

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

5 DECEMBER 2017 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr BE Sutton – Vice-Chairman
Mr CW Boothby, Mr SL Bray (for Miss DM Taylor), Mrs MA Cook, Mrs GAW Cope, Mr WJ Crooks, Mrs L Hodgkins, Mr E Hollick, Mrs J Kirby, Mr C Ladkin, Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees, Ms BM Witherford and Ms AV Wright

In accordance with Council Procedure Rule 11 Councillors Mr RG Allen and Mr MA Hall were also in attendance.

Officers in attendance: Gemma Dennis, Rebecca Owen, Michael Rice and Nicola Smith

237 APOLOGIES AND SUBSTITUTIONS

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

238 MINUTES

It was moved by Councillor Sutton, seconded by Councillor Boothby and

RESOLVED – the minutes of the meeting held on 7 November 2017 be confirmed and signed by the chairman.

239 DECLARATIONS OF INTEREST

Councillors Bray, Cope, Crooks, Hodgkins, Hollick and Witherford declared a personal interest in application 17/01035/REM as the agent was a colleague.

240 DECISIONS DELEGATED AT PREVIOUS MEETING

It was noted that all decisions had been issued with the exception of 15/01221/HYB, for which the negotiations on the S106 agreement were still ongoing.

241 17/00765/FUL - THE BIG PIT, LAND TO THE REAR OF 44 TO 78 ASHBY ROAD, ASHBY ROAD, HINCKLEY

Application for erection of 60 dwellings including engineering infill operation and associated works.

Members raised a number of concerns about the potential impact of the site. These included loss of open space, its non-viability, overdevelopment, loss of amenity, noise/vibration, unsustainability and several members indicated that they would propose refusal of the application.

In response, officers emphasised the following:

- That the site had an extant outline planning permission for residential development together with the infilling of the pit which had been granted on appeal in December 2014 and which was a significant material planning

- consideration which established the loss of the open space, along with the filling of the pit and redevelopment of the site for residential use
- That Leicestershire County Council had refused the appealed application in 2014 and had had costs awarded against it for not pursuing one of the reasons for refusal in relation to flood risk
 - That the main considerations relating to the development of the site, namely drainage and flooding, highway safety and traffic movement, nature conservation interests and amenity (as a result of the proposed engineering works) had been taken into account by the Inspector at the 2014 appeal who considered that, subject to appropriate safeguards and mitigation measures which would be secured by conditions, the development would not unacceptably worsen the living conditions of neighbours or future residents and it would not adversely affect nature conservation interests
 - That these same considerations applied in relation to the current application and the same conditions imposed by the Inspector would be re-imposed leading to the same conclusion on the impact of the development
 - That, specifically and significantly, no objections to the current proposal had been received (subject to the imposition of appropriate conditions) from the following statutory and other consultees:
 - Environment Agency
 - Leicestershire County Council (drainage)
 - Leicestershire County Council (highways)
 - Leicestershire County Council (Ecology)
 - HBBC Environmental Health (pollution)
 - HBBC Environmental Health (drainage)
 - That the proposal was for the provision of 100% affordable housing which itself was a significant policy consideration for the committee
 - That there were no substantive and material planning grounds for refusing the application and that a refusal would be likely to be lost on appeal with a consequent award of costs against the council.

Notwithstanding this advice from officers, refusal of the application was proposed by Councillor Kirby and seconded by Councillor Hodgkins. The committee was advised that, in accordance with paragraph 2.12 of the Planning Committee procedure rules, any such motion shall be deemed to be a motion of “minded to refuse” and that consideration of the application would be deferred to the next meeting of the committee.

Councillor Witherford, along with two other councillors, requested that voting on this motion be recorded.

The vote was taken as follows:

Councillors Boothby, Bray, Cook, Cope, Crooks, Hodgkins, Hollick, Kirby, Roberts, Smith, Witherford and Wright voted FOR the motion (12);

Councillors Ladkin, Surtees, Sutton and Ward voted AGAINST the motion (4).

The motion was therefore declared CARRIED and it was

RESOLVED – the committee be minded to refuse permission in accordance with paragraph 2.12 of the procedure rules.

Councillor Bray left the meeting at 7.55pm.

242 17/01035/REM - 44 LEICESTER ROAD, HINCKLEY

Application for approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 16/00902/OUT for the erection of one dwelling.

It was moved by Councillor Sutton, seconded by Councillor Ladkin and

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

243 17/00776/FUL - 7 HUNTERS WALK, WITHERLEY, ATHERSTONE

Application for erection of a timber post and wire fence adjacent to Kennel Lane (resubmission of 17/00310/FUL).

It was noted that members had been minded to refuse this application at the meeting on 10 October 2017 and it was therefore before the committee tonight for a decision.

Councillor Wright left the meeting at 8.03pm.

Notwithstanding the officer's recommendation that permission be granted, members felt that the fence was detrimental to visual amenity due to the materials used and that it would enclose an area that was currently open. It was moved by Councillor Cook and seconded by Councillor Crooks that the application be refused for this reason. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused due to being detrimental to visual amenity.

Councillor Hall left the meeting at 8.10pm.

244 17/00943/REM - 2 LUTTERWORTH ROAD, BURBAGE

Application for approval of reserved matters (appearance, landscaping, layout, scale) of outline planning permission 14/00982/OUT for one dwelling.

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

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

245 APPEALS PROGRESS

Members received an update on progress in relation to various appeals. It was moved by Councillor Crooks, seconded by Councillor Boothby and

RESOLVED – the report be noted.

(The Meeting closed at 8.15 pm)

CHAIRMAN