

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

16 FEBRUARY 2010 AT 6.30 PM

PRESENT: MR R MAYNE - CHAIRMAN
MR DW INMAN - VICE-CHAIRMAN

Mrs M Aldridge, Mr CW Boothby, Mr WJ Crooks, Mr DM Gould,
Mrs A Hall, Mr P Hall, Mr CG Joyce, Mr K Morrell, Mr LJP
O'Shea, Mr BE Sutton, Mr R Ward and Ms BM Witherford.

Officers in attendance: Ms L Forman, Ms T Miller, Miss R Owen, Mr TM
Prowse, Mr M Rice and Mr S Wood.

409 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mr JG Bannister, Mr JC
Bown and Mr K Nichols.

410 MINUTES (P53)

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

RESOLVED – the minutes of the meeting held on 19 January 2010 be
confirmed and signed by the Chairman.

411 DECLARATIONS OF INTEREST

Mrs Aldridge declared a personal interest in applications 09/00950/FUL and
10/00013/C.

412 DECISIONS DELEGATED AT PREVIOUS MEETING

The Director of Community and Planning Services reported on the following
applications which had been delegated at the meetings on 22 December and
19 January respectively:

- (i) 09/00739/OUT – it was reported that this application had been
withdrawn during the re-consultation period;
- (ii) 09/00873/FUL – it was noted that the agreement had not yet been
completed and that the Council had written to the parties'
representatives reminding them of the need to complete the agreement
by 28 February 2010.

413 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P54)

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) 09/00797/FUL – Erection of 11 new dwellings, Rear of 112 High Street, Barwell – Marble Homes Leicester Ltd

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

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

- (b) 09/00818/FUL – Erection of 1 dwelling, Land Adjacent 1 Main Road, Ratcliffe Culey – Arragon Properties

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

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

- (c) 09/00867/FUL – Erection of four flats and one dwelling house with associated access and parking, Land adjacent to 74 Almeys Lane, Earl Shilton – Earl Shilton Baptist Church

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

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

- (d) 09/00934/FUL – Conversion of barn to dwelling, extensions and alterations to existing dwelling and extensions to outbuildings to form garages and ancillary accommodation, Home Farm, Hall Lane, Osbaston – Mr and Mrs Bloor

On the motion of Mr Sutton, seconded by Mr Morrell, it was

RESOLVED – subject to the satisfactory resolution of the ecology and alternative uses issues, the Director of Community & Planning Services be granted delegated powers to issue planning permission subject to the conditions contained within the officer's report and late items. Failure to resolve the above issues by 17 February 2010 might result in the application being refused.

- (e) 09/00914/CON – Demolition of outbuilding (B3) and Dutch Barn (B6), Home Farm, Hall Lane, Osbaston – Mr and Mrs Bloor

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

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

- (f) 09/00931/FUL – Erection of one dwelling, 10 West End, Barton in the Beans – Mr Frederick Watson

It was noted that this application had been withdrawn.

- (g) 09/00950/FUL – Groundworks to create extension to run-off area of circuit along with creation of earth bank and pond, Motorsport Ltd, Mallory Park, Church Road, Kirkby Mallory – Mallory Park (Motorsport) Ltd

Mr Gould left the meeting at 7.29pm.

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

RESOLVED – subject to no significant additional objections being received by the end of the consultation period expiring on 17 February 2010 the Director of Community and Planning Services be granted delegated powers to issue planning permission subject to the conditions contained in the officer's report and late items.

Mr Gould returned to the meeting at 7.32pm.

- (h) 10/00013/C – Mallory Park (Motorsport) Ltd – Tipping of inert waste to meet safety requirements for extra run-off area (County Council Identity number 2010/C177/04), Mallory Park, Church Road, Kirkby Mallory – Mallory Park (Motorsport) Ltd

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

RESOLVED – Leicestershire County Council be advised that Hinckley & Bosworth Borough Council has no objection to the proposed tipping of inert waste at the site for an extension to the safety run-off area subject to appropriate measures to control the types of waste being imported, the route taken to deliver waste to the site and appropriate mitigation measures to address any impact on highway safety on the local road network and neighbouring properties.

- (i) 09/00995/COU – Change of use of land to private gypsy site for four caravans, Land at Heath Road, Bagworth – Mr Paul Finney

A Member felt that in addition to the highways issues listed in the reasons for refusal in the officer's recommendation, there should be additional reasons for refusal with regard to the application being contrary to Policy NE5 (development in the countryside) and Policy 18 of the Council's Core Strategy and reference should also be made to visual impact of the development on the countryside. It was moved by Mr Boothby and seconded by Mr O'Shea that the application be refused for the reasons stated in the officer's report, late items and the reasons stated above.

The Director of Community and Planning Services requested that voting be recorded on this motion. The vote was taken as follows:

Messrs Boothby, Crooks, Joyce, Morrell, O'Shea and Ward voted FOR the motion (6);

Mr Inman, Mr Gould, Mrs Hall, Mr Hall, Mr Sutton and Ms Witherford voted AGAINST the motion (6);

Mrs Aldridge and Mr Mayne abstained from voting.

There being an equal number of votes for and against the motion, the Chairman exercised his right in accordance with Council Procedure Rule 18.2 to have a casting vote. He voted AGAINST the motion. The motion was therefore LOST.

Mr Hall, seconded by Mr Gould, proposed that temporary consent be granted for a period of three years to allow for the publication of a document which offers further guidance for gypsy and traveller sites before a further decision is made. Upon being put to the vote, the motion was LOST.

It was then moved by Mr Inman, seconded by Mr Crooks and

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

414 IMPROVING ENGAGEMENT BY STATUTORY AND NON-STATUTORY CONSULTEES: CONSULTATION (P55)

Members were advised of the consultation and draft response on the proposed changes regarding improving engagement by statutory and non-statutory consultees, issued by the Department of Communities and Local Government in December 2009.

A Member felt that the document was suggesting that it was the local authority's responsibility to speed up consultation responses from consultees, and it was noted that, despite reminders, responses were sometimes not received. Concern was also expressed that there was no performance

monitoring for consultees with regard to time taken to respond. It was agreed that the response to the consultation would be strengthened to reflect this view.

Concern was also expressed that in speeding up the process, Members may be asked to make decisions without having all of the information which may assist in that decision.

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

RESOLVED –

- (i) the report be noted;
- (ii) the consultation response be agreed with the inclusion of the abovementioned comments.

415 IMPROVING THE USE AND DISCHARGE OF PLANNING CONDITIONS: CONSULTATION (P56)

The Committee was advised of the proposed response to the consultation issued by the Department of Communities and Local Government in December 2009 with regard to improving the use and discharge of planning conditions.

The suggested change to the way of securing money from developments that were not subject to a Section 106 agreement was discussed, as currently it was accepted practice to deal with this by way of a condition whereas the consultation was proposing that it no longer be done that way.

The links between this consultation and the other discussed previously were highlighted as the tighter response time to discharge of conditions could be affected if awaiting a response from a statutory consultee.

In response to a Member's concern, officers stated that the items in both papers presented to the meeting would have resource implications and that it was unlikely that funding to assist with these would be forthcoming from Central Government, but that not meeting the requirements might affect the level of Housing and Planning Delivery Grant received.

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

RESOLVED –

- (i) the report be noted;
- (ii) the proposed response be agreed.

416 APPEALS LODGED AND DETERMINED (P57)

A summary was submitted of appeals lodged and determined since the last meeting. With regard to paragraph 3.1.1 of the report, it was noted that this appeal would be by written representation, not public inquiry as stated in the report. The appeals determined with regard to Crest Nicholson Midland Ltd were discussed and in response to Members' concerns it was stated that the Highways Agency would pay a substantial amount of the costs incurred as the decision had been made based on its direction to the Council. It was moved by Mr Crooks, seconded by Mr O'Shea and

RESOLVED – the report be noted.

417 APPEALS – PROGRESS (P58)

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

RESOLVED – the report be noted.

418 LETTER FROM DR MALCOLM BELL RE APPLICATION 09/00897/FUL LINTON FARM, THORNTON

The Head of Planning reported on a letter he had received thanking officers for the professional manner in which an application had been handled and Members of the Planning Committee for the good debate and decision on the application.

(The meeting closed at 8.50pm)