

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

25 SEPTEMBER 2012 AT 6.30 PM

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

In accordance with Council Procedure Rule 4.2 Councillor Mr DM Gould was also in attendance.

Officers in attendance: Cathy Horton, Rebecca Owen, Michael Rice and Simon Wood

182 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillors Crooks, Hulbert, Moore and O'Shea, with the following substitutions authorised in accordance with Council Procedure Rule 4.1:

Councillor Bill for Councillor Crooks;
Councillor Morrell for Councillor O'Shea;
Councillor Smith for Councillor Moore.

183 MINUTES

It was moved by Councillor Bill, seconded by Councillor Bannister and

RESOLVED – the minutes of the meeting held on 21 August 2012 be confirmed and signed by the Chairman.

184 DECLARATIONS OF INTEREST

Councillors Mrs Hall and Lynch declared non-pecuniary interests in application 12/00512/FUL as they were members of the Parish Council's working party which had worked on the proposals.

Councillor Gould, whilst not a member of the committee, declared a non-pecuniary interest in application 12/00452/FUL as resident of the surrounding area.

185 DECISIONS DELEGATED AT PREVIOUS MEETING

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

- (a) 12/00597/FUL – it was reported that the section 106 agreement was still under negotiation;
- (b) 12/00486/FUL – it was reported that the decision had been issued;
- (c) 12/00549/HOU – it was reported that the decision had been issued following the expiry of the consultation period.

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

The Committee considered a schedule of planning applications, together with a list of late items and the recommendations of the Head of Planning.

- (a) 12/00178/FUL – Erection of 65 dwellings (part amended scheme – 09/00211/FUL), Land adjacent M1, Ferndale Drive, Ratby – Mr John Cawrey

On the motion of Councillor Bannister, seconded by Councillor Hodgkins, it was

RESOLVED – subject to an agreement under Section 106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space, education and highways travel packs, the Head of Planning be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report.

- (b) 12/00193/CONDIT – Variation of condition 1 of 10/00102/TEMP to allow the access road and compound to remain in situ until the completion of the residential development, Land adjacent M1, Ferndale Drive, Ratby – Mr John Cawrey

On the motion of Councillor Bannister, seconded by Councillor Bill, it was

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

- (c) 12/00338/COU – Change of use to hand vehicle wash (retrospective), Bubble Boyz Car Wash, Watling Street, Hinckley – Mr R Sokhi

Notwithstanding the officer's recommendation that the application be approved, Councillor Boothby, seconded by Councillor Taylor, moved that the application be refused on highway safety grounds.

The Head of Planning requested that voting on the motion be recorded. The vote was subsequently taken as follows:

Councillors Allen, Bannister, Batty, Bill, Boothby, Chastney, Mrs Hall, Hodgkins, Lynch, Mayne, Morrell, Smith and Witherford voted FOR the motion (13);

Councillor Sutton voted AGAINST the motion (1);

Councillor Ward abstained from voting.

The MOTION was therefore declared CARRIED and it was

RESOLVED – the application be refused on grounds of highway safety.

- (d) 12/00446/FUL – Erection of 72 bed care home including associated access and parking provision, Former Highfield Works, John Street, Hinckley – Magnum Care Ltd

On the motion of Councillor Witherford, seconded by Councillor Bannister, it was

RESOLVED – the application be permitted subject to no new significant material objections being received and to the conditions contained in the officer's report and late items.

- (e) 12/00452/FUL – erection of 25 dwellings and associated infrastructure, Land adj 108 Shilton Road, Barwell – Mr John Deakin

On the motion of Councillor Bill, seconded by Councillor Boothby, it was

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

- (f) 12/00601/FUL – erection of wind turbine, Chestnuts, Desford Lane, Kirkby Mallory – Mr Jason Newbury

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

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

- (g) 12/00674/COU – Change of use of land to the siting of eight mobile homes for gypsies, Winter Oak, Watling Street, Higham on the Hill – Mr J Winter

On the motion of Councillor Bill, seconded by Councillor Batty, it was

RESOLVED – the Head of Planning be granted delegated powers to grant planning permission subject to no significant planning objections being received before the expiry of the consultation period on 28 September 2012 and subject to the conditions contained in the officer's report.

- (h) 11/01021/FUL – Erection of 6 new dwellings with associated access, 99 Barton Road, Congerstone – Mr Robert Duval

It was moved by Councillor Bannister, seconded by Councillor Chastney and

RESOLVED – subject to the receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space at Church Field Recreational Facility, the Head of Planning be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report and late items.

- (i) 12/00658/OUT – Erection of technology centre (class B1b) including associated car parking, access and landscaping (outline approval for access, landscaping, layout and scale), Mira Ltd, Watling Street – MIRA Technology Park Ltd

On the motion of Councillor Bill, seconded by Councillor Ward, it was

RESOLVED –

- (i) the application be permitted subject to the conditions contained in the officer's report and late items;
- (ii) the Head of Planning be granted delegated powers to determine any reserved matter application submitted pursuant to this grant of planning permission in respect of the appearance of the building and that he report any such determination to the next available meeting of the Planning Committee following the issuing of the decision notice.

- (j) 12/00282/FUL – Erection of 8 dwellings (part amended scheme) of previously approved development 08/00349/FUL, land opposite superstore, Sword Drive, Hinckley – Bloor Homes Ltd (East Midlands)

On the motion of Councillor Bill, seconded by Councillor Ward, it was

RESOLVED – subject to the receipt of a deed of variation of the Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972, the Head of Planning be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report.

(Councillors Bill and Boothby were absent for the voting on this item).

- (k) 12/00622/FUL – Erection of six dwellings (part amended scheme of permission 08/00349/FUL), Land opposite Superstore, Stoke Road, Hinckley – Bloor Homes Ltd (East Midlands)

On the motion of Councillor Bannister, seconded by Councillor Batty, it was

RESOLVED – subject to no significant material objections being received prior to the expiry of the consultation period on 24 September 2012 and the receipt of a deed of variation of the Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972, the Head of Planning 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 deed of variation by 31 October 2012 might result in the application being refused.

(Councillor Boothby was absent during voting on the application).

- (l) 12/00512/FUL – Extensions and alterations to Millennium Hall including the erection of a new pavilion, Millennium Hall, Britannia Road, Burbage – Mrs Julie Perrin

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

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

Councillor Lynch requested it to be recorded that he abstained from voting on this application.

(Councillor Boothby was absent during the vote).

- (m) 12/00522/FUL – Erection of agricultural building, Kirkby Lodge Farm, Bosworth Road, Kirkby Mallory – R & T Ensor Farmers Ltd

On the motion of Councillor Sutton, seconded by Councillor Bill, it was

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

(Councillor Boothby was absent during voting on this application).

187 RENEGOTIATION OF SECTION 106 PLANNING OBLIGATIONS

Members were provided with a draft consultation response on proposed changes to the time period during which the local planning authority could be requested to renegotiate the terms of signed Section 106 Agreements. Aspects of viability and delivery of affordable housing were discussed. It was moved by Councillor Sutton, seconded by Councillor Morrell and

RESOLVED –

- (i) the report be noted;
- (ii) the proposed responses to the questions be endorsed.

(Councillors Mrs Hall and Hodgkins were absent during voting on the application).

188 APPEALS LODGED AND DETERMINED

Members received an update on appeals lodged and determined since the last meeting. A Member thanked the committee for having made a previous decision against officer recommendation, and thanked the officers for having defended the decision. It was moved by Councillor Batty, seconded by Councillor Hodgkins and

RESOLVED – the report be noted.

189 APPEALS PROGRESS

Members were informed of the progress of various appeals. It was reported that the start date for the appeal on application 11/00808/FUL was 20.09.12, and that Members would be informed of the inquiry date when known. On the motion of Councillor Taylor, seconded by Councillor Hall, it was

RESOLVED – the report be noted.

190 DELEGATED DECISIONS ISSUED

Members were informed of delegated decisions issued since the last meeting. It was

RESOLVED – the report be noted.

191 ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

The Chairman reported on a meeting he had been involved in the previous day with County Council Highways Officers. They had agreed to come to a meeting of the Committee to outline their processes.

(The Meeting closed at 9.03 pm)

CHAIRMAN