direction) with regard to applications for certificates of lawful use be reported to the local Ward Member.

324 APPEALS LODGED AND DETERMINED (P35)

A summary was submitted of appeals lodged and determined since the last meeting. It was moved by Mr Gould, seconded by Mr Crooks and

RESOLVED – the report be noted.

325 APPEALS – PROGRESS (P36)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was reported that the enquiry in relation to Britannia Road, Burbage was scheduled for 1 March 2011.

On the motion of Mr Crooks, seconded by Mr Sutton, it was

RESOLVED – the report be noted.

(The meeting closed at 8.45pm)