

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

23 APRIL 2013 AT 6.00 PM

PRESENT: Mr R Mayne - Chairman  
Miss DM Taylor – Vice-Chairman  
Mr RG Allen, Mr JG Bannister, Mr DC Bill MBE (for Ms BM Witherford), Mrs T Chastney,  
Mr WJ Crooks, Mrs WA Hall, Mrs L Hodgkins, Mr MS Hulbert, Mr KWP Lynch,  
Mr JS Moore, Mr K Morrell (for Mr LJP O'Shea), Mr BE Sutton and Mr R Ward

In accordance with Council Procedure Rule 4.2 Councillors Mr PR Batty, Mr Bessant, Mrs R Camamile, Mr DM Gould, Mrs J Richards and Mrs H Smith were also in attendance.

Officers in attendance: Edd Costerton, Richard Crosthwaite, Bill Cullen, Cathy Horton, Tracy Miller, Rebecca Owen, Rob Parkinson, Michael Rice, Helen Rishworth, Sally Smith and Rebecca Warren

492 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillors Boothby, O'Shea and Witherford with the substitution of Councillor Morrell for Councillor O'Shea and Councillor Bill for Councillor Witherford in accordance with Council Procedure Rule 4.

493 DECLARATIONS OF INTEREST

No interests were declared at this stage.

494 APPLICATION 12/00295/OUT - SUSTAINABLE URBAN EXTENSION, BARWELL

Owing to the significance of this application, the Chairman, in consultation with a senior member of the Conservative Group, had agreed to suspend some Council Procedure Rules to allow additional public speaking and representations from spokespersons of Barwell and Peckleton Parish Councils. Members were briefed on late items which were circulated prior to the meeting, including the requirement to include Legal and monitoring costs as part of the S106 Agreement.

Following an introduction by the Deputy Chief Executive (Community Direction), a detailed presentation of the application and key stages of consultation was given by the Principal Planning Officer. During discussion on the application, clarification was sought on education, affordable housing and employment requirements. Ms Warren, the Council's external Solicitor, confirmed the Methodology for assessing the requirements for on and off site education provision. The Deputy Chief Executive (Community Direction) confirmed that the Council's policy requirement of 20% affordable housing would be delivered via 10% provision on site and contributions equivalent to 10% off site. Whilst this may not deliver the equivalent number of units off site, it would allow the Council to use the contributions for purposes set out in the Council's Affordable Housing Delivery Plan adopted by Council on 19 June 2012. In response to a question on delivery of starter employment units, the Deputy Chief Executive (Community Direction) confirmed the developer had indicated his commitment to help secure early delivery of starter units on the employment site and that this would be a matter included in the S106 Agreement.

Notwithstanding the officer's recommendation that the application be delegated to the Development Control Manager to grant outline consent subject to a Section 106 agreement and conditions, some members felt that the application should be deferred pending approval of the Area Action Plan, despite officer advice that a decision on this application could not be delayed for that particular reason, as this would be deemed unreasonable and an appeal on grounds of non-determination would be likely to be successful. It was **MOVED** by Councillor Moore and **SECONDED** by Councillor Ward that the application be deferred for the abovementioned reason. Councillor Moore along with four other members stood to request that voting on the **MOTION** be recorded.

Upon being put to the vote, it was recorded as follows:

Councillors Allen, Chastney, Moore, Morrell, Sutton and Ward voted **FOR** the motion (6);

Councillors Bannister, Bill, Crooks, Hall, Hodgkins, Hulbert, Lynch, Mayne and Taylor voted **AGAINST** the motion (9).

The **MOTION** was therefore declared **LOST**.

Following further discussion, a member expressed concern that whilst he was generally in support of the application, he was not happy with the highways issues and felt that the impact on rural roads was unacceptable. It was **MOVED** by Councillor Crooks and **SECONDED** by Councillor Bill that some of the proposals within the application be approved whilst others concerning highways impact mitigation measures be refused. The Committee was advised that to make a 'split' decision would be unlawful and not possible procedurally. The application included access arrangements but conditions and S106 obligations would be used to control transportation and highway matters. Other aspects of the proposals constituting reserved matters would be dealt with at reserved matters stage. Further consultation would be required for works requiring Traffic Regulation Orders and on reserved matter applications. Following this advice, Councillor Bill withdrew his seconding of the motion. Therefore in the absence of a seconder, the motion was not put.

Councillor Hulbert, seconded by Councillor Taylor, **MOVED** that the decision be delegated to the Development Control Manager to grant outline consent subject to a Section 106 agreement and conditions.

The Deputy Chief Executive (Community Direction) requested that voting on the **MOTION** be recorded. The vote was recorded as follows:

Councillors Bannister, Bill, Crooks, Hall, Hodgkins, Hulbert, Lynch, Mayne and Taylor voted **FOR** the motion (9);

Councillors Allen, Chastney, Moore, Morrell, Sutton and Ward voted **AGAINST** the motion (6).

The **MOTION** was therefore declared **CARRIED** and it was

**RESOLVED** – the Development Control Manager be granted delegated powers to agree the final wording of the Section 106 Agreement and the range, scope and wording of all conditions contained in the report and to issue outline planning permission subject to:

- a) the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) providing developer contributions towards the following:

- Public transport enhancements
  - Highways mitigation
  - Measures to secure a Travel Plan
  - Measures to secure the long term management and provision of public open space and play facilities
  - Delivery of a new primary school located within the community hub together with a contribution towards provision of off-site primary school requirements and financial contribution towards funding future secondary education requirements
  - Affordable housing
  - Sport and leisure facilities (indoor)
  - Public Realm improvements
  - Financial contribution towards civic amenities (waste)
  - Financial contribution towards libraries
  - Health care provision
  - Community facilities both on site and off site
  - A Neighbourhood Centre
  - Financial contribution towards a neighbourhood policing facility
  - Provisions to ensure work with Skills Body and Job Centre to secure apprenticeships and work experience opportunities.
  - Delivery of the Employment Area, and
- b) The imposition of conditions as set out in the report and subsequently agreed by the Development Control Manager and in particular, relating to the following matters:
- Time limits and approval of Reserved Matters
  - Phasing
  - Masterplanning and design
  - Highways and Movement
  - Environmental Sustainability
  - Heritage and Archaeology
  - Environmental Management and Protection
  - Sustainable drainage and Infrastructure
  - Neighbourhood Centre
  - Employment
  - Play and Open Space provision.

(The Meeting closed at 8.45 pm)

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CHAIRMAN