

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

28 AUGUST 2007 AT 6.30 PM

PRESENT: MR P HALL - CHAIRMAN
MR R MAYNE - VICE-CHAIRMAN

Mrs M Aldridge, Mr JG Bannister, Mr PR Batty, Mr CW Boothby, Mr JC Bown, Mr JD Cort, Mr WJ Crooks, Mr DM Gould, Mrs A Hall, Mr DW Inman, Mr CG Joyce, Mr K Nichols, Mrs J Richards and Mr BE Sutton.

In accordance with Council Procedure Rule 4.4 Mr DC Bill, Mr MR Lay and Ms WA Moore also attended the meeting.

Officers in attendance: Mrs T Darke, Miss L Horton, Ms T Miller, Miss R Owen and Mr R Palmer.

155 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Messrs MB Cartwright and LJP O'Shea and the following substitutions authorised in accordance with Council Procedure Rule 4.3:-

Mr Batty for Mr Cartwright;
Mr Boothby for Mr O'Shea.

156 MINUTES (P22)

Mr Batty raised concerns that the minute for application 07/00683/FUL did not reflect the length of discussion on this item. In response it was explained that the minutes of the Planning Committee were a record of decisions taken not a record of discussions.

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

RESOLVED – the minutes of the meeting held on 31 July 2007 be confirmed and signed by the Chairman.

157 DECLARATIONS OF INTEREST

Mr Batty declared a personal and prejudicial interest in applications 06/01270/CON and 06/01288/FUL due to his connections with the applicant.

Mr Inman declared a personal, non-prejudicial interest in application 07/00620/FUL as a member of Hinckley Civic Society. Mrs Richards declared a personal and prejudicial interest in this application as she knew one of the objectors to the application and felt she had already formed an opinion on the matter. She asked permission of the Committee to speak on the application

before leaving the meeting during the debate.

Mr Bannister, Mr Crooks, Mr Gould, Mr and Mrs Hall, Mr Inman, Mr Joyce and Mr Mayne declared a personal, non-prejudicial interest in application 07/00864/FUL as the agent was personally known to them.

158 QUESTIONS

The following question and reply were received in accordance with Council Procedure Rule 11.1.

As background to this question, it was explained that a question had been asked by Mr Sutton to the Chairman of the Planning Committee at the meeting of full Council on 7 August 2007 (minute number 145b refers).

Question raised by Mr BE Sutton and addressed to the Chairman of the Planning Committee

“Further to my question to the Chairman of the Planning Committee at the last Council meeting, I find the answer both unbelievable, and factually incorrect.

The site is less than 100m from the main water course.

Surface water drains do not need to be deep. This issue of impermeable mudstone highlights my belief that the surface water should be diverted to the nearest course.

Mr Cash said at the last meeting that surface and foul water should be kept separate whenever possible.

Mr Brown, when I asked him, said he could see no reason that this site should have a combined storm and foul system.

Mr Wilkinson, the District Highways expert, said he had not got the money to upgrade the present storm drains at the end of the village. The cost to the developer would be negligible in relation to the cost of foul water contamination of other properties.

Don't you think that sense should prevail, and a storm water system should be taken straight to the adjacent river, approximately 100m away?

When the adjacent site is developed, how can we insist on separate systems if this is allowed to stay as it is?”

Response from Mr P Hall, Chairman of the Planning Committee:

In reference to your further questions and to clarify the above, the principle issue relating to the disposal of surface water is in this instance dictated by land ownership constraints. The Local Planning Authority can only impose conditions where the developer has a controlling interest in the land. This was possible in the case of the Crown Meadow development. The Dawkins site may be within 100 metres of a suitable watercourse but the land between it and the development is not under the control of the applicant.

The Dawkins scheme is served by separate surface and foul water drains within the development, the two are only combined where the development meets the existing combined sewer system that serves the village. Generally separate systems for surface and foul water are preferable, but as the village is only served by a combined system then alternative arrangements are agreed with Severn Trent. Given the unsuitable ground conditions (mudstone) that do not allow the use of Sustainable Urban Drainage Systems (SUDS) and the developer having no control over the adjacent land, these alternative methods have to be adopted.

The drainage system of the new Dawkins development is engineered to current Severn Trent specifications and in such a way that if in the future Severn Trent upgrade the existing sewer both systems can be connected with minimal disruption to the residents of the village.

Mr Sutton declined to ask a supplementary question.

159 SUSTAINABLE DESIGN SUPPLEMENTARY PLANNING DOCUMENT (CONSULTATION DRAFT) (P24)

Members received a report which sought approval to undertake public consultation on the draft Sustainable Design Supplementary Planning Document (SPD) and Sustainability Appraisal.

A Member commented that he could not see evidence of using renewable energy supplies in the Borough, and officers suggested that the new policies would encourage this. It was moved by Mr Crooks, seconded by Mrs Hall and

RESOLVED –

- (i) a six-week period of public consultation on the draft Sustainable Design SPD be supported;
- (ii) the Sustainability Appraisal be approved.

160 AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (CONSULTATION DRAFT) (P25)

A report was submitted which sought Members' approval to undertake public consultation on the draft Affordable Housing Supplementary Planning Document (SPD) and Sustainability Appraisal. Officers explained that this followed the Fordhams Housing Needs Survey.

A Member asked whether there were also Government guidelines for housing in rural areas, and in response it was stated that there was a Good Practice document, but that work was ongoing throughout the county on a Housing Market Assessment.

Concerns were raised with regard to the number of flats that had recently been built. Officers said that if a certain type of housing flooded the market, discussions would be undertaken with developers to suggest different types of development.

Concern was also expressed with regard to affordable housing, and ensuring that it remained affordable when sold on. Assurance was given that the Supplementary Planning Document included this. It was also suggested that affordable housing was usually grouped together in the corner of the site, and Members asked that it be spread out around a development.

It was moved by Mr Crooks, seconded by Mrs Hall and

RESOLVED -

- (i) a six-week period of public consultation on the draft Affordable Housing SPD be supported;
- (ii) the Sustainability Appraisal be approved.

161 DRAFT GUIDANCE ON THE DESIGN OF SITES FOR GYPSIES AND TRAVELLERS AND DRAFT GUIDANCE ON THE MANAGEMENT OF GYPSY AND TRAVELLER SITES (P26)

The Committee was presented with a report which informed Members of the key proposals contained in the Government's consultation documents issued by the Department for Communities and Local Government (DCLG).

A Member felt that there should be a maximum size for amenity buildings so that those built as washrooms or similar could not be used as dwellings. It was requested that this be included in the response to the DCLG. Concern was also expressed that the document stated that sites should be properly managed and self-financing, but Members asked how this would be possible.

Mr Bown left the meeting at 7.17pm and returned at 7.20pm.

It was moved by Mrs Aldridge, seconded by Mrs Hall and

RESOLVED -

- (i) the contents of the Draft Guidance and the current consultation be noted;
- (ii) the Borough Council's response to the consultation be noted with the addition of the request to add a maximum size for amenity buildings.

162 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P23)

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Head of Culture and Development.

It was agreed that the recommendations of the Head of Culture and Development contained in the schedule submitted be approved.

Mr Lay left the meeting at 7.26pm. Having declared a personal and prejudicial interest in applications 06/01270/CON and 06/01288/FUL, Mr Batty left the meeting at 7.26pm and returned at 7.35pm.

(a) 07/00510/FUL 19 Bradgate Road, Hinckley - Charles Church South Midlands

Some Members felt that the proposal was out of character for the area. It was moved by Mr Inman and seconded by Mrs Richards that the application be refused. Mr Crooks, Mrs Hall and Mr Hall requested that voting on this amendment be recorded.

Mr Inman, Mr Mayne, Mr Nichols and Mrs Richards voted FOR the amendment. (4)

Mrs Aldridge, Mr Bannister, Mr Batty, Mr Boothby, Mr Bown, Mr Cort, Mr Crooks, Mr Gould, Mrs Hall, Mr Hall, Mr Joyce and Mr Sutton voted AGAINST the amendment. (12)

The amendment was therefore declared LOST. It was then

RESOLVED – the application be approved subject to the conditions contained in the officers' report.

Mr Gould and Mrs Hall left the meeting at 8.24pm and returned at 8.26pm.

(b) 07/00529/FUL – Land Adjacent to 391 Coventry Road, Hinckley - Tungsten Properties Ltd

Notwithstanding Officers' recommendation that the application be approved, Members felt that the design and impact on the canal was unacceptable. It was moved by Mr Joyce and seconded by Mr Inman that the application be refused. Messrs Bannister, P Hall and Nichols requested that voting be recorded on this application.

Mrs Aldridge and Mr Cort left the meeting at 8.56pm.

Messrs Crooks, Gould, Hall, Inman, Joyce, Mayne, Nichols and Mrs Richards voted FOR the amendment. (8)

Mr Bannister, Mr Batty, Mr Boothby, Mr Bown, Mrs Hall and Mr Sutton voted AGAINST the amendment. (6)

The motion was declared CARRIED. It was therefore

RESOLVED – the application be refused for the following reasons:

1. In the opinion of the Local Planning Authority, the proposal if approved would constitute overdevelopment of the site by virtue of the amount of built form, thereby adversely affecting the character of the area and the character of the Ashby Canal Conservation Area. The application is therefore contrary to Policy BE1 and BE7 of the adopted Hinckley and Bosworth

Local Plan.

2. In the opinion of the Local Planning Authority, the proposal if approved would adversely affect the Ashby Canal Conservation Area by virtue of the proximity of the proposed buildings to the canal. The application is therefore contrary to Policy BE7 of the adopted Hinckley and Bosworth Local Plan.

NOTES TO APPLICANT :-

1. Surface water from the car showroom sites should be passed through a suitable type of oil/grit separator, the design of which shall be to the satisfaction of the Environment Agency.
2. For the avoidance of doubt, the provisions of Condition 17 do not affect, or impede the undertaking of "smart repairs" (paint touch-up to vehicles using aerosol (or similar) spray cans or hand held paint brushes) as often employed in respect of small scratches to, for example, wing mirrors, bumpers, door edges etc.
3. The Green Travel Plan required comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals should include measures to secure increased in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the approved details.
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (Tel: 01530 262380).
5. CBR Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without the prior notice being given to the Area Manager.
6. You will be required to enter into suitable legal agreement with the Highway Authority for the off-site Highway works before development commences.
7. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be

submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

8. It is noted that the Highway is currently retained by a structure within the site which may be affected by these proposals. All highway related structures, must be designed and constructed in accordance with the current relevant Highways Agency standards, codes of practice and technical memoranda. The design will be subject to the technical-approval procedure set out in the Department of Transport Standard BD 2/02 "Technical Approval of Highway Structures on Motorways and Trunk Roads". You must employ a chartered civil or structural engineer with experience in highway structures and approved by the County Council to carry out the design and oversee construction. You should start this approval process at an early stage to avoid delays in completing the Section 38 road adoption agreement, which may delay site works.
9. Highway related structures will normally include bridges, retaining walls, reinforced soil and anchored earth structures, environmental barriers (including noise barriers and fencing) and all drains, piped and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. There should be discussion at an early stage to agree which structures we are to adopt. You will have to pay the additional design checking and inspection fees for any highway structure. You must also pay a commuted sum for future maintenance of any highway structure to be adopted.
10. The drainage scheme submitted should incorporate sustainable drainage principles.
11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and taken overflow pipe outlets should be detailed to discharge downwards into the bund.
12. Please note attached letter from the Environment Agency dated

7 August 2007.

Mr Lynch left the meeting at 9.07pm

(c) 07/00620/FUL – Elm Lea, Ashby Road, Hinckley - Mr & Mrs Petty

Mr Batty left the meeting at 9.15pm and returned at 9.20pm. Mrs Richards repeated her personal and prejudicial interest in this application and was allowed to speak on the matter before withdrawing from the meeting at 9.17pm. Messrs Bill and Crooks left the meeting at 9.18pm and 9.19pm respectively and returned at 9.22pm and 9.26pm respectively.

At this juncture, it was discussed whether the meeting should continue after 9.30 pm. It was agreed that, in accordance with Council Procedure Rule 9, the meeting be allowed to continue for a further 30 minutes, beginning with the applications for which public speakers were in attendance.

In resuming determination of application 07/00620/FUL, Members expressed concern with regard to the proposal having points of access and egress near a busy junction, and being a poor design on this landmark site. Notwithstanding the officers' recommendation to approve the application, it was moved by Mr Batty and seconded by Mr Mayne that the application be refused on grounds of design and impact on the neighbours. Mr Crooks and Mr and Mrs Hall requested that voting be recorded on this application.

Mr Bannister, Mr Batty, Mr Boothby, Mr Crooks, Mrs Hall, Mr Joyce and Mr Mayne, voted FOR the amendment. (7)

Messrs Bown, Inman and Sutton voted AGAINST the amendment. (3)

Messrs Hall, Gould and Nichols ABSTAINED from voting. (3)

The motion was declared CARRIED. It was therefore

RESOLVED - the application be refused for the following reasons:

1. The proposed development by reason of the design and siting on this prominent corner location would fail to complement or enhance the character of the surrounding area. The applicant has failed to demonstrate how they have taken into account the essence of the existing building in formulating a design that is of a sufficiently high standard to create a building with its own distinctive identity. The design is inappropriate within the local context and streetscene. The development is therefore contrary to Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on New Residential Development.
2. The proposed development, in particular the two and a half storey projection to the rear of the site represents an unacceptable form of development leading to the direct

overlooking of No. 2 Middlefield Lane and No. 1 Ashby Road, resulting in a loss of private amenity to the residents of these properties. The proposal is therefore contrary to Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on New Residential Development.

3. The proposed vehicular access and car parking layout adjacent to the northern boundary (abutting No. 2 Middlefield Lane and No. 1 Ashby Road) would give rise to noise and disturbance and loss of amenity to the occupiers of these properties. The development is therefore contrary to Policy BE1 (i) of the Hinckley and Bosworth Local Plan and the Borough Council's adopted Supplementary Planning Guidance on New Residential Development.
4. In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on library facilities, waste facilities and health by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and Policy IMP1 of the adopted Hinckley and Bosworth Local Plan.
5. In the opinion of the Local Planning Authority the lack of any financial contribution to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002).

Messrs Bill and Inman left the meeting at 9.34pm and returned at 9.43pm. Mrs Richards returned at 9.35pm and Ms Moore left at 9.45pm.

(d) 07/00868/FUL – Holywell Farm, Desford Lane, Ratby - Mr and Mrs Watts

The time now being 10pm, it was agreed that the meeting be allowed to continue for a further 15 minutes.

Notwithstanding the officers' recommendation that this application be refused, Members felt that the application did not constitute a new building and would bring a derelict building back into use. It was moved by Mr Boothby and seconded by Mr Inman that the application be approved. Messrs Gould, P Hall and Nichols requested that voting be recorded on this application.

Messrs Bannister, Batty, Boothby, Inman, Mayne, Nichols, Mrs Richards and Mr Sutton voted FOR the amendment. (8)

Mr Bown, Mr Crooks, Mr Gould, Mrs Hall and Mr Joyce voted AGAINST the amendment. (5)

Mr Hall ABSTAINED from voting. (1)

The motion was declared CARRIED. It was therefore

RESOLVED – the application be approved with standard conditions as agreed by Officers.

Having declared a personal and prejudicial interest in application 07/00648/FUL, Mr Mayne left the meeting at 10.05pm and returned at 10.07pm.

Mr Boothby left the meeting at 10.10pm.

(e) 07/00747/FUL – Yew Tree Farm, Occupation Road, Nailstone – Mr J Dawson

Members supported the officers' recommendation to approve the application and agreed to an additional condition with regard to removal of the agricultural buildings.

RESOLVED – the application be approved with the abovementioned additional condition.

Mr Bown left the meeting at 10.15pm.

The time now being 10.15pm, it was agreed that the meeting be allowed to continue for a further 5 minutes in order to complete the business on the agenda.

Mr Bannister, Mr Crooks, Mr Gould, Mr and Mrs Hall, Mr Inman, Mr Joyce and Mr Mayne repeated their personal, non-prejudicial interest in application 07/00864/FUL before consideration of this item.

163 APPEALS LODGED AND DETERMINED (P27)

A summary was submitted of appeals lodged and determined since the last meeting.

RESOLVED – the report be noted.

164 APPEALS – PROGRESS (P28)

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

RESOLVED – the report be noted.

(The meeting closed at 10.17pm)