

Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 10 October 2019.

PRESENT

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

Mr. I. E. G. Bentley CC
Mr. G. A. Boulter CC
Mr. M. H. Charlesworth CC
Dr. R. K. A. Feltham CC
Mr. D. A. Gamble CC
Mr. T. Gillard CC

Mr. W. Liquorish JP CC
Mrs H. L. Richardson CC
Mrs. J. Richards CC
Mr. S. D. Sheahan CC
Mrs. M. Wright CC

47. Minutes of the previous meeting.

The minutes of the meeting held on 12 September 2019 were taken as read, confirmed and signed.

48. Question Time.

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

49. Questions asked by Members.

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

50. Urgent items.

There were no urgent items for consideration.

51. Declarations of interest.

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 members of a Parish, Town or District Council, or Liaison Committee would have personal interests in applications which related to areas covered by those authorities. No further declarations were made.

52. Presentation of petitions.

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

53. Application by Mr. and Mrs. Allen to divert Public Bridleways D6 and D43 at Quenby Hall, in the Parish of Hungarton (Harborough District).

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

In accordance with the procedure for making representations to the Board, Mrs. J. Allen (Quenby Hall) spoke as the applicant and Mr. G. Barnett (local resident) spoke against the proposals.

Mr. I. E. G. Bentley CC proposed a motion that the officer's recommendation in the report be approved and it was seconded by Mr. T. Gillard CC. The motion was put and carried; with 6 members voting for and 6 against and the Chairman then used his casting vote in support of the officer's recommendation.

RESOLVED:

That an Order be made to divert the Bridleways D6 and D43 at Quenby Hall as shown on the Plan no. 2483/P appended to the report.

REASON FOR DECISION:

The application to divert the paths as it relates to Bridleway D6 and D43 satisfies the relevant statutory criteria set out under the provisions of the S119 of the Highways Act 1980. It is in the interests of the occupier and the alternative route is not substantially less convenient and would not have a significant negative effect on public enjoyment of the path as a whole.

54. 2019/TPO/0172/LCC: Application from Mr. Bradley of 4, Manor Close, Burbage to fell a sycamore tree T1 protected by LCC Burbage (Sketchley Hall) TPO 1967.

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

That consent be refused to fell the sycamore tree T1.

REASON FOR DECISION:

The removal of the sycamore tree T1 would have a significant detrimental impact on the amenity of the area.

55. 2019/TPO/0206/LCC: Application from Mr. Pollard of 9 Park Road, Birstall to fell an oak tree T1 protected by LCC Birstall (Park Road) No. 2 TPO 1964.

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 9', is filed with these minutes.

The local member Mr. I. E. G. Bentley CC stated that it was unfortunate that the amenity value of the tree would be lost but it would be dangerous for the tree to remain in place given the risk posed by falling branches therefore he was in support of the application.

RESOLVED:

That consent be granted to fell the oak T1 subject to the planting of a replacement oak tree as 8-10cm girth 2.5m high standard tree in the next planting season November 2019 to March 2020 and that should the replacement tree die within 5 years from planting a replacement tree of the same species must be planted.

REASON FOR DECISION:

The oak tree T1 is potentially dangerous.

56. 2019/0994/07 (2019/CM/0113/LCC): Mick George Ltd - Application for revised restoration of quarry workings utilising the importation of suitable inert material to achieve a beneficial afteruse of the site - Ibstock Brick Ltd, Leicester Road, Ibstock.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 10', is filed with these minutes.

Mr. Gamble CC proposed a motion that the proposed hours of operation be 09:00-14:00 on Saturdays as he felt the 07:00am start proposed in the officer's report was too early for a Saturday. However, there was no seconder for this motion therefore as per Standing Order 16 of the County Council's Meeting Procedure Rules no discussion or vote took place on this motion.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-30 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.
57. 2017/1380/03 (2017/CM/0237/LCC): Monier Redland - Extension of the period for the operation of the Shawell roof tile works to 31st December 2030 or one year after the permanent cessation of sand and gravel production at the adjacent Shawell Quarry processing plant, whichever is sooner - Shawell Tileworks, Gibbet Lane, Shawell.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 11', is filed with these minutes.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-8 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.

58. 2019/0541/04 (2019/CM/0104/LCC): Mr Hunt - Erection of a class B8 unit sized industrial warehouse unit - Watling Street, Burbage.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 12', is filed with these minutes.

RESOLVED:

That the application be refused.

REASONS FOR REFUSAL:

1. The proposed development is outside of the preferred locations for non-strategic waste facilities, as set out in policy W4 of the Leicestershire Minerals and Waste Local Plan. On the basis of the evidence provided with the submitted application, it has not been demonstrated that: it is necessary to locate the facility in this more dispersed location; there is an overriding need for the development; and this need cannot be met in the preferred locations of policy W4. It is considered that this proposal is an unsustainable development in the countryside for which the benefits are not sufficient to outweigh this unacceptability. Therefore, the proposal would be contrary to policies W4 and DM1 of the LMWLP, and policies DM4 and DM20 of the SADMP.
2. Lack of information in relation to the noise impacts of the development to demonstrate that the development would not have an unacceptable impact upon residential amenity and would be contrary to policies DM2 and DM11 of the LMWLP, and policy DM10 of the SADMP.
3. Lack of an appropriate ecological survey to demonstrate that the development would not harm biodiversity and would be contrary to policies DM3 and DM7 of the LMWLP, and policy DM6 of the SADMP.
4. Lack of evidence to demonstrate that the development would not have an unacceptable impact upon highway safety and would be contrary to policies DM9 and DM11 of the LMWLP, and policy DM17 of the SADMP.

2.00 - 3.25 pm
10 October 2019

CHAIRMAN