

Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 10 February 2022.

PRESENT

Mr. L. Phillimore CC (in the Chair)

Mr. R. G. Allen CC  
Mr. N. D. Bannister CC  
Mr. M. H. Charlesworth CC  
Dr. R. K. A. Feltham CC

Mr. D. A. Gamble CC  
Mr. L. Hadji-Nikolaou CC  
Mr. P. King CC  
Mr. B. Lovegrove CC

51. Minutes of the previous meeting.

The minutes of the meeting held on 9 December 2021 were taken as read, confirmed and signed.

52. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

53. Questions asked by Members.

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

54. Urgent items

There were no urgent items for consideration.

55. 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.

Mr. N. Bannister CC stated with regards to agenda item 7: Shawell Tile Works that he was Chairman of South Leicestershire Conservative Association and he noted that the South Leicestershire MP Alberto Costa had submitted representations regarding the application. He also noted that one of the objectors to the application was a member of the South Leicestershire Conservative Association. Mr. Bannister CC therefore declared that due to the possible public perception he would not take part in agenda item 7 and would leave the meeting when that item was considered.

It was also noted with regards to agenda item 7 that Mr. P. King CC was the Economic Development portfolio holder at Harborough District Council but he had no personal involvement in this planning application as part of that role and therefore was not prevented from participating in that agenda item.

56. Presentation of petitions.

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

57. BMI Group - The variation of conditions of planning permission reference 2017/1380/03 (2017/CM/0237/LCC) to allow the Tile Works to continue the manufacture of roof tiles (and associated operations, activities and uses) and import sand via the highway, for a period of up two years (but not beyond 31 December 2030), following cessation of operations at the processing plant of the adjacent Cotesbach-Shawell Quarry processing plant - Shawell Tile Works, Gibbet Lane, Shawell.

(Mr. Bannister CC left the meeting during consideration of the application.)

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 Mr. E. Hunt (Cotesbach Parish Council) and Mr. Howard Jones (Shawell Parish Council) spoke against the application and Mr. A. Somerville (Nexus Planning) spoke on behalf of the applicant.

In response to a question from a member about whether the application as a whole needed to be refused where some aspects might be considered acceptable the Chief Executive clarified that the Board had the option of either approving or refusing the application; the Board did not have the option to partially refuse the application but approve the amendment of some conditions. The Chief Executive further explained that extensive negotiations had taken place with the applicant regarding the planning application conditions but a compromise had not been able to be reached to allow a favourable recommendation to be made.

RESOLVED:

That the application be refused.

**Reasons for Refusal**

The proposed continued use of the application site as a Tileworks on a temporary basis, without the co-location benefits of the adjacent Shawell-Cotesbach Quarry, would result in an unacceptable form of industrial development in a countryside location. The additional two years of operations, in the event that the quarry ceased prior to 2030, would result in the importation of materials not linked to the quarry and unsustainable HGV movements. This would result in an unsustainable form of development in a rural location. As such, the proposed variation of conditions 1 and 5 would be contrary to policies DM1 and M13 of Leicestershire Minerals and Waste Local Plan (2019) and Policy GD3 of Harborough Local Plan 2011-2031.

The proposed continued use of the application site as a Tileworks, if operations at the adjacent Shawell-Cotesbach Quarry ceased development prior to 31 December 2030, would result in restoration not taking place at the earliest opportunity. This would result in a discordant and industrial addition to the landscape and is detrimental to the character and appearance of the countryside. As such, the proposed development would be

contrary to policies DM5 of Leicestershire Minerals and Waste Local Plan (2019), Policy GD3 of Harborough Local Plan 2011-2031 and paragraph 211 e) of the NPPF

(Note: Mr. Bannister CC then returned to the meeting).

58. Revised Minerals and Waste Development Scheme for Leicestershire.

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

RESOLVED:

That the revised Minerals and Waste Development Scheme for Leicestershire be supported.

59. Revised Statement of Community Involvement for Leicestershire.

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

RESOLVED:

That the revised Statement of Community Involvement for Leicestershire be supported, and the comments now made be forwarded for consideration by Cabinet.

60. Delegated Enforcement Notices issued 1 October 2021 to 31 December 2021.

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

RESOLVED:

That the contents of the report be noted.

61. Delegated Decisions issued 1 October 2021 to 31 December 2021.

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

RESOLVED:

That the contents of the report be noted.

62. Delegated Decisions for works to trees protected by Leicestershire County Council Tree Preservation Orders 1 June 2021 to 31 December 2021.

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 12', is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

63. Chairman's announcements.

The Chairman advised that the Board meeting which had been scheduled for 10 March 2022 had been cancelled due to lack of business so the next meeting of the Board would be on 14 April 2022 at 2.00pm.

2.00 - 2.55 pm  
10 February 2022

CHAIRMAN