

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

23 OCTOBER 2012 AT 6.30 PM

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

In accordance with Council Procedure Rule 4.2 Councillors Mr MR Lay and Mrs H Smith were also in attendance.

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

206 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Boothby.

207 MINUTES

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

RESOLVED – the minutes of the meeting held on 25 September 2012 be confirmed and signed by the Chairman.

208 ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

Attention was drawn to the two late reports which would be taken at the end of the meeting, one of which was a private report.

209 DECLARATIONS OF INTEREST

Councillors Lynch and Mayne declared non-pecuniary interests in application 12/00789/HOU.

Councillors Lynch and Moore declared non-pecuniary interests in application 12/00692/FUL.

210 DECISIONS DELEGATED AT PREVIOUS MEETING

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

- (a) 12/00178/FUL – the Section 106 Agreement was being negotiated;
- (b) 12/00446/FUL – the decision had been issued on 26 September;
- (c) 12/00674/COU – the decision had been issued on 2 October;
- (d) 11/01021/FUL – the decision had been issued on 16 October;
- (e) 12/00282/FUL – the Deed of Variation had not yet been received;

- (f) 12/00677/FUL – the Deed of Variation had not yet been received.

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

- (a) 12/00692/FUL – Change of use from residential curtilage to a veterinary centre, associated parking and relocation of the access drive, 1 Elm Tree Drive, Burbage – Mrs Lisa Bradley

Notwithstanding the officer's recommendation that the application be permitted, it was moved by Councillor Lynch and seconded by Councillor Batty that the application be refused on the grounds of detrimental impact on neighbouring amenity, incompatible use in a residential area detracting from the character and appearance of the area and adverse impact upon highway safety.

The Head of Planning requested that voting on the application be recorded.

The vote was taken as follows:

Councillors Bannister, Batty, Chastney, Crooks, Hall, Hodgkins, Hulbert, Lynch, Mayne, Moore, O'Shea, Taylor and Witherford voted FOR the motion (13);

Councillors Allen, Sutton and Ward voted AGAINST the motion (3).

The motion was therefore declared CARRIED and it was

RESOLVED – The application be refused for the abovementioned reasons.

- (b) 12/00543/FUL – Partial demolition of existing building to form a refurbished office and dwelling and the erection of one new dwelling, 128 Main Street, Markfield – Mr Sean Lyall

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

RESOLVED – subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or receipt of an acceptable Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space and subject to no new significant material objections being received prior to the expiry of the consultation period on 24 October 2012 the Head of Planning be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report.

- (c) 12/00544/CON – Partial demolition of existing buildings to form a refurbished office and dwelling and the erection of one new dwelling, 128 Main Street, Markfield – Mr Sean Lyall

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

RESOLVED – the Head of Planning be granted powers to issue conservation area consent subject to no new significant material objections being received prior to the expiry of the consultation period on 24 October 2012 and the conditions contained in the officer's report.

- (d) 12/00379/OUT – Demolition of existing building and erection of 34 dwellings (outline), Warwick Building, Rossendale Road, Earl Shilton – Kirkby Homes

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

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 open space facilities and contributions towards education, travel packs and bus passes and health care, the Head of Planning be granted powers to issue full planning permission subject to the conditions contained in the officer's report.

- (e) 12/00669/FUL – Change of use of land for the provision of four additional gypsy and traveller pitches including alterations to vehicular access (part retrospective), Whitegate Stables Caravan Park, Copt Oak Road, Copt Oak – Mrs Sue Smith

Notwithstanding the officer's recommendation that the application be approved, Members felt that the site was suitable and that having visited the site, the access was not a problem. Concern was also expressed that the site was a 'tolerated' site, not a formally allocated site and it was felt that its use should be regularised.

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

RESOLVED –

- (i) the application be approved subject to conditions as access from the road was not considered to be a problem and no accidents had been recorded on that particular part of the road;
- (ii) discussions be held with regard to regularising the use of the existing site.
- (f) 12/00697/REM – Approval of reserved matters for the erection of 212 dwellings with associated roads, open space and landscaping, land bounded by the Ashby Canal, railway line and Bridge Road, incorporating the former Johnson's Apparelmaster Ltd, Rugby Road, Burbage – Mr Simon McDonald

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

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 for the maintenance of the public open space facilities, and the resolution of the outstanding issues in respect of noise and vibration, the Head of Planning be granted delegated powers to issue full planning permission, subject to the conditions contained in the officer's report and late items. Failure to do so might result in the application being refused.

- (g) 12/00698/REM – Approval of reserved matters application for the erection of 133 dwellings with associated roads and landscaping, Land bounded by the Ashby Canal, Railway Line and Bridge Road, incorporating the former Johnson's Apparelmaster Ltd, Rugby Road, Burbage – Mr Simon McDonald

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

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

- (h) 12/00761/COU – Change of use of land and building for dog training and dog shows, Upper Grange Farm, Ratby Lane, Markfield – Patrick Godden

Notwithstanding the officer's recommendation that the application be refused, some Members felt that this type of rural business should be encouraged and that there was no proof that noise levels would be significant. It was moved by Councillor O'Shea and seconded by Councillor Witherford that the application be approved.

Following further discussion an amendment was moved by Councillor O'Shea with the support of Councillor Witherford as seconder that the application be permitted with a condition that dog shows be held on no more than 20 days per year and that a record of this be maintained and supplied to the authority upon request. Upon being put to the vote, the motion as amended was CARRIED and it was

RESOLVED – the application be permitted subject to the abovementioned condition and conditions to be agreed by the Head of Planning.

- (i) 12/00762/CONDIT – Variation of condition 4 of planning permission 09/00770/COU to amend the hours of operation, Upper Grange Farm, Ratby Lane, Markfield – Patrick Godden

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

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

- (j) 12/00535/FUL – Installation of an air conditioning unit (retrospective), 6 Clarendon Road, Hinckley – Mrs Stephanie Alexander & Mrs Gillian Evans

Whilst generally in support of the application, some Members felt that a noise attenuation scheme should be agreed by way of a cover around the air conditioning unit to absorb some of the sound. It was moved by Councillor Witherford, seconded by Councillor Moore and

RESOLVED – the application be permitted subject to agreement of a noise attenuation scheme and the conditions contained in the officer's report.

- (k) 12/00789/HOU – Extension and alterations to dwelling, 37 The Fairway, Burbage – Mr S McGrady

During discussion Members asked questions regarding the ownership of the fence and expressed concern regarding its height, they were also concerned about the height of the converted garage, proximity to the boundary, and the boiler flue directly in front of the neighbour's window.

Notwithstanding the officer's recommendation that the application be permitted, some Members felt that the proposal had an overbearing impact on neighbours. It was moved by Councillor Hall and seconded by Councillor Lynch that the application be refused due to the overbearing impact and therefore contrary to policy BE1. The Head of Planning requested that voting on this motion be recorded. The vote was taken as follows:

Councillors Allen, Bannister, Chastney, Crooks, Hall, Hodgkins, Hulbert, Lynch, Mayne, Moore, O'Shea, Sutton, Taylor, Ward and Witherford voted FOR the motion (15);

Councillor Batty abstained from voting.

The motion was therefore declared CARRIED.

RESOLVED – the application be refused on the grounds that it is contrary to policy BE1 as having an overbearing impact.

- (k) 12/00742/FUL – Part change of use to childcare nursery including retention of sensory cabin for nursery (retrospective), 15 Sunnyside, Hinckley – Mrs Jackie Millerchip

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

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

Having reached 9.30pm it was moved by Councillor Mayne, seconded by Councillor Crooks and

RESOLVED – the meeting be allowed to continue to completion of all business in accordance with Council Procedure Rule 9.

At this juncture, the meeting adjourned for five minutes and reconvened at 9.35pm.

Councillors Hulbert and Ward were absent for the remainder of the meeting.

- (l) 12/00723/FUL – Erection of 8 dwellings (part amended scheme) of previously approved development 08/00349/FUL erection of 145 dwellings and construction of roads and sewers with associated parking, Land opposite superstore, Stoke Road, Hinckley – Clare Guest

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

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

- (m) 12/00667/FUL – Replacement agricultural building, Pinwall Hall Farm, Sheepy Road, Pinwall – Mrs H Woodward

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

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

- (n) 12/00635/HOU – Formation of a vehicular access, 178 Hinckley Road, Earl Shilton – Mr David McDonald

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

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

Members were presented with a report which requested consideration of the variation of terms of the Section 106 Agreement in relation to the granting of outline planning permission 11/00063/OUT at Dunlop Limited, Station Road, Bagworth.

Members were not supportive of the request and felt that affordable housing was required in rural areas and also felt that there had been no further downturn in the market since approval of the application and imposition of the conditions and therefore the applicant had no valid grounds to now request a variation.

Councillor Moore, seconded by Councillor Allen, moved that the request be refused. Councillor Moore plus six other Members stood to request a recorded vote. The vote was taken as follows:

Councillors Allen, Bannister, Batty, Chastney, Crooks, Hall, Hodgkins, Lynch, Mayne, Moore, O'Shea, Sutton, Taylor and Witherford voted FOR the motion.

The motion was declared unanimously CARRIED, and it was therefore

RESOLVED – the request for a variation of the S106 agreement dated 28 April 2012 and made between Hinckley & Bosworth Borough Council, Sukhbir Singh Johal, Svenska Handelsbanken and National Westminster Bank be refused.

213 CHANGES TO PUBLIC SPEAKING AT PLANNING COMMITTEE AS PART OF THE ANNUAL REVIEW OF THE CONSTITUTION

Members received a report on public speaking and related procedures at Planning Committee which had been part of the Annual Review of the Constitution which was deferred at Council on 18 September pending consideration by Planning Committee. It was highlighted that the main changes proposed were to allow more than one objector to speak, with a maximum overall time for all objectors, to allow supporters other than just the applicant or agent to speak, to allow County Councillors to speak, to allow speakers on deferred applications, not to allow public speakers to register prior to publication of the agenda, and to change the format of the 'points of clarification' questioning.

During discussion, the following suggestions were made and debated:

- Reduce public speaking to two minutes and allow two objectors and two supporters to speak – following discussion it was felt that this would lengthen the meeting beyond a reasonable time;
- Allow the relevant County Councillor two minutes to speak – following discussion it was felt that the same procedure would not be followed by the County Council in allowing Borough Councillors to speak, and that the County Councillors had other means of submitting their views;
- Allow one Ward Member from a Ward to speak – following discussion concern was raised that in split-party wards it may be difficult to expect Members to appoint a speaker and agree points between them.

Members did however support the suggestion regarding allowing members of the public to register to speak following publication of the agenda.

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

RESOLVED – Council be RECOMMENDED to reject all proposed changes with regard to Planning Committee and maintain the status quo

except for the introduction of a start time for the registering of public speakers.

214 APPEALS LODGED AND DETERMINED

Members received a report which provided information on appeals lodged and determined since the previous meeting. It was

RESOLVED – the report be noted.

215 APPEALS PROGRESS

Members were updated on progress of several appeals since the previous meeting. It was

RESOLVED – the report be noted.

216 DELEGATED DECISIONS ISSUED

The Committee was informed of delegated decisions taken since the previous meeting. It was

RESOLVED – the report be noted.

217 PLANNING APPLICATION REFERENCE: 12/00178/FUL - LAND ADJACENT M1 FERNDALE DRIVE, RATBY - ERECTION OF 65 DWELLINGS (PART AMENDED SCHEME - 09/00211/FUL)

A report was presented which sought approval to amend the requirements for developer contributions in respect of play and open space provision for planning application reference 12/00178/FUL. On the motion of Councillor Crooks, seconded by Councillor Bannister, it was

RESOLVED – the proposals be accepted and amended terms be incorporated into the Section 106 Agreement subject to which planning permission would be granted.

218 EXCLUSION OF THE PUBLIC AND PRESS

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

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 3 and 10 of Part I of Schedule 12A of that Act.

219 PLANNING APPLICATION REFERENCE: 12/00250/FUL - LAND EAST OF GROBY VILLAGE CEMETERY, GROBY ROAD, RATBY - ERECTION OF 91 DWELLINGS WITH GARAGES, PARKING SPACES, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE

Members received a report which concerned a forthcoming appeal. It was

RESOLVED – the recommendations contained in the report be agreed.

(The Meeting closed at 10.10 am)

CHAIRMAN