

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

28 MAY 2019 AT 6.30 PM

PRESENT: Mrs MJ Crooks - Chairman  
Mr DJ Findlay – Vice-Chairman  
Mrs CM Allen, Mr RG Allen, Mr CW Boothby, Mr SL Bray (for Mr REH Flemming),  
Mr MB Cartwright, Mr DS Cope, Mr WJ Crooks, Mr A Furlong, Mr SM Gibbens,  
Mr E Hollick, Mr KWP Lynch, Mrs LJ Mullaney, Mr RB Roberts, Mrs H Smith and  
Mr BR Walker

Also in attendance: Councillor K Morrell and Councillor LJP O'Shea JP

Officers in attendance: Helen Knott, Rebecca Owen, Michael Rice and Richard Wright

15 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Flemming with the substitution of Councillor Bray authorised in accordance with council procedure rule 10.

16 MINUTES

It was moved by Councillor Crooks, seconded by Councillor Hollick and

RESOLVED – the minutes of the meeting held on 23 April 2019 be confirmed and signed by the chairman.

17 DECLARATIONS OF INTEREST

No interests were declared at this stage.

18 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that decisions in relation to 19/00177/HOU, 19/00013/S106, 19/00091/FUL and 19/00264/S106 had been issued. The remaining items were on the agenda for this meeting.

19 19/00176/FUL - 25 MERRYLEES INDUSTRIAL ESTATE, LEESIDE, DESFORD

Application for change of use from light industrial (B1) to a dance studio (D2).

Notwithstanding the officer's recommendation that permission be refused, members felt that the dance school was a successful and growing business that provided an important community facility and should be supported and that it provided employment. They felt the circumstances surrounding the change of use were exceptional. Members suggested, however, that if the applicant should move the business away from the premises, the use should revert back to B1.

It was moved by Councillor Cartwright and seconded by Councillor Allen that permission be granted subject to conditions, including a personal condition, the detail of which be delegated to officers. Upon being put to the vote the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to conditions, including a personal condition requiring the cessation of the use when the premises ceases to be occupied by the applicant;
- (ii) Conditions be delegated to the Interim Head of Planning.

20 18/00786/FUL - LAND WEST OF MAIN STREET, MAIN STREET, NORTON JUXTA TWYXCROSS

Application for erection of eight dwellings, formation of community open space and associated landscaping and access.

Whilst in support of the recommendation, members expressed disappointment that the road may not be adopted and asked that the concern be recorded. Concern was also expressed about the loss of hedgerow and the height of plot 1. It was moved by Councillor Cartwright, seconded by Councillor Allen and

RESOLVED –

- (i) permission be granted subject to:
  - a. prior completion of a S106 to secure the following obligations:
    - a commuted sum of £367,812 for off-site affordable housing contribution;
    - play and open space contribution of £2,528.64 for off-site equipped children's play space;
    - provision and future management and maintenance of on-site public open space
  - b. conditions contained within the officer's report
  - c. additional conditions to address the concerns of members as expressed above, the formulation of which be delegated to officers
- (ii) The interim Head of Planning be granted powers to determine the final detail of planning conditions;
- (iii) The interim Head of Planning be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

21 18/01278/FUL - 131 LUTTERWORTH ROAD, BURBAGE

Application for erection of detached dwelling and a new vehicular access.

Councillor Morrell left the meeting at this point.

Whilst generally in support of the officer's recommendation, members felt that the landscaped area should be extended to the length of the boundary. It was moved by Councillor WJ Crooks, seconded by Councillor Walker and

RESOLVED – permission be granted subject to the conditions in the officer's report and an additional condition in relation to the extension of the landscaped area, the wording of which be delegated to the Interim Head of Planning.

22     16/00758/FUL - 121 STATION ROAD BAGWORTH

Application for erection of ten dwellings and two flats (100% affordable scheme).

Notwithstanding the officer's recommendation that permission be granted, members were not satisfied that the design, layout and access were appropriate and felt that the proposal was contrary to DM10. It was moved by Councillor Bray, seconded by Councillor WJ Crooks and

RESOLVED – permission be refused due to the proposed development being contrary to policy DM10 for reasons of design, layout and access.

Councillor O'Shea left the meeting at this point.

23     19/00031/FUL - 146 HINCKLEY ROAD, BARWELL

Application for change of use from children's day nursery to a residential care home for children with education facility.

Notwithstanding the officer's recommendation that permission be granted, members felt that the change of use would have a detrimental impact on neighbours, particularly the occupiers of number 144. The committee considered the impact of the Public Sector Equality Duty under section 149 of the Equality Act 2010 and its application both to the proposed occupiers of 146 and the existing occupiers of 144 and concluded that the impact on 144 would tip that balance in favour of a refusal. It was therefore moved by Councillor Roberts and seconded by Councillor Cartwright that permission be refused. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused due to the likely detrimental impact on the neighbouring amenity, specifically number 144, contrary to policy DM10.

24     19/00094/OUT - LAND TO THE REAR OF 32 HEATH LANE, EARL SHILTON

Application for demolition of existing garage and the erection of one dwelling with associated parking and amenity space (outline – access and layout).

It was moved by Councillor RG Allen and seconded by Councillor CM Allen that members be minded to refuse permission due to the adverse impact on neighbours contrary to policy DM10 and being outside of the settlement boundary. Upon being put to the vote, the motion was LOST.

It was subsequently moved by Councillor Bray, seconded by Councillor Lynch and

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

25     19/00049/FUL - 87 HIGH STREET, BARWELL

Application for demolition of existing buildings and erection of four dwellings (revised scheme).

It was moved by Councillor Bray, seconded by Councillor Roberts and

RESOLVED – permission be granted subject to the conditions contained in the officer's report and delegation of powers to determine the final detail of planning conditions to the Interim Head of Planning.

26     19/00389/HOU - 18 CASTLEMAINE DRIVE, HINCKLEY

Application for conversion of existing garage to form habitable room and new pitched roof to front.

It was moved by Councillor Bray, seconded by Councillor Crooks and

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

27     18/01266/FUL - BARRACK HOUSE, THE BARRACKS, BARWELL

Application for part demolition and conversion of existing factory to four apartments and erection of four new houses and nine new apartments.

The applicant had appealed non-determination and therefore the authority could not determine the application. Members were required to note what their decision would have been if they had powers to determine the application. This information would be passed onto the Planning Inspectorate.

Councillor Roberts, seconded by Councillor RG Allen, proposed that members be minded to refuse permission due to the access being unsuitable and the impact upon pedestrians and cyclists. Upon being put to the vote, the motion was LOST on the casting vote of the chairman.

It was subsequently moved by Councillor Bray, seconded by Councillor Hollick and upon the casting vote of the chairman

RESOLVED – the Planning Inspectorate be notified, in relation to the appeal, that if the committee had been in a position to determine the application it would have approved the application subject to the conditions contained within the officer's report.

28     APPEALS PROGRESS

Consideration was given to a report on progress in relation to various appeals. It was

RESOLVED – the report be noted.

(The Meeting closed at 8.50 pm)

---

CHAIRMAN