

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
PLANNING COMMITTEE
11 OCTOBER 2011 AT 6.30PM

PRESENT: Mr DM Gould - Chairman

Mr R Allen, Mr JG Bannister, Mr PR Batty, Mr DC Bill, Mr CW Boothby, Mrs T Chastney, Mr WJ Crooks, Mrs L Hodgkins, Mr DW Inman, Mr J Moore, Mr LJP O'Shea, Mr BE Sutton, Miss DM Taylor, Mr R Ward and Ms BM Witherford.

In accordance with Council Procedure Rule 4.2, Mr SL Bray was also in attendance.

Officers in attendance: Ms E Mattley, Ms T Miller, Miss R Owen, Mr M Rice and Mr S Wood.

174 APPOINTMENT OF VICE-CHAIRMAN FOR THIS MEETING ONLY

In the absence of the Vice-Chairman it was moved by Mr Bannister, seconded by Ms Witherford and

RESOLVED – Mr Crooks take the seat of the Vice-Chairman for this meeting only.

175 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mrs Hall and Mr Mayne with the substitution of Mr Inman for Mr Mayne authorised in accordance with Council Procedure Rule 4.1.

176 MINUTES (P28)

On the motion of Mr Bill, seconded by Mr Moore, it was

RESOLVED – the minutes of the meeting held on 13 September 2011 be confirmed and signed by the Chairman.

177 DECLARATIONS OF INTEREST

No interests were declared at this stage.

178 DECISIONS DELEGATED AT PREVIOUS MEETINGS

The Head of Planning reported on the following decisions which had been delegated at the previous meetings:

- (i) 11/00334/EXT (considered at meeting on 19 July) – it was reported that the decision had been issued on 13 September;
- (ii) 11/00029/OUT (considered at meeting on 16 August) – it was reported that the Section 106 Agreement was currently with the applicant;
- (iii) 11/00431/FUL (considered at meeting on 13 September) – it was reported that negotiations were ongoing;

- (iv) 11/00489/FUL (considered at meeting on 13 September) – it was reported that the layout issues had been resolved and the Section 106 Agreement was currently in negotiation;
- (v) 11/00583/FUL (considered at meeting on 13 September) – it was reported that the decision had been issued on 21 September.

179 TOWN AND COUNTRY PLANNING ACT 1990 – APPLICATIONS TO BE DETERMINED (P29)

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) 11/00709/HYB – Demolition of existing Bingo Hall, retail units and former toilet block. Full application for the erection of A1 retail unit and associated surface car parking with new vehicular access for the overall site. Outline application for the erection of D2 squash club and sui generis territorial army drill hall and associated facilities (with layout, appearance, scale and landscaping all reserved for future consideration, Flutters Bingo, Rugby Road, Hinckley – Mr David Ward

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

- (b) 11/00571/FUL – Erection of 65 new dwellings with associated access and landscaping, Hinckley Club for Young People, Stoke Road, Hinckley – Mr Gary Goodwin

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

RESOLVED –

- (i) the request of Sport England that the Deputy Chief Executive (Community Direction) notifies the Secretary of State for Communities and Local Government of the application and that the Council does not propose to refuse it, be supported;
- (ii) should the Secretary of State notify the Council in accordance with Circular 02/2009 that he does not intend to issue a Direction under Section 77 of the Town and Country Planning Act 1990 in respect of the application, the Deputy Chief Executive (Community Direction) be authorised to permit the application subject to:
 - (a) an Agreement under Section 106 of the Town and Country Planning Act 1990 to provide affordable housing units and financial contributions towards play and open space, education, highway improvements and package
 - (b) the conditions outlined in the officer's report and late items including the verbal recommendation by the Head of Planning relating to the removal of Condition 8 in the officers report if it can be demonstrated by the developer and agreed by independent verification that

the proposed condition would significantly impact on the viability of the scheme.

- (c) 11/00464/OUT – Erection of one dwelling for occupation by a gypsy/traveller family (outline – access and layout), Land west of Windycott, Peckleton Road, Kirkby Mallory – Mr James Smith

It was noted that this application had been withdrawn from the agenda.

- (d) 11/00435/EXT – Extension of time for extant planning permission APP/K2420/A/08/2080060 for demolition of existing dwelling and erection of 14 apartments with associated works (revised scheme), 3 Cleveland Road, Hinckley – Ms Lisa Jude

On the motion of Ms Witherford, seconded by Mr Bannister, it was

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

- (e) 11/00597/FUL – Erection of one new dwelling, Land adj to 2 Croft Close, Barwell – Mr and Mrs Rennocks

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

RESOLVED – subject to no new significant material observations being received prior to the expiry of the consultation period on 11 October 2011 and subject to the receipt of an acceptable Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to provide off-site financial contributions towards play and open space, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report and late items. Failure to complete the said agreement by 1 November 2011 might result in the application being refused.

Mr Bray left the meeting at 7.51pm and returned at 7.54pm.

- (f) 11/00581/EXT – Extension of time for extant planning permission 08/00442/FUL for the erection of 10 apartments, Beavers Bar, London Road, Hinckley – Lighthouse Properties Ltd

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

RESOLVED – subject to a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to provide financial contributions towards the provision and maintenance of play and open space, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report. Failure to complete the agreement by 7 November 2011 might result in the application being refused.

Mr Bray left the meeting at 8.02pm.

(g) 11/00635/FUL – Proposed agricultural building, land east of Heath Road, Bagworth – Mr D Price

Notwithstanding the officer's recommendation that the application be permitted subject to conditions, some Members felt that there was no justification of need for the development and that the site access and egress was dangerous. Mr Boothby, seconded by Mr O'Shea, moved that the application be refused on these grounds.

Mr Boothby along with three additional Members requested that voting on this application be recorded. The vote was taken as follows:

Mr Allen, Mr Bannister, Mr Batty, Mr Bill, Mr Boothby, Mrs Chastney, Mrs Hodgkins, Mr Moore, Mr O'Shea, Mr Sutton, Miss Taylor, Mr Ward and Ms Witherford voted FOR the motion (13);

Mr Gould and Mr Inman voted AGAINST the motion (2);

Mr Crooks abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the application be refused for the following reasons:

- 1 In the opinion of the Local Planning Authority the proposed development will intensify the use of an existing access that has insufficient visibility in order to leave the site in a safe manner. As such the proposal would result in a detrimental harm to highway safety. It is therefore considered contrary to policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that adequate agricultural justification exists for the proposed building and as a result the proposed development would result in an unjustified intrusion into the open and undeveloped countryside contrary to Planning Policy Statement 7 and policy NE5 of the adopted Hinckley and Bosworth Local Plan.

Mr O'Shea left the meeting at 8.35pm.

180 ST MARTINS CONVENT, HINCKLEY ROAD, STOKE GOLDING (P30)

The Planning Committee gave consideration to a proposal to vary the terms of the Section 106 Agreement in relation to outline planning permission ref 10/00358/OUT. Some concern was expressed regarding the precedent this may set, however it was acknowledged that the request should be supported to enable development to commence due to it being the preferred option for local residents. On the motion of Mr Bill, seconded by Mr Inman, it was

RESOLVED –

- (i) the request for a variation of the S106 agreement dated 9 September 2010 be agreed;

- (ii) the agreement be constructed in accordance with the conditions set out at para 5.17 of the report and subject to the applicant meeting the Council's reasonable costs in concluding such an agreement.

181 APPEALS LODGED AND DETERMINED (P31)

A summary was submitted of appeals lodged and determined since the last meeting. On the motion of Mr Bannister, seconded by Ms Witherford, it was

RESOLVED – the report be noted.

182 APPEALS PROGRESS (P32)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. On the motion of Mr Crooks, seconded by Miss Taylor, it was

RESOLVED – the report be noted.

183 DELEGATED DECISIONS ISSUED (P33)

Details of delegated decisions issued were presented to Members. It was moved by Mr Crooks, seconded by Miss Taylor and

RESOLVED – the report be noted.

(the meeting closed at 8.51pm)