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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

3 MARCH 2015 AT 6.30 PM

PRESENT: Mr R Mayne - Chairman
Mr JS Moore – Vice-Chairman
Mr RG Allen, Mr CW Boothby, Mr DS Cope, Mrs WA Hall, Mrs L Hodgkins,
Mr MS Hulbert, Mr KWP Lynch, Mr K Morrell, Mr LJP O'Shea, Mrs H Smith,
Mr BE Sutton, Miss DM Taylor, Mr R Ward and Ms BM Witherford

In accordance with Council Procedure Rule 4.4 Councillors Mrs T Chastney, Mr WJ Crooks and Mr DM Gould were also in attendance.

Officers in attendance: Cathy Horton, Eleanor Overton, Rebecca Owen, Michael Rice and Nic Thomas

406 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Bannister.

407 MINUTES

On the motion of Councillor O'Shea, seconded by Councillor Hall, it was

RESOLVED – the minutes of the meeting held on 3 February 2015 be confirmed and signed by the Chairman.

408 DECLARATIONS OF INTEREST

Councillors Allen, Boothby, Morrell, O'Shea, Smith and Ward declared a disclosable, non-pecuniary interest in application 14/00435/OUT.

409 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions delegated at the previous meeting had been issued.

410 TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED

The Committee was presented with a schedule of planning applications and late items.

- (a) 14/00435/OUT – Erection of up to 450 dwellings, 900m² of B1 uses, 400m² of A1 to A4 uses, 1300m² of D1 uses (outline – access only), land at Cunnery Close, West of Bosworth Road, east of A447 Ashby Road, Osbaston – Jupiter Strategic Land

It was moved by Councillor O'Shea, seconded by Councillor Morrell and

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

- (b) 12/00295/OUT – Barwell Sustainable Urban Extension (SUE), land west of Barwell, Ashby Road, Barwell

The authority's independent viability and legal advisors were present to provide advice to the committee and one of the ward members who was not a member of the committee attended to speak in support of the revised S106 package.

It was moved by Councillor Hulbert, seconded by Councillor Hodgkins and

RESOLVED –

- (i) The Chief Planning and Development Officer be granted delegated powers to finalise all matters associated with the completion of the S106 agreement and the range, scope and drafting of all planning conditions and to issue outline planning permission;
 - (ii) The issuing of outline planning permission be subject to the execution of an agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of all planning obligations resolved to be approved in the report to Planning Committee dated 23 April 2013 (paragraph 47.1) relating to planning application ref 12/00295/OUT for Barwell Sustainable Urban Extension, subject to the following amendments:
 - 1. With regard to the Police contribution, this figure be revised to £810,589 (to replace the £97,000 contribution agreed on 23 April 2013);
 - 2. With regard to the off-site affordable housing contribution, this figure be revised to a phased payment of £5,000,000 with a further phased payment of up to £5,000,000 (to replace the £12,000,000 contribution agreed on 23 April 2013) payable by way of a share of sales overage on sales revenues. The overage payment to be conditional on the sales revenues exceeding an average of £195 per square foot (index linked to BCIS, the RICS' construction cost index).
- (c) 14/00674/FUL – Erection of 64 dwellings and associated works including 2 balancing ponds, formal play area space and public open space (revised proposal), Land at Station Road, Market Bosworth – Charles Church North Midlands

It was moved by Councillor O'Shea, seconded by Councillor Allen and

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

- (d) 14/01109/OUT – Demolition of existing buildings and erection of up to 11 dwellings (outline – access only), Yew Tree Farm, Main Street, Barton in the Beans – Trustees of EJ Madders

On the motion of Councillor Taylor, seconded by Councillor Morrell, it was

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

- (e) 14/01199/OUT – Erection of dwelling (outline – access only), land rear of Woodbeech Kennels, 9 Woodgate Road, Burbage – Mr Trevor Allcoat

At this juncture, Councillor Lynch stated he knew the applicant and therefore declared a non-pecuniary interest in the item.

It was moved by Councillor Allen, seconded by Councillor Taylor and

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

- (f) 14/00780/FUL – Conversion of existing outbuilding to form one new dwelling, Odstone Hill House, Newton Lane, Odstone – Mr R & A Dhir

It was moved by Councillor O'Shea, seconded by Councillor Sutton and

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

- (g) 14/00827/LBC – Conversion of existing outbuilding to form one new dwelling, Odstone Hill House, Newton Lane, Odstone – Mr R & A Dhir

It was moved by Councillor O'Shea, seconded by Councillor Sutton and

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

- (h) 15/00027/HOU – Proposed rear extensions and alterations to raise the roof to provide living accommodation at the first floor (revised proposal), 15 Spinney Road, Burbage – Mrs C Southall

Whilst the officer's recommendation was one of approval subject to conditions, members raised concerns about the impact of the proposed extension on occupiers of neighbouring properties and the street scene. It was moved by Councillor Moore that the application be refused due to its scale and design being out of keeping with the character of the street scene and due to insufficient distances between the extension and existing dwellings to the rear, meaning that the extension would adversely impact upon the amenity of occupiers of these dwellings. The motion was seconded by Councillor Taylor and on being put to the vote was CARRIED and therefore

RESOLVED – the application be refused on grounds of the impact on neighbouring properties due to its scale and proximity and being out of keeping with the street scene.

- (i) 14/01220/FUL – Extension of existing livestock building, Wood Farm, Stanton Lane, Ellistown – Mrs J Baines

It was moved by Councillor Taylor, seconded by Councillor Allen and

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

- (j) 14/01248/FUL – Demolition of existing bungalow and erection of new dwelling, Aston Oaks, Sapcote Road, Burbage – Mr David Lock

It was moved by Councillor Hall, seconded by Councillor Lynch and

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

- (k) 14/01104/FUL – Erection of agricultural building, land at Leicester Lane, Desford – Mr Adam Preston

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

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

411 APPEAL DECISIONS

Members were informed of the outcome of two appeal decisions. It was moved by Councillor Boothby, seconded by Councillor Allen and

RESOLVED – the report be noted.

412 APPEALS PROGRESS

Members were updated on the progress of various appeals. On the motion of Councillor Allen, seconded by Councillor Boothby, it was

RESOLVED – the report be noted.

413 DELEGATED DECISIONS ISSUED

The Committee was presented with a list of delegated decisions taken since the last meeting. It was moved by Councillor Boothby, seconded by Councillor Taylor and

RESOLVED – the report be noted.

(The Meeting closed at 8.33 pm)

CHAIRMAN

PLANNING COMMITTEE 3 March 2015
LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:

ITEM 02

12/00295/OUT

c/o Agent

Consultations:-

One letter of representation has been received from Leicestershire County Council noting that the contributions towards County Council services are safeguarded and providing an update in respect of education and highway provision. Education provision over the intervening period since the original report to committee has changed due to the dynamic nature of school place demands. However, the overall requirement remains for a new 420 place primary school, off site primary provision (which has increased), and secondary school place provision, both higher and upper. A total estimated education provision (£12.55 million) is a sufficient envelope to meet the educational requirements for this development. In respect of transport and highways, negotiations have concluded a satisfactory level of contribution however trigger points remain to be finalised.

No change to the recommendation.

ITEM 03

14/00674/FUL

Charles Church North Midlands

Introduction:-

The report of the Independent Examiner of the Market Bosworth Neighbourhood Development Plan (NDP) has been received by the Council since the publication of the agenda following the examination held in Market Bosworth on 17 February 2015.

Appraisal:-

The Examiner, subject to some modifications to meet the basic conditions, is satisfied that the NDP has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012, has regard to national policies and advice contained in guidance issued by the Secretary of State, contributes to the achievement of sustainable development, is in general conformity with the strategic policies of the development plan for the area, does not breach and is compatible with European Union obligations and the European Convention of Human Rights.

The Examiner has therefore recommended that subject to the modifications, the Market Bosworth NDP should proceed to a referendum.

The modifications proposed generally are relatively minor in terms of the NDP as a whole. However, the following are relevant to the determination of this application:-

Policy CE3 - Views and vistas

Policy CE3 of the NDP sets out important views and vistas into Market Bosworth that should be protected to retain the character and setting of the town. Vista 11 that looks over this site (the land to the north of Station Road), is the only view or vista identified in Policy CE3 that would be directly affected by one of the two areas considered for residential development in Market Bosworth. The Examiner therefore sets out that it is important to evaluate the balance between the need for new residential or mixed use development and the value that the community attached to that view. The Examiner concludes that there is no need in terms of compliance with the strategic policies of the Core Strategy for the land to the north of Station Road to be allocated and therefore the inclusion of Vista 11 is compliant with the basic conditions.

However, the Examiner states that Policy CE3 would preclude any development that would have an adverse impact on these views, however slight, and this would be inconsistent with the presumption in

favour of sustainable development as set out in the NPPF. Where development would have a significant adverse impact it could be regarded as unsustainable as it would fail to protect local distinctiveness, but the Examiner states that it would be wrong to preclude development where the harm was slight and there were other benefits in terms of sustainability. The Examiner has therefore modified the wording of the policy to read that if the development has a significantly harmful impact on an important view or vista.

As the development proposed would have a significant adverse impact on this vista the proposal is considered to be in conflict with Policy CE3 of the NDP as set out in the committee report.

Policy BD2 – Site allocation at land south of Station Road and Heath Road

The Examiner has considered the proposed allocation for Market Bosworth and states that the site to the south of Station Road offers the potential for a mixed use development that would provide additional employment land and open space. The Examiner is also satisfied that the lower visibility of the land to the south of Station Road is an important advantage over the current proposal north of Station Road, as development on land to the north of Station Road would result in a significantly more urbanised approach to the town. Indeed the substantial greater public support for the proposed site is also an important consideration, as it is clearly linked to important planning considerations, notably that the proposed site would have less impact on the character of the town and would have a better relationship to existing development.

The Examiner stated that he is satisfied that the allocation within the NDP of the site to the south of Station Road would contribute towards sustainable development as well as having public support and that the NDP makes sufficient provision to comply with the strategic policies of the Core Strategy and that there is no conflict with the basic conditions. On this basis the Examiner felt it was not necessary to recommend a modification to include the site north of Station Road.

It is considered that the above reaffirms and justifies that the proposed development would conflict with Policy BD2 of the NDP as set out in the committee report and would prejudice the community from achieving their aspirations for sustainable development through the neighbourhood plan process if this application were to be approved.

Recommendation:-

It is considered that the above points from the Examiners report support the recommendation as set out in the committee report. It is therefore recommended that Members accept the recommendation and refuse planning permission.

ITEM 04

14/01109/OUT

Trustees Of E J Madders

Introduction:-

A letter has been submitted on behalf of the applicant providing additional information following the publication of the agenda.

Appraisal:-

Five Year Land Supply

The letter states that the Council does not have a five year land supply and highlights two recent appeal decisions (Former Manchester Hosiery Works, Hinckley - Appeal Ref: APP/K2420/A/14/2227397 & Sketchley House, Burbage - Appeal Ref: APP/K2420/A/13/2208318) whereby the applicant' alleges that Planning Inspectors conclude that the Council does not have a five year land supply.

The Council's position is that as of 1 October 2014 there is a five year supply of deliverable housing sites. Therefore Paragraph 49 of the NPPF does not apply and the policies for the supply of housing are considered up-to date in these circumstances.

Policy 13 - Core Strategy (2009)

The letter sets out that the site is partially within the settlement boundary and will provide a mix of housing types and tenures and help towards the housing need of the area which cannot be met within the settlement. The letter also confirms that one of the businesses on site has notified the applicant of its intention to relocate elsewhere. Additionally, it is highlighted that despite its rural location the existing opportunities to access the site by non-car methods are considered to be good and the development will reach a high standard of sustainability in line with Policy 24 of the Core Strategy (2009).

The Core Strategy does not identify any sites for residential development within this settlement. Policy 13 (Rural Hamlets) seeks to constrain housing development within the settlement boundaries that provides for a mix of housing types and tenures. While an element of affordable units are proposed (four out of 11 units), this benefit does not outweigh the harm to the countryside and the loss of rural employment. It is therefore considered that this development is contrary to Policy 13 of the Core Strategy (2009).

Previously Developed Land and Existing Use

The letter highlights that one of the twelve core planning principles in Paragraph 17 of the NPPF encourages the effective use of land by the re-use of previously developed land. Additionally it is identified that the site is not a protected or designated employment site and whilst a business has objected to the application, the larger business on site has already found alternative premises. The applicant has advised that the only investment by the objector is for the installation of CCTV equipment on site.

The NPPF supports the rural economy and whilst this land is previously developed and not a designated employment site, it is still providing employment in a rural area which supports two businesses. The Council has a five year land supply and therefore the need of housing does not override the loss of rural employment in this location.

Sustainability

The letter identifies that the scheme would contribute towards meeting a housing shortfall within the borough. However as the Council has a five year land supply it is not considered that there is not a housing shortfall which needs to be addressed.

It is also discussed that one of the tenant companies has already notified the applicant of its intention to leave the premises and the letter raises concerns with the visual and social impacts of vacant buildings. However, the unit could be marketed and filled by another business and there is no evidence provided to show how the unit could not be used by another business.

Policy NE5 of the Local Plan (2001)

The agent considers that policy NE5 should be given limited weight due to the age of the Local Plan.

Policy NE5 of the Local Plan follows the general principles of the NPPF, in directing development that is sustainable in rural areas and is therefore a relevant policy and material consideration to this application. The Local Plan also remains part of the Development Plan for the area.

Character and Appearance

Whilst this is an outline application the agent has stated that in his opinion, the development would not harm the character and appearance of the area.

The impact of the character and appearance of the area and countryside is fully appraised in the committee report where it is concluded that there would be significant visual and landscape harm.

Affordable Housing

The agent confirms that four affordable homes would be provided on site through this development.

Strategic Housing Land Availability Assessment (SHLAA)

The letter identifies that this site has been considered within the Council's SHLAA, which finds the site to be suitable, available, achievable and developable. However, this is an evidence based document and does not determine whether a site should be allocated or granted permission for development.

Recommendation:-

The officers' recommendation to refuse planning permission, as set out in the committee report, is unaffected by this late correspondence.

ITEM 05

14/01199/OUT

Mr Trevor Allcoat

Consultations:-

The Arboricultural Officer raises no objections and confirms that the proposed dwelling should have no adverse impact on the TPO trees on the opposite side of the existing private driveway.

ITEM 06

14/00780/FUL

Mr R & A Dhir

Development Plan Policies:-

Policy NE12 Landscaping

Appraisal:-

Conditions

An additional plan has been received which illustrates the residential curtilage along with the landscaping of the site and surrounding area. Condition 12 will be amended to reflect these revised details. An additional condition will be added to ensure maintenance of the approved landscaping.

Given that the in principle acceptability of the scheme relies on the conversion of the bar; to ensure that the development is converted sympathetically as opposed to being extensively demolished and re-built, the recommendations of the engineers report should be followed. Accordingly the recommendations and mitigation identified within this report will be secured by way of condition.

Policy NE12 – Landscaping has been added to the report.

Recommendation:-

Amended Conditions:-

Condition 8: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A - H inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

Condition 12: The residential curtilage of the dwelling hereby approved shall be confined to the area edged and hatched red on the attached plan Ref LPA/X. The use of land within the area edged blue on the attached plan LPA/X, identifies the ancillary garden area. This shall be landscaped and finished in accordance with submitted details identified on the plan.

Reason: To preserve the setting of the listed building and the character of the surrounding countryside in accordance with Policies BE5, NE5 and NE12 of the adopted Hinckley and Bosworth Local Plan 2001.

Additional Conditions:-

Condition 13: The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.

Condition 14: The development shall be carried out in strict accordance with the recommendations contained within the Engineers Report dated March 2013 and the Structural Calculations and Details dated February 2014.

Reason: To ensure that the buildings are converted in accordance with the intension's of Policy BE20 of the adopted Hinckley and Bosworth Local Plan.

Recommendation: Policy NE12.

ITEM 08

15/00027/HOU

Mrs C Southall

Introduction:-

The introductory text of the report refers to the application property being a dormer bungalow. The property should have been described as a bungalow.

ITEM 11

14/01104/FUL

Mr Adam Preston

Appraisal:-

Additional supporting information has been received. This details how the proposed building is to be used. As the acceptability of the scheme is justified on the basis of its agricultural use, a condition will be recommended to ensure the building is used for its intended purpose.

Recommendation:-

Additional Condition:-

6 The building hereby approved shall be used strictly in accordance with the purposes and details outlined within the supporting statement received by the Local Planning Authority on the 16 February 2015.

Reason: The acceptability of this scheme is based on the agricultural justification received, in the absence of this information the building would represent an unjustified and unwarranted new building within the countryside and would be contrary to the intensions of Policy NE5 of the adopted Hinckley and Bosworth Local Plan.

PLANNING COMMITTEE
3 MARCH 2015
SPEAKERS

Item	Application	Speaker(s)	Applicant/ objector
01	14/00435/OUT	Mr Hextall	Objector
02	12/00295/OUT		
03	14/00674/FUL	Mr J Wastenev Ms Guy	Objector Agent
04	14/01109/OUT	Mr Pope	Agent
05	14/01199/OUT	Mr Crowfoot Mr Alcoat	Objector Applicant
06	14/00780/FUL	Mr Thomas	Agent
07	14/00827/LBC	Mr Thomas	Agent
08	15/00027/HOU	Mr Hemsley Mr Southall	Objector Applicant