

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

7 FEBRUARY 2012 AT 6.30 PM

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

In accordance with Council Procedure Rule 4.2 Councillors Mr SL Bray were also in attendance.

Officers in attendance: James Hicks, Louisa Horton, Andrew Killip, Emma Page, Jacqueline Puffett, Michael Rice and Simon Wood

372 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mr Bannister, Mr Crooks, Mrs Hall and Mr O'Shea with the following substitutions authorised in accordance with Council Procedure Rule 4.1:

Mr Hulbert for Mrs Hall
Mr Inman for Mr Bannister
Mr Lynch for Mr Crooks
Mrs Smith for Mr O'Shea.

373 MINUTES

On the motion of Mrs Witherford, seconded by Mr Hulbert it was

RESOLVED – the minutes of the meeting held on 10 January 2012 be confirmed and signed by the Chairman.

374 DECLARATIONS OF INTEREST

Mr Mayne declared a personal interest in application 11/00882/FUL.

375 DECISIONS DELEGATED AT PREVIOUS MEETING

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

- (i) 11/00901/EXT – it was reported that the decision would be issued by 13 February 2012 as set out in the resolution;
- (ii) 11/00856/REM – it was reported that the decision had been issued on 11 January 2012;
- (iii) 11/00822/FUL – it was reported that the decision had been issued on 12 January 2012.

Mr Allen arrived at 6.34pm.

376 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 Deputy Chief Executive (Community Direction).

- (a) 11/00977/FUL – Extensions and alterations to dwelling, 7 Kerry Close, Barwell (Mr Jim Bennett)

It was reported that this application had been withdrawn from the agenda.

- (b) 11/00368/FUL – Erection of 84 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)

Notwithstanding the officer's recommendation that the application be permitted subject to a Section 106 Agreement and conditions, Members felt that the development still posed a risk with regard to pedestrian and highway safety. It was MOVED by Miss Taylor and SECONDED by Mr Bill that the application be REFUSED on the grounds of pedestrian and highway safety.

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

Mr Bill, Mr Gould, Mrs Hodgkins, Mr Hulbert, Mr Inman, Mr Lynch, Mr Mayne, Miss Taylor and Ms Witherford voted FOR the MOTION (9);

Mr Allen, Mr Batty, Mr Boothby, Mrs Chastney, Mr Moore, Mrs Smith, Mr Sutton and Mr Ward abstained from voting.

The MOTION was therefore declared CARRIED. It was

RESOLVED – the application be refused for the following reasons:

In the opinion of the Local Planning Authority the impact of the development would lead to an increase in pedestrian movements which with the lack of provision of an appropriate safe pedestrian route and crossing, together with the narrow width of the canal bridge and the lack of a proper footway across the bridge would be to the detriment of pedestrian safety. As such the proposal is contrary to Saved Policy T5 of the Hinckley and Bosworth Local Plan and to central government guidance contained within Planning Policy Guidance 13 (PPG13) Transport.

- (c) 11/00823/FUL – Erection of 52 dwellings with garages and associated infrastructure, Land south of 26 to 28 Britannia Road, Burbage (Mr John Deakin)

Notwithstanding the officer's recommendation that the application be permitted subject to a Section 106 Agreement and conditions, some Members felt that the housing numbers proposed on the site, which formed the basis of the Appeal Inspector's decision in 2011, were no longer necessary. They also felt that the application site was outside of the settlement boundary. It was MOVED by Mr Moore and SECONDED by Mr Boothby that the application be REFUSED on these grounds.

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

Mr Bill, Mr Boothby, Mr Inman, Mr Lynch, Mr Mayne, Mr Moore, Mrs Smith and Ms Witherford voted FOR the MOTION (8);

Mr Allen, Mr Batty, Mrs Chastney, Mr Gould, Mr Sutton and Mr Ward voted AGAINST the MOTION (6);

Mrs Hodgkins, Mr Hulbert and Miss Taylor abstained from voting.

The MOTION was therefore declared CARRIED. It was

RESOLVED – the application be refused for the following reasons:

In the opinion of the Local Planning Authority, the proposed scheme by virtue of its nature and location, constitutes new residential development outside the settlement boundary of Burbage, with no special overriding justification and is therefore contrary to national guidance contained within Planning Policy Statements 3 and 7, Policy 4 of the Adopted Local Development Framework Core Strategy and Saved Policies RES5 and NE5 of the Adopted Hinckley and Bosworth Local Plan.

- (d) 11/00791/OUT – Erection of bespoke care home with 48 bedrooms, associated amenities and staff facilities (outline – layout, siting, appearance and access for approval), Glebe Farm, Kirkby Road, Barwell (Mr Konrad Skubala)

Whilst acknowledging the officer's recommendation that the application be refused, members felt that the reason for refusal regarding the site being outside of the settlement boundary was inappropriate as it was on land that in future would form part of the sustainable urban extension (SUE) of Barwell. Some Members felt that, whilst the proposed development was not aesthetically pleasing, the site needed to be tidied up. It was MOVED by Mr Batty and SECONDED by Mr Boothby that the application be APPROVED.

Following further discussion, Mr Batty, with the agreement of Mr Boothby, WITHDREW his motion. It was felt that as the design of the building was the only reason for refusal supported by the Members, the application could be delegated to officers to discuss an improved design with the applicant. It was then MOVED by Mr Mayne and SECONDED by Mr Sutton that the determination of the application be delegated to the Head of Planning but that should an agreement not be reached with the applicant on an acceptable design, the application be brought back to the Committee.

Upon being put to the vote, the MOTION was CARRIED.

RESOLVED – the Head of Planning be granted delegated authority to determine the application subject to his agreeing to an amended design. Should the Head of Planning not be satisfied with the outcome of changes to the design of the building, the application be brought back to the Committee.

- (e) 11/00946/FUL – Change of use from public house to convenience store and erection of single storey extension, The New Galaxy, 67 Boyslade Road, Burbage (Punch Partnerships (PTL) and Midlands Assured Consultancy)

During debate on this application and having reached 9.30pm, it was moved by Mr Sutton, seconded by Mr Inman and

RESOLVED – the meeting be permitted to continue until completion of all business to be transacted.

On returning to debate on the application, notwithstanding the officer's recommendation that the application be permitted, some Members felt that the loss of the public house would be a loss of a valuable community facility and the change of use would cause traffic problems. It was MOVED by Mr Inman and SECONDED by Mr Bill that the application be REFUSED for these reasons.

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

Mr Bill, Mrs Hodgkins, Mr Inman, Mr Lynch and Mr Moore voted FOR the MOTION (5);

Mr Allen, Mr Batty, Mr Boothby, Mrs Chastney, Mr Gould, Mrs Smith, Mr Sutton, Miss Taylor and Mr Ward voted AGAINST the MOTION (9);

Mr Hulbert, Mr Mayne and Ms Witherford abstained from voting.

The MOTION was therefore declared LOST.

It was then MOVED by Mr Sutton, SECONDED by Mr Allen and

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

The meeting adjourned at 9.40pm, at which time Mr Boothby and Mr Bray left the meeting, and reconvened at 9.50pm.

- (f) 11/00308/FUL – Erection of ten dwellings (part amended scheme of previously approved planning development 08/00349/FUL), Land opposite Superstore, Stoke Road, Hinckley (Miss Clare Guest)

On the motion of Mr Sutton, seconded by Mr Hulbert 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 and late items. Failure to complete the said agreement by 24 February 2012 might result in the application being refused.

- (g) 11/00918/FUL – Change of use of land for paintballing with ancillary buildings and structures and associated parking, Land adjacent to Lilac Cottage, Cliffe Lane, Markfield (Ms C Tremarco)

On the motion of Mr Sutton, seconded by Mr Batty, it was

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

- (h) 11/00882/FUL – Erection of one new dwelling, land adjacent to 6 Caldon Close, Hinckley (Mr Frank Downes)

Whilst in support of the officer's recommendation, Members felt that the area had been well maintained and should retain some of its natural habitat and character. It was therefore agreed that conditions be added regarding landscaping.

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 off site play and open space, the Head of Planning be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report and the following additional conditions. Failure to complete the said agreement by 7 February 2012 might result in the application being refused.

Additional Conditions:

No development shall take place until full details of a soft landscape scheme to the front and rear boundaries has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. REASON: In the interests of visual amenity and in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local plan.

The approved 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: In the interests of visual amenity and in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local plan.

377 RELEVANT POLICIES

Members received a report which advised them of the relevant policies within the development plan for use in the determination of planning applications. It was

RESOLVED – the report be noted.

378 BLABY DISTRICT COUNCIL'S CORE STRATEGY

Members were informed of the consultation on the proposed submission draft of the Blaby District Council Core Strategy and associated officer comments. Members expressed concern that the areas of green wedge in both districts should continue to join, and in response it was explained that most districts had signed up to a green wedge review joint methodology which helped to encourage this and officers had recommended that Blaby District also sign up.

Further concern was expressed regarding the impact of Blaby District Council's Gypsy and Traveller site allocations policy on Groby and Ratby, the M69 junction near to Sapcote, and developments near to this borough's planned SUE.

It was moved by Mr Mayne, seconded by Miss Taylor and

RESOLVED – the above comments be noted and proposed response be supported.

379 PREDETERMINATION

Members were informed of the implications of Section 25 of the Localism Act 2011 relating to pre-determination which came into force on 15 January 2012. In summary it was explained that one would not be considered to have a closed mind just because they had previously commented on a matter and indicated their view. It was, however, noted that in previous case law this 'common sense' approach had usually been adopted, and also that it would be very hard to prove that someone had a closed mind.

RESOLVED – the report and provisions be noted.

380 APPEALS LODGED AND DETERMINED

A summary of appeals lodged and determined since the last meeting was submitted. It was

RESOLVED – the report be noted.

381 APPEALS PROGRESS

A schedule was submitted to the Committee indicating the stages that various appeals against planning decisions had reached. It was

RESOLVED – the report be noted.

382 DELEGATED DECISIONS ISSUED

Details of delegated decisions issued were presented to Members. On the motion of Miss Taylor, seconded by Mr Bill, it was

RESOLVED – the report be noted.

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

Whilst not a matter of urgency, at this juncture Members raised their concerns regarding the Highways Authority and asked if representatives of the County Council Highways department could be invited to the Planning Committee to respond to Members' concerns.

Reference was also made to the request at the previous meeting that a letter be sent to Leicestershire County Council regarding weight restrictions on roads near to the Sketchley Brook site. In response it was noted that a letter had been sent on 11 January but as yet no response had been received.

(The Meeting closed at 10.14 pm)

CHAIRMAN