

Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 30 November 2023.

PRESENT

Mr. L. Phillimore CC (in the Chair)

Mr. R. G. Allen CC	Mr. D. Harrison CC
Mr. N. D. Bannister CC	Mr. P. King CC
Mr. M. H. Charlesworth CC	Mr. B. Lovegrove CC
Mr. J. G. Coxon CC	Mr. K. Merrie MBE CC
Mr. D. A. Gamble CC	Mrs. R. Page CC

Webcast.

A webcast of the meeting can be viewed at:
<https://www.youtube.com/watch?v=yBP1oa7gnYk>

40. Minutes of the previous meeting.

The minutes of the meeting held on 26 October 2023 were taken as read, confirmed and signed.

41. Question Time.

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

42. Questions asked by Members.

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

43. Urgent items.

There were no urgent items for consideration.

44. 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. K. Merrie CC declared a non-registerable interest in agenda item 7: application from Mick George Ltd relating to Husbands Bosworth Quarry as Mr. Merrie CC was a member of Ellistown Parish Council and Mick George Ltd had operations in that area.

45. Presentation of petitions.

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

46. 2023/0988/03 (2023/VOCM/0056/LCC) - Mick George Ltd: Variation of conditions 6 and 21 of planning permission 2021/0683/03 relating to operational hours and noise limits to allow operations and vehicle movements from 6am - Husbands Bosworth Quarry, Welford Road, Husbands Bosworth.

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. Stephen Constable-Maxwell spoke regarding the proposals. Mr Constable-Maxwell clarified that although he was a local resident and had his own view on the proposals, he had been asked to speak on behalf of the applicant on this particular occasion.

In response to a question from a member, it was clarified that there were no requirements in place at the current time for the site in relation to HGV routing, though the application which was under consideration did propose a route for vehicles exiting the site prior to 7am.

RESOLVED:

That the application be refused.

Reasons For Refusal

1. The proposal is for the introduction of up to ten HGV movements from the application site before 0700. It is considered that movements at this time from the site would introduce industrial operations at the site at an inappropriate time of day (night time) causing unacceptable harm to the rural environment and residential amenity. It has been found that this harm cannot be suitably mitigated. The proposal conflicts with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) which relates to the local environment and community protection and paragraph 174, e) of the NPPF with respect to unacceptable levels of noise pollution.
2. The proposal would have unacceptable adverse impacts upon the health and wellbeing of residents. It is considered by both relevant Environmental Health officers that the current restriction that limits HGV movements until after 07:00 is entirely appropriate, HGV movements should not be permitted prior to 07:00 as doing so will result in adverse noise impact and may cause sleep disturbance. This view is supported by the World Health Organisation's Community noise guidelines (1999) and more recently the Night Noise Guidelines (2009), which both promote that noise during nighttime hours (23:00 to 07:00) be suitably managed so as to protect the public from sleep disturbance and the health impacts associated with that disturbance. The proposed alternate route does not alleviate any of these concerns, and would push the issue to an even quieter road, where HGV movements in these early hours of the morning would be even more disturbing. Overall, the proposal conflicts with policy DM2 of the Leicestershire Minerals and Waste Local Plan (adopted 2019). Additionally, the proposal would not support healthy lifestyles and would conflict with paragraph 92 c) of the NPPF.

3. The proposed development in addition to the existing permitted operations would result in unacceptable adverse cumulative impacts arising from the site in terms of local amenity and noise pollution within the rural environment and upon local residents. On this basis, the proposal conflicts with Policy DM11 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) and paragraph 211, b) of the NPPF.
4. Further to this, there has been an insufficient demonstration of need and there is poor justification to start activity (HGV outbound movements) before the existing 7.00 am start time. The applicant has failed to provide adequate operational or economic reasons to justify the early start for HGVs that override any potential additional disturbance that such movements would cause. It has not been demonstrated that the early start would result in sufficient economic/social benefit, that outweigh the social and environmental harm and the policy conflict outlined above. Any economic benefits must be balanced against the environmental and social objectives of sustainable development. The application, if granted permission would have significant impacts upon the local environment with regards to noise pollution within the rural environment and local amenity including health and wellbeing relating to disturbance during night-time hours. The specialist advice sought from both relevant Environmental Health teams agree that the impacts would be unacceptable and cannot be suitably mitigated. On balance, the proposal is found to conflict with the principles of sustainable development and policy DM1 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) and policy GD1 of the Adopted Harborough Local Plan (2019) and the principles of sustainable development as set out in Paragraph 11 of the NPPF. It is considered that there is a continued need to protect local amenity in accordance with policy DM2 of the Leicestershire Minerals and Waste Local Plan (adopted 2019), which supported the imposition of the original planning conditions under planning permission reference 2023/0988/03 (2023/VOCM/0056/LCC).

47. Delegated Decisions issued 1 July 2023 to 30 September 2023.

The Board considered a report of the Chief Executive which set out the Delegated Decisions for the period 1 July 2023 to 30 September 2023. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

48. Chairman's announcements.

The Chairman advised that the next Board meeting would take place on Thursday 11 January 2024 at 2.00pm.