

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

7 APRIL 2009 AT 6.33 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, Mrs A Hall, Mr P Hall, Mr CG Joyce, Dr JR Moore, Mr K Morrell, Mr K Nichols, Mr BE Sutton, Mr R Ward and Mrs 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 C Merriman, Mr P Metcalfe, Miss R Owen, Mr TM Prowse, Mr M Rice and Mr S Smith.

502 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mr LJP O'Shea.

503 MINUTES (P60)

Attention was drawn to an error in minute 462 on page 233, - the final sentence of the second paragraph should read 'Mrs Hall and Mr Inman stated their intention to speak on the latter...'. It was also clarified that minute 465(e) should refer to Mr Inman speaking as a Burbage Parish Councillor, not a Ward Councillor.

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

RESOLVED – the minutes of the meeting held on 10 March 2009 be confirmed subject to the above amendments and signed by the Chairman.

504 DECLARATIONS OF INTEREST

Mrs Aldridge, Mr Boothby, Mr Morrell and Mr Sutton declared a personal interest in application 09/00137/FUL as the applicant was a close associate.

Mr Sutton declared a personal and prejudicial interest in report P66 as his property was the subject of the report.

505 DECISIONS DELEGATED AT PREVIOUS MEETING

There were no delegated decisions to report.

506 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P61)

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Director of Community and Planning Services.

- (a) 09/00031/FUL – Erection of two dwellings and formation of access, 53 Markfield Road, Groby – Mr K Burrows

It was then moved by Mrs Aldridge, seconded by Mr Nichols and

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

- (b) 09/00044/FUL – Erection of 1 dwelling, double garage and car port, 1 Moorland Close, Market Bosworth – Mr D Ryan

Mr Batty left the meeting at 6.55pm.

On the motion of Mrs Aldridge, seconded by Mr Boothby it was

RESOLVED – subject to the objection from the Head of Corporate and Scrutiny Services (Green Spaces) being withdrawn, the Director of Community and Planning Services be granted powers to issue planning permission subject to the conditions contained within the officer's report and late items. Failure to remove the objection by 15 April 2009 may result in the application being refused.

- (c) 09/00067/OUT – Demolition of 8 Birch Close and erection of 15 new dwellings and formation of new access, Land rear of 8 Birch Close, Earl Shilton – Secondrebel Ltd

Members expressed concern with regard to the density of the proposed development. It was moved by Mr Bown and seconded by Dr Moore that the application be refused. Upon being put to the vote, the motion was LOST.

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

RESOLVED – subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards the provision and maintenance of public play and open space facilities, health facilities, library facilities, civic amenity facilities and policing requirements, the Director of Community and Planning Services be granted powers to issue outline planning permission subject to the conditions contained in the officer's report. Failure to complete the Agreement by 1 May may result in the application being refused.

- (d) 09/00115/FUL – Erection of new dwelling, Land at rear of 116 to 126 Stamford Street, Ratby – Mr G North

Mr Joyce left the meeting at 7.47pm.

Concern was expressed with regard to loss of privacy of neighbouring residents. It was moved by Mr Sutton and seconded by Mr Bown that a condition be added to require obscure glazing to the window overlooking the neighbour's garden.

Mr Joyce returned at 7.50pm.

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

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

- (e) 09/00137/FUL – Extensions and alterations to dwelling, 3 Bufton Lodge, Botcheston Road, Newtown Unthank – Mr & Mrs P Bessant

Mr Bessant spoke as the applicant on this application then left the meeting at 8.07pm during discussion and voting thereon.

Mr Hall left the meeting at 8.08pm.

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

RESOLVED – the application be approved subject to the conditions contained within the officer's report.

Messrs Bessant and Hall returned at 8.10pm.

- (f) 09/00144/FUL – Alterations to roof of dwelling, 35 Wykin Lane, Stoke Golding – Mr Derrick Waring

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

RESOLVED – subject to no further significant additional objections being raised by the end of the consultation period, the Director of Community and Planning Services be granted powers to issue Planning Permission subject to the conditions contained within the officer's report.

- (g) 09/00164/FUL – Demolition of existing sheds and erection of detached garage and study, 33 Barton Road, Barlestone – Mr Paul Kendall

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

RESOLVED – subject to no further significant additional objections being raised by the end of the consultation period, the Director of Community and Planning Services be granted

powers to refuse permission for the reasons contained within the officer's report.

Mr Bown left the meeting at 8.17pm and returned at 8.20pm.

507 CHANGES TO THE PLANNING APPEAL PROCESS (P62)

The Committee was presented with a report which provided information on changes to the planning and enforcement appeal procedure which came into force on 6 April 2009. Some changes were highlighted including the ability to claim costs in written representation cases, the need for more detailed minutes where the recommendation is overturned, and the need to write reports with the Inspector in mind. It was stated that more comprehensive reports were already being prepared on delegated applications.

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

RESOLVED – the report be noted.

508 DRAFT RATBY VILLAGE DESIGN STATEMENT – SUPPLEMENTARY PLANNING DOCUMENT (P63)

Members received a report which presented the Draft Ratby Village Design Statement Supplementary Planning Document (SPD) and Sustainability Appraisal and recommended that consultation be commenced on these.

RESOLVED – the consultation period on the Draft Ratby Village Design Statement SPD and Sustainability Appraisal be endorsed.

Mr Boothby left the meeting at 8.25pm and returned at 8.26pm.

509 APPEALS LODGED AND DETERMINED (P64)

A summary was submitted of appeals lodged and determined since the last meeting. It was noted that paragraph 3.2.3 should read Appeal dismissed (Member decision).

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

RESOLVED – the report be noted.

510 APPEALS – PROGRESS (P65)

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.

511 MATTERS 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 and 10 of Part I of Schedule 12A of that Act.

Having declared a personal and prejudicial interest in the following item of business, Mr Sutton left the meeting at 8.29pm.

512 DEED OF VARIATION (P66)

Members received a report which gave consideration to a proposal to vary the terms of a Section 106 Agreement in relation to planning application 07/01424/FUL.

RESOLVED – The Director of Community and Planning Services be authorised to enter into an agreement with the appropriate parties to amend the Section 106 Agreement in relation to Site 4 to the extent that the two permanent buildings and the hardsurfacing on Site 4 be allowed to remain subject to:

- (i) the Director of Community and Planning Services being satisfied that the obligations set out in the Agreement dated 28 February 2008 and made between the Borough Council, Kelside Limited, Brian Sutton, Veronica Sutton, Stephen Ball and Amalgamated Markets Services Limited (the Section 106 Agreement) in relation to Sites 2 and 3 referred to therein, have been fulfilled; and
- (ii) further to the obligations in the Section 106 Agreement in relation to Site 4 referred to therein having been fulfilled save for the retention of the two permanent buildings and hardsurfacing; and
- (iii) the appropriate parties to the Agreement covenanting with the Borough Council
  - (a) to use Site 4 and the two permanent buildings only for the purposes of agriculture or forestry, and
  - (b) to pay the Council's reasonable costs in preparing and concluding the amending agreement.

(The meeting closed at 8.40pm)