

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

5 JANUARY 2011 AT 6.35 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, Mr DM Gould, 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 Ms BM Witherford.

Officers in attendance: Ms C Horton, Ms T Miller, Miss R Owen, Mr M Rice and Mr S Wood.

392 MINUTES (P38 & P39)

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

RESOLVED – the minutes of the meeting held on 30 November 2010 be confirmed and signed by the Chairman.

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

RESOLVED – the minutes of the meeting held on 14 December 2010 be confirmed and signed by the Chairman.

393 ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

It was noted that there would be an urgent item of business at the end of the agenda which contained exempt information and would therefore be taken in private session.

394 DECLARATIONS OF INTEREST

Mr Bannister, Mr Crooks, Mr Gould, Mrs Hall, Mr Hall, Mr Inman, Mr Mayne, Mr Nichols and Ms Witherford declared a personal interest in application 10/00969/OUT as they knew the landowner.

395 DECISIONS DELEGATED AT PREVIOUS MEETING

The Director of Community and Planning Services reported on the following applications which had been delegated at the meeting on 30 November and 14 December 2010:

- (i) 10/00793/OUT (30 November) – it was reported that the decision had been issued on 7 December;

- (ii) 10/00640/OUT (30 November) – it was reported that the decision of refusal due to the Section 106 Agreement not having been signed had been issued on 2 December 2010;
- (iii) 10/00743/OUT (14 December) – it was reported that the decision had not yet been issued.

Mr Joyce arrived at 6.40pm.

396 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P40)

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) 10/00770/FUL – Erection of agricultural building, Land East of Heath Road, Bagworth – Mr Darren Price

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

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

- (b) 10/00811/FUL – Erection of four stables and feed/tack room, Land north east of Reservoir Road, Thornton – Mr Stubley

Notwithstanding the officer's recommendation that this application be permitted, some Members expressed concern that the applicant had failed to demonstrate the need for this development. It was therefore proposed by Mr Boothby and seconded by Mr O'Shea that the application be refused on this basis.

It was requested by the Head of Planning that voting on this motion be recorded. The vote was then taken as follows:

Messrs Boothby, Morrell, O'Shea and Ward voted FOR the motion (4);

Mr Bannister, Mr Bown, Mr Gould, Mr Hall, Mr Inman, Mr Mayne and Ms Witherford voted AGAINST the motion (7);

Mrs Aldridge, Mr Crooks, Mrs Hall, Mr Joyce, Mr Nichols and Mr Sutton abstained from voting (6).

The motion was therefore declared LOST.

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

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

- (c) 10/00822/FUL – Erection of three new dwellings, 134 Main Road, Sheepy Magna – Mr S Parkinson

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

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

- (d) 10/00847/FUL – Mixed use development including retention, refurbishment and extension to existing buildings and demolition of factory buildings to create 48 dwellings and 6 apartments with associated parking, Flude House, Rugby Road, Hinckley – Mr Richard Anderson

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

RESOLVED – subject to 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 the provision and maintenance of public play and open space facilities, education and affordable housing requirements by 25 January 2011, the Deputy Chief Executive (Community Direction) be granted powers to issue full planning permission subject to the conditions contained in the officer's report. Failure to do so by 25 January 2011 might result in the application being refused.

- (e) 10/00908/FUL – Change of use from retail (class A1) to hot food takeaway (class A5) and retention of an external extractor flue (retrospective), 102 Rugby Road, Hinckley – Mr J Singh

On the motion of Ms Witherford, seconded by Mr Nichols, it was

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

- (f) 10/00800/FUL – Construction of workshop and associated office block and proving ground control rooms, Mira Ltd, Watling Street, Lindley, Higham on the Hill – Mr Ian Lawrence

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

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

- (g) 10/00818/CONDIT – Variation of condition two of planning permission 09/00940/FUL for minor changes to the building design and relocation of tanks, Woodlands Nurseries House, Ashby Road, Stapleton – Woodlands Nurseries House

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

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

- (h) 10/00823/OUT – Demolition of no.42 and erection of four detached dwellings, 42 Britannia Road, Burbage – Ms J Allen

Concern was expressed that the recommended reasons for refusal did not refer to the Burbage Village Design Statement. Officers agreed to investigate and include if appropriate.

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

RESOLVED – the application be refused for the reasons contained in the officer's report and the abovementioned condition if deemed appropriate by the Deputy Chief Executive (Community Direction).

- (i) 10/00920/FUL – Siting of a temporary occupational dwelling (revised application), Land at Congerstone Lane, Barton in the Beans – Mr Matthew Gilliver

Attention was drawn to the amended recommendation in the late items that the application be deferred. It was moved by Mr Sutton, seconded by Mr Crooks and

RESOLVED – the application be deferred.

- (j) 10/00969/OUT – Erection of two dwellings (outline – access and layout only), Land off Eastwoods Road, Hinckley – Brenmar Developments (Hinckley) Ltd

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

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

397 PLANNING FEES CONSULTATION (P41)

Members received a report which proposed a consultation response to the Department of Communities and Local Government. It was noted that any changes could be implemented from October 2011.

Members requested that the response to question 3 should be 'strongly agree' and it was agreed that this would be changed.

Concern was expressed with regard to the cost of enforcement and recovery of costs and it was felt that the Government should look at penalising contravention of planning control.

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

RESOLVED –

- (i) the draft response be agreed for submission with the abovementioned amendment to the response to question 3;
- (ii) Option 1, giving Local Planning Authorities the ability to set their own fees, be supported.

398 APPEALS LODGED AND DETERMINED (P42)

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

RESOLVED – the report be noted.

399 APPEALS – PROGRESS (P43)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was moved by Mr Nichols, seconded by Mr Crooks and

RESOLVED – the report be noted.

400 CERTIFICATE OF LAWFUL PROPOSED USE (P44)

Members received a report which proposed a course of action in relation to an application for a certificate of proposed lawful use. On the motion of Mr Crooks, seconded by Mr Boothby it was

RESOLVED – the Deputy Chief Executive (Community Direction) be authorised to refuse to grant a certificate of lawful proposed use in relation to application 10/00918/CLU on the grounds that planning permission would be required for the change of proposed use.

401 MATTER FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Mr Nichols, seconded by Mr Crooks, 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 3, 5 and 10 of Part I of Schedule 12A of that Act.

402 PLANNING APPEAL AT BRITANNIA ROAD, BURBAGE (P45)

Members received an urgent item which required consideration at this meeting.

Mr Crooks left the meeting at 8.36pm and returned at 8.39pm. Mr Boothby and Mr O'Shea left at 8.48pm.

In relation to the issues raised during discussion, it was agreed that a response be sent to Leicestershire County Council to raise concerns and that it would also be raised at the Highways Forum.

RESOLVED – the report be noted and recommendations as outlined in the conclusion of paragraph 5.6 of the report be supported.

(The meeting closed at 9.05pm)