

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

26 JUNE 2012 AT 6.30 PM

PRESENT: Miss DM Taylor (Vice-Chair in the Chair) - Chairman

Miss DM Taylor (Vice-Chair, in the Chair), Mr RG Allen, Mr PR Batty, Mr DC Bill (for Mr KWP Lynch), Mr CW Boothby, Mr MB Cartwright (for Mr MS Hulbert), Mrs T Chastney, Mr WJ Crooks, Mr DM Gould (for Ms BM Witherford), Mrs WA Hall, Mr PAS Hall (for Mr R Mayne), Mrs L Hodgkins, Mr DW Inman (for Mr JG Bannister), Mr JS Moore, Mr LJP O'Shea, Mrs H Smith (for Mr BE Sutton) and Mr R Ward

In accordance with Council Procedure Rule 4.2 Councillors Mr MR Lay and Mr K Nichols were also in attendance.

Officers in attendance: Tracy Miller, Rebecca Owen, Michael Rice and Simon Wood

73 VICE CHAIRMAN IN THE CHAIR

In the absence of the Chairman, the Vice-Chairman took the Chair. It was agreed that Cllr Crooks sit in the Vice-Chairman's seat for the duration of the meeting.

74 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillors Bannister, Hulbert, Lynch, Mayne, Sutton and Witherford and the following substitutions authorised in accordance with Council Procedure Rule 4.1:

Councillor Bill for Councillor Lynch  
Councillor Cartwright for Councillor Hulbert  
Councillor Gould for Councillor Witherford  
Councillor P Hall for Councillor Mayne  
Councillor Inman for Councillor Bannister  
Councillor Smith for Councillor Sutton.

75 MINUTES

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

RESOLVED - The minutes of the meeting held on 29 May 2012 were confirmed and signed by the Chairman.

76 DECLARATIONS OF INTEREST

No interests were declared at this stage.

77 DECISIONS DELEGATED AT PREVIOUS MEETING

There were no decisions on which to report.

78 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) 12/00399/FUL – Erection of 2 wind turbines, Stanton Lane Farm, Stanton Lane, Stanton Under Bardon – Mr John Duffield

It was reported that this application had been withdrawn from the agenda.

- (b) (i) 11/00988/OUT – Erection of 38 dwellings, community centre and formation of allotments, balancing pond with associated access (outline – access only), Rear of 169 Main Street, Stanton Under Bardon – Mr Nigel Hainsworth

and

- (ii) 11/00582/FUL – Erection of 28 dwellings and garaging including demolition of 261 Main Street, 261 Main Street, Stanton Under Bardon, Markfield – Mr John Deakin

The covering report on these two applications acknowledged that each application, on its own, was acceptable in planning terms. However, the report examined the cumulative impact on Stanton under Bardon of granting permission for both applications.

The report advised, based on policies within the Council's Core Strategy that permission for both applications would be unacceptable because the overall spatial vision of the Core Strategy would be harmed. The Highway Authority had advised that they would support only one of the applications on sustainability grounds.

Members were advised that they should consider the proposals in both applications and come to a decision, based on material planning considerations, as to which application they felt would, on balance, provide the greater benefit to Stanton under Bardon. The covering report provided a list comparing the proposals in the two applications.

Following detailed questioning about, and discussion on, both applications before any decision was made, the committee considered that application 11/00988/OUT should be approved, taking into account:

- a) that, whilst the percentage of affordable dwellings was less in this application, nevertheless, in practical terms, there would be only one affordable dwelling fewer; but,
- b) this application would provide a new village community centre and upgraded allotments to the benefit of Stanton under Bardon;
- c) the wishes of the community supporting this application as articulated at the committee meeting by the ward member.

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

**RESOLVED** – application 11/00988/OUT be approved subject to the following conditions:

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. In respect of each part of the development to be the subject of a separate reserved matters approval, that phase or part of the development as hereby permitted shall not be commenced until approval of the following details (hereinafter called "reserved matters") has been obtained from the Local Planning Authority in writing:
  - a) scale
  - b) appearance
  - c) landscaping
  - d) layout

The development shall be implemented 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. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.*

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: - Drg Nos: - EMS. 2281-01-1, EMS. 2281-11-1 received by the Local Planning Authority on the 30.January .2012,

*Reason: For the avoidance of doubt and in the interests of proper planning.*

4. No development shall commence until drainage plans for the disposal or surface water, and foul sewage incorporating sustainable drainage principles have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development first being brought into use.

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within the National Planning Policy Framework.*

5. Before first use of the development hereby permitted, visibility splays of 2.4 meters by 33 meters shall be provided at the junction of the access with Main St. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 meters above ground level within the visibility splays.

*Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network*

*and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.*

6. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - i. The programme and methodology of site investigation and recording
  - ii. The programme for post investigation assessment
  - iii. Provision to be made for analysis of the site investigation and recording
  - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - v. Provision to be made for archive deposition of the analysis and records of the site investigation
  - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

*Reason: To ensure satisfactory archaeological investigation and recording in accordance with paragraph 141, section 12 of the NPPF*

7. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (6).

*Reason: To ensure satisfactory archaeological investigation and recording in accordance with paragraph 141, section 12 of the NPPF*

8. Before the first occupation of the first dwelling the site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (6) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason: To ensure satisfactory archaeological investigation and recording in accordance with paragraph 141, section 12 of the NPPF*

9. No development shall commence until details of the route and construction of footpath R24, including its surfacing, width, borders, and any form of enclosure is submitted to and agreed in writing by the Local Planning Authority. The details shall then be implemented as approved and retained thereafter.

*Reason: In the interests of sustainable development and to ensure that the public footpath is fit for use in accordance with paragraph 35 of the NPPF.*

As a result of the approval for application 11/00988/OUT, for the reasons set out above, it was moved by Councillor Allen, seconded by Councillor Bill and

**RESOLVED** – application 11/00582/FUL be refused for the following reasons:

“In the opinion of the LPA, this development would result in significant over provision of housing within Stanton under Bardon which would be to the detriment of the Spatial Vision of the adopted Hinckley and Bosworth Core Strategy 2009, and therefore contrary to the specific requirements of Policy 12 of the Core Strategy”.

- (c) 12/00166/FUL – Erection of one new dwelling, Land rear of 36 Bowling Green Road, Hinckley – Mr Frank Downes

Notwithstanding the officer’s recommendation that the application be permitted, Members felt that the application was overbearing and was contrary to policy BE1 in that it affected the amenities of neighbours.

Councillor Cartwright arrived at 8.15pm.

It was moved by Councillor P Hall and seconded by Councillor Moore that the application be refused.

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

Councillors Bill, Cartwright, Chastney, Crooks, Gould, A Hall, P Hall, Hodgkins, Inman, Moore, O’Shea, Smith, Taylor and Ward voted FOR the motion (14);

Councillors Allen, Batty and Boothby voted AGAINST the motion (3).

It was therefore

RESOLVED – the application be refused for the following reasons:

In the opinion of the Local Planning Authority the scale, footprint and siting of the scheme would be harmful to the character of the surrounding area and would result in an overbearing impact, overshadowing and loss of amenity upon the occupiers of No.34 Bowling Green Road, contrary to Saved Policy BE1 (criteria a and i) of the Hinckley and Bosworth Borough Council Local Plan 2001.

The meeting adjourned at 8.21pm and reconvened at 8.30pm.

- (d) 12/00341/FUL – Erection of 83 dwellings incorporating access, public open space, balancing pond, pumping station and associated earthworks, landscaping, car parking and other ancillary works, Land adjacent to Greyhound Stadium, Nutts Lane, Hinckley – Taylor Wimpey UK Limited

It was moved by Councillor Bill, seconded by Councillor O’Shea and

RESOLVED – 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 affordable housing, the provision and maintenance of public and open space facilities, landscaping, education, canal towpath improvements, public transport provisions and public realm specifications, the Head of Planning be granted delegated powers to issue full planning permission subject to the conditions contained in the officer’s report. Failure to do so might result in the application being refused.

- (e) 12/00335/FUL – Formation of new car park, internal access road and relocation and alteration to earth bunds, Caterpillar UK Ltd, Peckleton Lane, Desford – Mr Robert Sparks

On the motion of Councillor Batty, seconded by Councillor O’Shea, it was

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

- (f) 12/00402/FUL – Erection of squash club building, Unit G, Maple Drive, Hinckley – Mr J Penman

Whilst in support of the application, concern was expressed regarding parking and the need for a travel plan. It was requested that research be undertaken to ascertain whether a travel plan was already in existence for the whole site, and if necessary a condition be added requiring creation of a travel plan.

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

RESOLVED – the Head of Planning be granted delegated powers to approve the application subject to the conditions contained within the report and late items and an additional condition regarding the requirement for a travel plan if necessary.

Having reached 9.30pm, it was moved by Councillor Gould and seconded by Councillor A Hall that the meeting be extended to consider the remaining items of business.

- (g) 12/00134/FUL – Erection of agricultural grain store, Norton House Farm, Orton Lane, Norton Juxta Twycross – Mr Robert Vero

On the motion of Councillor O’Shea, seconded by Councillor Allen, it was

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

- (h) 12/00219/OUT – Erection of 2 dwellings (outline – access only), Land adj 20 Hinckley Road, Barwell – Trustees of the Powers Estate

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

RESOLVED – subject to 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 Waterfall Park Recreation Group, the Head of Planning be granted delegated powers to grant planning permission subject to the conditions contained in the officer’s report.

- (i) 12/00229/FUL – Erection of portal framed unit, Station Yard, 8 Station Road, Market Bosworth – Mr Andrew Churchill

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

RESOLVED – the Head of Planning be granted delegated powers to approve the application subject to favourable reports being received in respect of noise and contamination and subject to the conditions contained in the officer’s report and late items.

Councillors Boothby and O'Shea left the meeting at 9.35pm.

- (j) 12/00452/DEEM – Acoustic fence to rear boundary, Unit B Fleming Road, Hinckley – Hinckley & Bosworth Borough Council

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

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

79 NORTH WEST LEICESTERSHIRE CORE STRATEGY

Members were informed of the consultation on the proposed submission draft of the North West Leicestershire District Council Core Strategy. Members requested that HBBC insisted upon a full flood risk assessment. It was agreed that this be included in the response and that parishes be requested to make representations too. It was moved by Councillor Crooks, seconded by Councillor Cartwright and

RESOLVED – the consultation response be endorsed with the inclusion of the abovementioned request.

80 APPEALS LODGED AND DETERMINED

Members received an update on appeals lodged and determined since the last meeting. It was moved by Councillor Crooks, seconded by Councillor Gould and

RESOLVED – the report be noted.

81 APPEALS PROGRESS

Members were informed of the progress of various appeals. It was moved by Councillor Crooks, seconded by Councillor Gould and

RESOLVED – the report be noted.

82 DELEGATED DECISIONS ISSUED

Members were informed of delegated decisions issued since the last meeting. On the motion of Councillor Gould, seconded by Councillor Allen, it was

RESOLVED – the report be noted.

(The Meeting closed at 9.45 pm)

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CHAIRMAN