



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 11 April 2019.

PRESENT

Mr. J. G. Coxon CC (in the Chair)

Mr. G. A. Boulter CC
 Mr. B. Crooks CC
 Mrs. H. J. Fryer CC
 Mr. T. Gillard CC
 Mr. D. Harrison CC
 Mr. D. Jennings CC

Mr. W. Liquorish JP CC
 Mr T. Parton CC
 Mr. S. D. Sheahan CC
 Mrs. M. Wright CC
 Mr. M. B. Wyatt CC

93. Minutes of the previous meeting.

The minutes of the meeting held on held on 14 March 2019 were taken as read, confirmed and signed.

94. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

95. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

96. Urgent items.

There were no urgent items for consideration.

97. Declarations of interest in respect of items on the agenda.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were also members of a Parish, Town or District Council, or Liaison Committee would have personal interests in those applications which relate to areas covered by those authorities.

No declarations were made.

98. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 36.

99. 2016/1119/04 (2018/CM/0302/LCC): Earl Shilton Recycling Limited - Restoration of the former Barrow Hill Quarry to an agricultural use with inert waste and soils, including temporary passing bays on Mill Lane - Barrow Hill Quarry, Mill Lane, Earl Shilton.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 7', is filed with these minutes.

In accordance with the procedures for making representations to the Board a local resident Michelle Watson (Mirfield Farm, Mill Lane, Earl Shilton) spoke against the proposals.

The local member Mrs. J. Richards CC also addressed the Board. Mrs Richards stated that she had deep concerns with the proposal and asked for the application to be refused due to concerns about the condition of the highway and potential conflict between HGVs, horses and pedestrians.

The Board considered the application. Members also had concerns about highway safety and whether HGVs would be able to safely pass horses and pedestrians on Mill Lane. It was questioned whether the proposed passing bays would be sufficient given the width of HGVs. The Board received advice from the Director of Environment and Transport in light of the concerns expressed by members about the highways issues they felt were pertinent.

The Director of Law and Governance advised members that it was the role of the Planning Authority's Officers to give advice on the application and make a recommendation however it was the Board that made the decision. The Director emphasised that if the Board was minded to refuse the application then planning reasons would need to be given and cross reference specified Development Plan policies that applied.

A motion was proposed and seconded that the officer's recommendation to approve the application subject to the conditions as set out in the report (with amendments to conditions nos. 5 and 6 relating to the hours of operation) be agreed, however the motion was not carried.

A further motion was proposed and seconded that the application be refused, contrary to the officer recommendation, on the grounds that a) the development would conflict planning policies relating to the safety of users of Mill Lane; and b) noise from HGVs travelling to and from the site, along Mill Lane, would adversely affect residential amenity.

RESOLVED:

- (a) That the application be refused.
- (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraph 38 of the National Planning Policy Framework.

REASONS FOR DECISION:

Highway Safety

The proposed development would result in harm to the safety of users of Mill Lane as a direct result of conflict between heavy goods vehicles and horse riders / pedestrians, which could not be satisfactorily mitigated through planning conditions. Approval of the application would therefore be contrary to policy WDC10 (ii and iii) of the Leicestershire & Leicester Waste Development Framework Core Strategy and Development Control Policies 2009 and paragraph 109 of the National Planning Policy Framework (2019).

Environment / Amenity

The proposed development would cause unacceptable harm to the amenity of occupiers of nearby properties by reason of frequent and sudden noise and disturbance caused by heavy goods vehicles using Mill Lane. Approval of the application would therefore be contrary to policies WCS8 (iv), and WDC10 (iii) of the Leicestershire & Leicester Waste Development Framework Core Strategy and Development Control Policies 2009 and paragraph 180 of the National Planning Policy Framework (2019).

(Note: Mr. D. Harrison CC left the meeting and did not return.)

100. 2018/0669/04 (2018/CM/0110/LCC): Forterra Building Products Ltd - Construction and operation of new Brickworks with ancillary development, extension to quarry workings and amendments to the approved working and restoration scheme for the existing quarry workings - Land at Desford Brickworks, Heath Road, Leicestershire and land North of Heath Road, near Desford Brickworks.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 8', is filed with these minutes.

The local member Mr. B. Crooks CC stated that whilst he had some concerns about the increase of vehicle movements that would result from the proposals, overall he was in support of the application.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-55 as set out in the appendix to the report, and the prior completion of a legal agreement to secure the operator's participation in a liaison committee, HGV routing and rail sidings use.
 - (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraph 38 of the National Planning Policy Framework.
101. 2018/0925/04 (2018/REG3Mi/0149/LCC): Leicestershire County Council - Drop off and pick up zone, to provide parents and carers with a safe environment to drop off and collect their children from school by car - Hinckley Parks Primary School, Leicester Road, Hinckley.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 9', is filed with these minutes.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-9 as set out in the appendix to the report.
- (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraph 38 of the National Planning Policy Framework.

102. Chairman's announcements.

The Chairman noted that this was the last meeting of the municipal year and thanked members and officers for their attendance and support during the year.

2.00 - 3.50 pm
11 April 2019

CHAIRMAN