

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

1 MARCH 2011 AT 6.30 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, Mr DM Gould, Mrs A Hall, Mr P Hall, Mr CG Joyce, Mr K Morrell, Mr K Nichols, Mr LJP O'Shea, Mr BE Sutton, Mr R Ward and Ms BM Witherford.

In accordance with Council Procedure Rule 4.2, Mr Batty, Mr Bray, Ms Moore, Mr Smith and Mr Wright were also in attendance.

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

468 **MINUTES (P50)**

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

RESOLVED – the minutes of the meeting held on 1 February 2011 be confirmed and signed by the Chairman.

469 **DECLARATIONS OF INTEREST**

Mr Bannister, Mr Gould, Mrs Hall, Mr Hall, Mr Inman, Mr Mayne, Mr Nichols and Ms Witherford declared a personal interest in application 10/00032/OUT. Mr Mayne also declared a personal interest in application 10/00980/FUL and stated his intention to vacate the chair for this item.

470 **GROBY AND HOLLYCROFT CONSERVATION AREA STATEMENTS AND MANAGEMENT PLANS (P54)**

Members were presented with a report which sought approval to adopt the conservation area statements and management plans for the conservation areas in Groby and Hollycroft in Hinckley. On the motion of Mr O'Shea, seconded by Ms Witherford, it was

RESOLVED – the conservation area statements and management plans be endorsed.

471 DECISIONS DELEGATED AT PREVIOUS MEETING

The Head of Planning reported on the following applications which had been delegated at the meeting on 1 February 2011:

- (i) 10/00901/EXT– it was reported that the decision notice had not yet been issued as issues were not yet resolved;
- (ii) 10/00851/EXT – it was reported that the decision had been issued on 14 February;
- (iii) 10/00883/FUL – it was reported that the decision had been issued on 14 February;
- (iv) 10/00992/CONDIT – it was reported that the decision had been issued on 3 February.

472 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P51)

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Deputy Chief Executive (Community Direction).

- (a) 11/00049/FUL – Extensions and alterations to restaurant, Woodlands Nurseries, Ashby Road, Stapleton – Woodlands Garden Centre

It was reported that this item had been deferred.

- (b) 10/00518/OUT – Mixed use development comprising up to 375 dwellings, employment (use classes B1a, B1c, B2 and B8), local centre (use classes A1 – A5 and D1), live-work units, works to Sketchley Brook Corridor, remodelling of lake and associated open space, parking and accesses (outline – access only), Land bounded by the Ashby Canal, Railway Line and Bridge Street, incorporating the former Johnsons Factory, Burbage – Goodman Real Estate (UK) Ltd

Mr Batty left the meeting at 7.29pm and returned at 7.32pm.

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

RESOLVED –

- (i) subject to no new material planning considerations being identified to the Council prior to the expiry of the consultation period on 17 March 2011, the Deputy Chief Executive (Community Direction) be authorised to notify the Secretary of State for Communities and Local Government of the application due to it not being in accordance with the Development Plan and that the Council does not propose to refuse the application;

- (ii) subject to the conditions contained in the officer's report and late items and any decision by the Secretary of State pursuant to the notification to him, the Deputy Chief Executive (Community Direction) be further authorised to grant planning permission subject to the conditions set out in the committee report and the execution of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 and section 111 of the Local Government Act 1972 containing obligations relating to the provision of affordable housing, the provision and maintenance of public play and open space facilities, highways improvements, education facilities, healthcare provisions and a movement and connections community chest.
- (c) 10/00951/COU – Change of use from A1 (retail) to A5 (hot food takeaway), 36 Wood Street, Earl Shilton – Mr David Luck

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

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

Having declared a personal interest in the following application, Mr Mayne vacated the chair. Mr Inman took the chair for the following item only.

- (d) 10/00980/FUL – Erection of five dwellings, 9 Spa Lane, Hinckley – Mr Frank Downes

Notwithstanding the officer's recommendation that the application be refused, it was proposed by Mrs Aldridge and seconded by Mr Sutton that the application be approved as the site did not contribute to the character of the area and development would not be detrimental. The Head of Planning requested that voting on this motion be recorded. The vote was taken as follows:

Mrs Aldridge, Mr Hall, Mr Mayne and Mr Sutton voted FOR the motion (4);

Mr Bannister, Mr Boothby, Mr Crooks, Mr Gould, Mrs Hall, Mr Joyce, Mr Morrell, Mr Nichols, Mr O'Shea, Mr Ward and Ms Witherford voted AGAINST the motion (11);

Mr Bown and Mr Inman abstained from voting.

The motion was therefore declared LOST.

Mr Gould, seconded by Mr Ward, moved that the application be refused for the reasons stated in the officer's report, with the removal of reason 1. Upon being put to the vote, the motion was CARRIED.

After a vote on the substantive motion, it was then CARRIED upon the casting vote of the Chairman. It was therefore

RESOLVED – the application be refused for the following reasons (as reasons 2, 3, 4 and 5 of the officer's report):

1. In the opinion of the Local Planning Authority, the proposal constitutes a scheme which overdevelops the site by virtue of the density, layout, footprint and scale. The proposal fails to respect the established character of the surrounding area and would therefore not complement or enhance the surrounding area. The development would therefore be contrary to policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, the Council's Supplementary Planning Guidance on new residential development and the guidance contained within Planning Policy Statement 3: Housing.
2. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would not detrimentally affect the trees and vegetation within the site which if lost would have an adverse impact upon the character of the area, contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
3. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would be built to Code Level 3 of the Code for Sustainable Homes, contrary to Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy (2009).
4. In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on the play and open space facilities of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

At this juncture, Mr Mayne took the chair.

- (e) 11/00015/FUL – Continued use and siting of a carbonaceous live fire training unit, Caterpillar UK Ltd, Peckleton Lane, Desford – Mr Dave Clayton

Members felt that the recommended 12 months temporary permission was too long and that six months would allow time for closer monitoring of the impact of the site by Environmental Health. It was moved by Mr Nichols, seconded by Mrs Hall and

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 4 March 2011, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for a temporary period of six months subject to conditions contained in the officer's report as amended above.

- (f) 11/00032/OUT – Erection of two dwellings (outline – access and layout only), Land off Eastwoods Road, Hinckley – Brenmar Developments (Hinckley) Ltd

Mr Crooks left the meeting at 9.16pm and returned at 9.20pm.

Members requested further information before giving further consideration to the application. It was moved by Mr Nichols, seconded by Mr Crooks and

RESOLVED – the application be deferred.

At this juncture, having reached 9.25pm, it was moved by Mr Nichols, seconded by Mr Crooks and

RESOLVED – the meeting be allowed continue for a further 30 minutes.

- (g) 10/00779/FUL – Erection of one new industrial unit, 5 Jacknell Road, Hinckley – Printing & Packaging Co Ltd

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

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

- (h) 10/00887/CONDIT – Variation of condition 2 of planning permission 08/00720/FUL to amend the number of proposed gantries, Mira Ltd, Watling Street, Lindley, Higham on the Hill – Mr Tony Wyatt

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

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 2 March 2011, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for the development subject to the conditions contained in the officer's report.

- (i) 10/00920/FUL – Siting of a temporary occupational dwelling (revised application), Land Congerstone Lane, Barton in the Beans – Mr Matthew Gilliver

Notwithstanding the recommendation to approve the application, some Members felt that it constituted development in the open countryside. It was moved by Mr O'Shea and seconded by Mr Boothby that the application be refused on these grounds. The Head of Planning requested that voting be recorded on this motion. The vote was taken as follows:

Mr Boothby, Mr Crooks and Mr O'Shea voted FOR the motion (3);

Mrs Aldridge, Mr Bannister, Mr Bown, Mr Gould, Mrs Hall, Mr Hall, Mr Inman, Mr Joyce, Mr Mayne, Mr Morrell and Ms Witherford voted AGAINST the motion (11);

Mr Nichols, Mr Sutton and Mr Ward abstained from voting.

The motion was therefore declared LOST.

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

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

- (j) 10/00923/FUL – Formation of a BMX track, erection of a shelter and alterations to existing car park, Castell Playing Field, Marina Drive, Groby – Mr Jack Fargher

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

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

473 APPEALS LODGED AND DETERMINED (P52)

A summary was submitted of appeals lodged and determined since the last meeting. It was moved by Mr Nichols, seconded by Mr Gould and

RESOLVED – the report be noted.

474 APPEALS – PROGRESS (P53)

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.

(The meeting closed at 9.50pm)