

Public Document Pack



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PUBLIC

To: Members of Regulatory - Planning Committee

Friday, 29 May 2020

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 8 June 2020**. This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting., the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a light blue horizontal line.

Simon Hobbs
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

- 1 (a) Apologies for Absence
To receive apologies for absence (if any)
- 1 (b) Declarations of Interest
To receive declarations of interest (if any)
- 1 (c) Declarations of Significant Lobbying

To receive declarations of significant lobbying (if any)

1 (d) Petitions

To receive petitions (if any)

2. Minutes (Pages 1 - 6)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 3 February 2020

To consider the non-exempt reports of the Executive Director - Economy, Transport and Environment on:

- 3 (a) Section 73 Application to Not Comply with Condition 4 of CW3/0818/37 to Increase throughput of Waste to 100,000 Tonnes per Annum at Peak Waste Recycling Limited, Wood Lane, Kniveton, Ashbourne
Applicant: Peak Waste Recycling Ltd
Code No: CW3/0220/77
(Pages 7 - 34)
- 3 (b) Retention of Workshop/Stores Building at Johnsons Recycling Centre, Crompton Road, Ilkeston
Applicant: Johnsons Aggregates and recycling Ltd
Code No: CW8/0819/43
(Pages 35 - 48)
- 3 (c) Proposed Diversion of Public Footpath No.17 (Part) - Parish of Horsley
(Pages 49 - 54)
- 3 (d) Current Enforcement Action (Pages 55 - 56)
- 3 (e) Outstanding Application List (Pages 57 - 60)
- 3 (f) Current Appeals/Called in Applications (Pages 61 - 62)
- 3 (g) Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers (Pages 63 - 66)
- 3 (h) Development Management Performance Monitoring (Pages 67 - 74)

PUBLIC

Agenda Item 2

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 3 February 2020.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, D Charles, L Grooby, R Iliffe, R Mihaly, and R A Parkinson and P J Smith.

Apologies for absence were received on behalf of Councillor A Griffiths

07/20 **DECLARATIONS OF INTEREST** There were no declarations of interest

08/20 **SITE VISIT** In accordance with the Code of Practice Members visited the site at former Ormiston Academy, Bennerley Avenue Cotmanhay (Minute No. 10/20).

09/20 **MINUTES RESOLVED** that the minutes of the meetings of the Committee held on 16 December 2019 & 6 January 2020 be confirmed as correct records and signed by the Chairman subject to amendment to record Councillor Charles's attendance at the 16 December meeting.

10/20 **PROPOSED ERECTION OF 40 BED CARE HOME, 66 EXTRA CARE APARTMENTS, 18 EXTRA CARE BUNGALOWS, PUBLIC CAFE/RESTAURANT, PUBLIC HAIR SALON AND REINSTATEMENT AND IMPROVEMENT OF EXISTING GRASS SPORTS PITCH TO PROVIDE ADDITIONAL AMENITIES FOR THE LOCAL COMMUNITY AT THE FORMER ORMISTON ACADEMY AND PLAYING FIELDS, BENNERLEY AVENUE, COTMANHAY, ILKESTON APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD8/0719** Details of this application for planning permission together with comments received from consultees and following publicity were given in the report of the Executive Director -Economy, Transport and Environment. He reported that the application was for permission for the development of an extra care complex, which would consist of a 40 bed care home, 66 extra care apartments, ancillary businesses (café/restaurant hair salon) and associated parking, 18 extra care (over 55's) bungalows and an improved sports pitch with additional parking provision. The development was proposed on the site of the former Ormiston Academy School grounds. The site was not situated in a Conservation Area (CA) or in the setting of any listed buildings or a Neighbourhood Plan Area (NPA). The

proposed site bordered the Erewash Canal which was a Local Wildlife Site (LWS).

The proposed development was considered to be of good design and situated in a location which was in need of regeneration. It was not considered that the development would result in any significant impacts on the environment or the amenity of the area, subject to appropriate controls. The applicant had demonstrated how there was a need for the development to take place, relating to the closure of an existing facility nearby.

An objection had been raised by Sport England regarding the loss of playing field space. It considered the proposal to be contrary to its Playing Field Policy. Sport England did not believe the development and off-site contribution would deliver sufficient tangible sports benefits in the area to offset the playing field loss associated with the development. Following publicity, a representation concerning a business had been received which was also in objection, and which referred to concerns relating to the development's impact on highway capacity and noise concerns. These factors had been taken into consideration in the planning balance when assessing the planning merits of this proposal. To secure an off-site contribution in compensation for the loss of playing field.

The proposal was considered to be contrary to Sport England's Playing Fields Policy and Guidance, and did not fully accord policies of the development plan and the National Planning Policy Framework (NPPF). However, the Executive Director was satisfied that these concerns could be addressed by planning conditions, and a legal agreement, and that there was a need for the development in order to meet the demand for extra care accommodation in the area. He therefore recommended in the report that the application was authorised for a grant of permission subject to specified conditions and to an agreement or undertaking being completed to create a planning obligation to secure £40,000 for improvements for sport at the Abbotsford Community Centre, provided that the Secretary of State for Communities and Local Government on being consulted (as required by the Town and Country Planning (Consultation) (England) Direction 2009), on the basis that the Council was minded to grant permission), did not call in the application for his determination.

The Head of Planning Services and other planning officers in attendance delivered an oral presentation to reinforce the key parts of the report, assisted by slide projection of several documents under the application. It was also explained that following the production of the report, he had concluded that a condition to ensure the development would contribute to providing the care and community support that it was designed for, in addition to conditions based on the draft conditions in the officer recommendation, should be imposed on

any permission to be granted. He therefore proposed an additional condition to restrict occupation of the residential buildings and parts of buildings to be erected under the development to persons no less than 55 years old who are in need of or who will benefit from personal care and their spouses and partners or other members of their families living with them, and to restrict the use of the spaces designed for the café and salon to those respective uses only. Councillor R Flatley, local member, attended the meeting and made a brief presentation to the committee, outlining his support for the application.

Councillor Smith asked that the representative of the applicant be asked to clarify how the proposed project would be funded. It was explained that the Care Centre element would be funded by DCC, with the Extra Care Apartments element being funded by private providers.

Councillor Mihaly asked if any consideration could be given to requiring the bus service re-routeing to improve their accessibility to residents of the development and avoid social isolation. He also asked if a public Liaison Committee could be required, to communicate information about the development to local residents and others throughout its different stages

The Head of Planning Services explained in response that such a liaison group could be assured by inclusion of an appropriate extra condition to the permission, assuming that the committee regarded it as needing to be covered by condition. He also explained that, whilst bus service -re-routeing could not be supported as an additional condition requirement for the proposal, it could be raised with the Public Transport Unit as an issue for it to investigate, if permission was granted.

RESOLVED (1) that The Secretary of State for Communities and Local Government be consulted on this application in accordance with the 2009 Directions, on the basis that the Council is minded to grant planning permission for the development; and

(2) that provided that the Secretary of State decided not to call in the application for his own determination, planning permission be granted subject to conditions substantially in accordance with the schedule of draft conditions set out in the Executive Directors report, with a further condition to restrict occupation of the residential buildings and parts of buildings to be erected under the development to persons no less than 55 years old who are in need of or who will benefit from personal care and their spouses and partners or other persons living with them and to restrict the use of the spaces designed for the café and restaurant and hair salon to those respective uses only., with effect from the completion of an agreement or undertaking which creates a planning obligation enforceable by Erewash Borough Council under Section

106 of the Town and Country Planning Act 1990, to secure a sum of £40,000 for improvements for sport at the Abbotsford Community Centre.

11/20 **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

12/20 **OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 3 February 2020 relating to EIA applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

13/20 **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate.

14/20 **MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** RESOLVED to note that the following applications had been approved by the Executive Director Economy, Transport and Environment under delegated powers on:

29 November 2019

1. Delegated Decisions on Schemes Required by Planning Conditions:

SW3292

10 December 2019

1. Proposed Installation of One Metal Storage Container off the South Facing Elevation of the School at Pottery Primary School, Kilbourne Road, Belper
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1019/54

2. Delegated Decisions on Schemes Required by Planning Conditions:

- SW3268
- SW3273
-

19 December 2019

1. Delegated Decisions on Schemes Required by Planning Conditions:

- SM2528
- SW3304

- SW3306

23 December 2019

- 1 First Periodic Review of Mineral Planning Permissions at a Mining Site Under Schedule 14 of the Environment Act 1995 Application for Approval of New Conditions Relating to the Operation of the Existing Permitted Quarry Development at Grange Mill Quarry, Grange Mill, Wirksworth, Derbyshire
Applicant: Ben Bennett Jr Limited
Planning Application Code No: R3/0316/32
- 2 Proposed Alterations to Existing Plastic Waste Recycling Site, Extension of the Site to the West and The Construction of One New Process Plant Building BM Tech, 2 Uttoxeter Road, Foston, Derbyshire
Applicant: Mr Morley
Planning Application Code No: CW9/0319/109

8 January 2020

- 1 Consolidation of Existing Planning Permissions, Retrospective Extension of Existing Storage Yard and Car Park at Peak Waste Recycling Ltd, Wood Lane, Kniveton, Ashbourne, DE6 1JF
Applicant: Peak Waste Recycling Ltd
Planning Application Code No: CW3/0818/37
- 2 Proposed Change of Use from Motor Vehicle Garage to Dismantling of End of Live Vehicles and Reclamation of Salvable Parts and Materials at Incomol Buildings, Derby Road, Clay Cross
Applicant: Planet Metals
Planning Application Code No: CW4/0919/50
- 3 Replacement of the Existing Roof Covering at Dronfield Henry Fanshawe School, Green Lane, Dronfield
Applicant: Derbyshire County Council
Planning Application Code No: CD4/1119/58
- 4 Delegation Decisions on Schemes Required by Planning Conditions
 - SW3303
 - SW3305

14 January 2020

- 1 Retrospective Application for the Erection and Operation of a Safety Training Centre, Cement Tanker Parking Area and Associated Welfare and Vehicle Parking Facilities at Tunstead Quarry, Buxton
Applicant: Tarmac Cement and Lime Limited (Tarmac)
Planning Application Code No: CM1/1019/53

2 Proposed Erection of a 7 Metres by 14 Metres Multi-Use Games Area at Melbourne Infants School, Pack Horse Road, Melbourne
Applicant: Derbyshire County Council
Planning Application Code No: CD9/1119/59

3 Delegation Decisions on Schemes Required by Planning Conditions

- SW3295
- SW3298
- SW3299
- SW3302

20 January 2020

1 Proposed Extension to Form an Additional Play Area, Installation of New Storage Shed and Landscaping Works at South Normanton Nursery School, Hamlet Lane, South Normanton
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1019/55

22 January 2020

1 Retrospective Planning Application for the Installation of a Trim Trail at Mundy C of E VC Junior School, Lockton Avenue, Heanor
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1219/63

2 Request for the Council's Prior Approval for the Construction of Two Additional Product Silos at Dowlow Plant, Dowlow Quarry, Buxton
Applicant: Omya UK Ltd
Submission No: PD17/1/73

3 Delegation Decisions on Schemes Required by Planning Conditions:

- SM3286
- SM3287
- SM3288
- SM3289
- SM3290
- SM3291

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

8 June 2020

Report of the Executive Director - Economy, Transport and Environment

- 1 SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITION 4 OF CW3/0818/37 TO INCREASE THROUGHPUT OF WASTE TO 100,000 TONNES PER ANNUM AT PEAK WASTE RECYCLING LIMITED, WOOD LANE, KNIVETON, ASHBOURNE APPLICANT: PEAK WASTE RECYCLING LIMITED CODE NO: CW3/0220/77**

3.56.21

Introductory Summary

This is an application submitted under Section 73 of the Town and Country Planning Act 1990. It seeks a planning permission for development without complying with an existing annual limit on the amount of waste to be imported for waste recycling at this application site by a condition to which the relevant existing permission is subject.

The application site is an existing waste recycling facility that is within open countryside. The Peak District National Park (PDNP) boundary is located 500 metres (m) to the west and the Kniveton Conservation Area is 425m to the east.

This is a retrospective application, in that, at present, the annual throughput of waste at this site is officially restricted by an existing planning condition to 25,000 tonnes per annum, but the current throughput is reported by the applicant as being at 100,000 tonnes per year. The applicant has proposed that a new permission would be subject to a condition to restrict the annual throughput to 100,000 tonnes.

The applicant has indicated that no change in operational hours is needed and that maximum numbers of daily heavy goods vehicle (HGV) movements in and out of the site at this throughput should still not exceed 95 in each direction (i.e. 190 overall). There are no new structures or alterations to existing structures proposed.

The principle of a waste facility in this location is established and I am satisfied that such a new conditional permission would not result in any significant environmental or amenity impacts from the development that cannot be controlled through the existing nuisance emission plans, monitoring and

complaint procedures in place at this site via planning conditions, and through the waste permitting regime. The continuation of the development under such a new permission would not conflict with the development plan policies and is recommended for approval subject to conditions.

I have addressed what other conditions might be applied to a grant of permission as sought in this case, having regard to those contained in the previous planning permissions for the site and the current circumstances.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

Site and Surroundings

The application site is an existing waste facility which involves the processing and recycling of mixed household, commercial and industrial (including construction, demolition and excavation) wastes, the production of refuse derived fuel (RDF) pellets, confidential waste shredding and the removal of hazardous waste and skip hire. The application site extends to 2.55 hectares (ha).

The site is accessed from Wood Lane, a single carriageway road which leads to the B5035, which is the main road through Kniveton which runs south-westwardly to Ashbourne. The site falls within the administrative area of Derbyshire Dales District Council (DDDC). Land surrounding the application site is predominantly rural. The village of Kniveton is approximately 1 kilometre (km) to the east. Fenny Bentley is 2.5km to the west, Bradbourne is 2.7km to the north-east and Tissington is 3km to the north-west. Ashbourne is 3km to the south-west. The nearest properties to the site are Merryfields Farm, which is adjacent to the southern boundary, and Riddings Park Farm.

There are no cultural, heritage or nature conservation designations in the immediate vicinity (either statutory or non-statutory), although some are located close by. Kniveton Conservation Area is c. 425m to the east. The nearest Listed Building to the site is the Grade II listed James Lane Farmhouse which is c. 610m to the east. Foxholes Lane Local Wildlife Site (LWS) is c. 755m to the south-east and Woodside Wood LWS is 680m to the north. The waste facility is c. 500m from the eastern boundary of the PDNP.

The site is located within Flood Zone 1 land and so has a low probability of flooding. The site is not located within a British Geological Survey (BGS) coalfield area and is classified as 'off-coalfield'. A Public Right of Way (PROW), which on the definitive map record is numbered WD62/35/1 and specified as a footpath, runs on an east to west alignment adjacent to the northern boundary of the existing waste facility. PROW WD62/37/1 is c. 200m

to the west of the site and runs south to north. Another PROW, WD62/12/3, is c. 60m to the south of the site and runs west to east. A further PROW, WD62/36/1 is to the east of the site beginning at the east side of Wood Lane and runs west to east. The site is not within Green Belt but is in open countryside as delineated in the adopted Derbyshire Dales Local Plan (DDLPL) (2017).

The operator, Peak Waste Recycling Limited, is a large privately owned waste management company which owns over 2,000 skips of various tonnage capacities which are rented to businesses and individuals. In addition, the operator owns and runs several hundred commercial wheelie bins.

Planning History

The site has been the subject of a number of planning applications and subsequent planning permissions as detailed below. However, a planning application to consolidate all of the various planning permissions and to regularise unauthorised development was granted consent in January 2020 (please see planning permission reference CW3/0818/37 below):

Planning Application Code No.	Description of Development	Decision
CW3/295/88	Waste transfer station.	Approved 1 May 1995
CW3/396/93	Extension to waste transfer station.	Approved 14 August 1996
CW3/997/51	Extension to existing building.	Approved 6 January 1997
CW3/199/126	Proposed increase in capacity of existing waste transfer station and retention of screen bund and use of extended yard for Peak Waste Recycling Limited.	Approved 16 December 1999
CW3/1298/116	Increase in capacity of existing waste transfer station and yard extensions.	Withdrawn 8 January 1999
CW3/998/64	Increase of waste tonnage.	Withdrawn 8 January 1999
CW3/501/15	Extension of existing site maintenance and waste recycling buildings and service yard.	Approved 13 August 2001
CW3/1001/85	Renewal of temporary planning permission for use of land as waste recycling	Approved 24 April 2002

	centre at a capacity of 25,000 tonnes per annum.	
CW3/0404/9	Extension to existing building for waste recycling and storage purposes.	Approved 6 July 2004
CW3/0508/16	New building for use as offices.	Approved 30 June 2008
CW3/1211/122	Extension to waste storage building.	Approved 5 April 2012
CW3/0717/36	Erection of buildings, the installation of a biomass boiler and flue stack, together with the relocation of site parking provision.	Approved 14 May 2018
CW3/0818/37	Consolidation of existing planning permissions, retrospective extension of existing storage yard and car park.	Approved 10 January 2020

The Proposal

This planning application seeks permission to not comply with Condition 4 of planning permission ref. CW3/0818/37 which states:

“The maximum limit of waste imported to the application site annually shall not exceed 25,000 tonnes. Records of the annual tonnages shall be made available (on request) to the Waste Planning Authority.”

The applicant seeks an increase in the limit on the annual throughput of waste at the site from the consented 25,000 tonnes to 100,000 tonnes per annum. This is a retrospective application in that the current 25,000 tonnes restriction in place, under Condition 4 of planning permission code no.CW3/0818/37 has been exceeded.

The applicant has confirmed that the annual throughput at the site has been increasing since 2006 when the company began operating under environmental permit waste exemptions, which applied to storage and processing of source-segregated recyclable wastes, i.e. glass bottles, textiles, paper, cardboard, plastics and metal. The waste handling limit within the permit exemption has increased to 75,000 tonnes per annum over the last decade, due to changes in the environmental permit legislation. This planning application seeks to regularise the waste throughput at the site and coincides with an application to the Environment Agency to vary the existing environmental waste permit to include the throughput of all previously exempt waste. The site’s throughput of other non-waste permit exempt mixed household, commercial and industrial waste (including construction,

demolition and excavation wastes) amounts to 25,000 tonnes of the annual throughput figure.

The submitted information clarifies that an annual throughput of 100,000 tonnes is achievable without vehicle movements for the delivery and removal of waste exceeding 190 movements per day (95 in and 95 out of the site).

There is no proposed increase or alteration to the permitted hours of use which are:

The Site (Except the Biomass Boiler (not yet installed)):

0700 hours to 1700 hours Mondays to Fridays;
0700 hours to 1200 hours Saturdays;
No operations on Sundays, Bank Holidays or other Public Holidays.

The Preparation and Delivery of Wood to the Biomass Boiler (if and when it is installed and running):

0800 hours to 1700 hours Mondays to Fridays;
0800 hours to 1100 hours Saturdays;
No preparation or delivery of wood fuel to the biomass boiler on Sundays, Bank Holidays or other Public Holidays.

The supporting information stated that an extra 10 jobs would be provided as a result of increasing the throughput to 100,000 tonnes annually. The Agent has since clarified that these posts have been filled. A total of 80 people are employed at the site.

A revised site layout plan was received on 23 April 2020, showing a reconfigured parking layout. This was in response to initial concerns from the County Highway Authority, that the former southern access (also called the bungalow access) onto Wood Lane was to be reinstated by the applicant (please see Highway Authority comments below).

Consultations

Local Member

Councillors Ratcliffe (Wirksworth) and Spencer (Dovedale) have been notified.

Councillor Ratcliffe made comments on 7 and 28 April 2020 and expressed a number of concerns about increases in throughput, summarised as follows:

- It had been hoped that a reduction in traffic would result from the installation of a biomass boiler. This is not now going ahead.

- This local business is in the middle of the countryside and has increased over time with no improvements to the highway infrastructure. This has been noted at the Parish Council's Public Forum.
- An increase from 25,000 tonnes to 100,000 tonnes annually hauled through Kniveton village seems to be excessive and is of concern. The previous planning application was to consolidate the site;
- This planning application seems to be leading to over-development in what is open countryside.

Derbyshire Dales District Council (Planning)

DDDC Planning Department responded on 30 March 2020 and does not object to the proposal.

Derbyshire Dales District Council (Environmental Health Officer)

The DDDC Environmental Health Officer (EHO) responded on 9 April 2020 and has no objections. The EHO welcomes the requirements of the items in the Environmental Permit section of the submitted supporting information. The EHO recommends that the current permitted hours of operation and the complaint procedure are retained.

Kniveton Parish Council

Kniveton Parish Council responded on 13 May 2020 and does not have any objections.

Fenny Bentley Parish Council

Fenny Bentley Parish Council has been notified.

Environment Agency

The Environment Agency responded on 29 April 2020 and has no objections.

Peak District National Park Planning Authority

The Peak District National Park Planning Authority (PDNPA) has been notified.

Highway Authority

Derbyshire County Council, in its statutory role as the Highway Authority, responded on 18 March 2020, 1 April 2020 and 29 April 2020. The Highway Authority comments of 18 March 2020 are summarised as follows:

- It did not consider that a highways objection would be sustainable.
- The additional 10 members of staff mentioned in the supporting statement would provide a small increase in the need for staff car parking.
- It noted from the supporting information that the proposal would not result in any additional HGVs accessing the site.
- It sought assurance that the southern access (the car park access) had been closed and that all access/egress was via the northern access.

Following the receipt of a revised site layout plan showing a reconfigured car parking layout in relation to the closed southern access (also known as the bungalow access and the car park access), the Highway Authority responded further on 1 and 29 April 2020, recommending a planning condition to be incorporated into any new planning consent to control the continued closure of the southern access and reinstate the highway verge.

Publicity

The application was advertised by press notice (Ashbourne News Telegraph) with a request for representations by 1 April 2020. Five site notices were also posted with a request for representations by 7 April 2020.

As a result of the publicity, two representations have been received, both of which raise objection to the proposal.

The objections are summarised as follows:

- A large increase in traffic from the site has been noticed which causes noise, pollution and vibrations.
- Concerns as to whether Kniveton is the best location for the waste transfer station.
- Concerns about the operator exceeding the tonnage limit and what is to stop them going over it again.
- The capacity of the plant may well rise above 100,000 tonnes annually in the future.
- Concerns that planning controls are not being adhered to.
- Concerns as to where the waste is coming from and going to.
- The frequency and speed of HGVs associated with Peak Waste through Kniveton is of concern to local residents. It has been suggested that a planning condition be imposed to require the operator to install speed cameras at each end of Kniveton.
- Concerns about the monitoring of non-hazardous waste in skips.
- Residents are concerned about waste being brought to the site which is in close proximity to the Kniveton Conservation Area.

Other comments:

- Representatives of Kniveton Parish Council should be allowed a site visit prior to any new application being considered.
- It is presumed that each HGV is weighed in and out so that the annual tonnage capacity is based on daily, weekly or monthly totals.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development

plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the Derby and Derbyshire Waste Local Plan (2006) (DDWLP) and the Adopted Derbyshire Dales District Local Plan (2017) (DDLDP). Other material considerations include statements of Government policy in the National Planning Policy Framework (2019) (NPPF), National Planning Practice Guidance (PPG), the National Waste Management Plan for England (WMPE) 2013 and National Planning Policy for Waste, 2014 (NPPW)). There is no Neighbourhood Plan in place or in preparation for Kniveton Parish.

National Planning Policy Framework

The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as is relevant. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Planning applications must still be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there should be a presumption in favour of sustainable development. The NPPF states in its introduction that it does not contain specific waste policies and states that national waste planning policy will be published as part of the National WMPE.

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal are contained within the NPPW.

National Planning Policy for Waste

This document sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management, and states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. Annex A of this document details the waste hierarchy.

National Planning Policy Framework

The most relevant sections of the NPPF are:

14: Meeting the challenge of climate change, flooding and coastal change

15: Conserving and enhancing the natural environment

National Planning Policy for Waste

The most relevant sections of the NPPW are:

Section 4: Identifying Suitable Sites and Areas.

Section 7: Determining Planning Applications.
Appendix A: The Waste Hierarchy.
Appendix B: Locational Criteria.

Derby and Derbyshire Waste Local Plan Policies

The relevant policies against which to assess the proposal are:

W1b: Need for the Development.
W2: Transport Principles.
W6: Pollution and Related Nuisances.
W7: Landscape and other Visual Impacts.
W8: Impact of the Transport of Waste.
W9: Protection of Other Interests.
W10: Cumulative Impact.

Adopted Derbyshire Dales Local Plan Policies

The relevant policies against which to assess the proposal are:

S4: Development in the Countryside.
PD5: Landscape Character.
PD9: Pollution Control and Unstable Land.
Policy HC19: Accessibility and Transport.

Principle of the Development

The principle of waste development has been established and found to be acceptable in this location through previous planning applications, the most recent being a consolidating application (code no. CW3/0818/37) approved January 2020. The development was assessed against the provisions of the development plan and Government guidance in force at this time. The site has, however, been working in breach of planning control at a capacity of 100,000 tonnes per annum (75,000 tonnes beyond the existing annual limit) which was carried over from previous permissions by the setting out of a condition to the consolidated planning permission. This application therefore seeks to regularise this throughput level by a new annual limit of 100,000 tonnes. The application does not seek any amendment by the Council of any other aspects of the existing planning conditions to which the development is subject. The applicant states the increase in throughput is carried out with no more than 95 HGV movements in each direction (190 to and from the site overall) on any single day; this can be secured by a new condition to any new permission under this application.

The NPPW emphasises the need to divert as much waste as possible away from landfill so that society can manage its waste in a more sustainable manner. In order to achieve this, the movement of waste up the 'Waste Hierarchy' by promoting the recycling and reuse of waste, rather than sending it to landfill, is essential.

The waste hierarchy aims to:

- minimise the amount of waste that is produced;
- where waste is still produced, to reuse as much useful material as possible;
- where reuse is not possible, to recycle as much useful material as possible;
- where reuse and recycling are not possible to recover any useful energy that the waste can be used to generate; and
- only when the above options are not possible, to dispose of the waste safely. Landfilling of waste should only be used as a last resort.

DDWLP Policy W1b: Need for the Development states that waste development will be permitted if the development would satisfy a need which could not realistically be met closer to the source of the waste.

There is an evident market being served by the increase in throughput of waste at this site and, in considering this planning application against the principles of the 'Waste Hierarchy', I am satisfied that the increase in throughput tonnage to 100,000 tonnes at this site contributes significantly to meeting local waste market needs and its increased waste recovery activities further contribute to diverting waste from landfill. Thus, the waste is moved up through the Waste Hierarchy in accordance with Appendix A of the NPPW.

There have been no changes in development plan policy or Government guidance since the determination of the consolidating application by grant of permission subject to conditions in January 2020. I am satisfied that the development, at the raised throughput, would continue to cater for local waste management needs and accords with DDWLP Policy W1b, and the sustainable waste management objectives of the NPPW.

Amenity and Environmental Impacts

The environmental and amenity impacts of this development were assessed during the consideration of the application for consolidated permission. However, I have given consideration as to whether the carrying on of development at an annual throughput of up to 100,000 tonnes would be likely to give rise to any significantly different or additional impacts to those that were previously assessed and considered. The waste facility itself is located within an open countryside location between the Kniveton Conservation Area (425m to the east) and the PDNP (500m to the west).

Section 4: Identifying Suitable Sites and Areas of the NPPW states that waste planning authorities should consider a broad range of locations for waste management facilities, including industrial sites, and look for opportunities to co-locate waste management facilities together and with complementary activities. Section 7: Determining Planning Applications of the NPPW states

that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B: Locational Criteria of the NPPW.

Appendix B: Locational Criteria of the NPPW sets out factors for waste planning authorities to consider in determining planning applications in terms of location:

- Protection of water quality and resources and flood risk management.
- Land instability.
- Landscape and visual impacts.
- Nature conservation.
- Conserving the historic environment.
- Traffic and access.
- Air emissions including dust.
- Odours.
- Vermin and birds.
- Noise, light and vibration.
- Litter.
- Potential land use conflict.

Paragraph 180 of Chapter 15: of the NPPF (Conserving and enhancing the natural environment) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. NPPF Paragraph 183 states that planning decisions should focus on whether the development itself is an acceptable use of the land, rather than the control of processes or emissions, where these are subject to pollution control regimes.

Policy W2 of the DDWLP (Transport Principles) states that waste development which would be likely to result in an overall significant increase in the number or distance of waste-related journeys, will not be permitted if there is a practicable, environmentally better alternative. Policy HC19 of the DDLP (Accessibility and Transport) seeks to ensure that development can be accessed safely and that proposals should minimise the need to travel.

Policy W6 of the DDWLP (Pollution and Related Nuisances) states that waste development will be permitted only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects to people or communities, the site of the development, nearby land uses or the wider environment. Policy W9: of the DDWLP (Protection of Other Interests) states that waste development will be permitted only if the development would not affect other land uses to the

extent that it would materially impede or endanger the social or economic activities or interests of the community. DDWLP Policy W10 (Cumulative Impact) seeks to avoid detrimental impact on the environment of local communities from cumulative waste impact.

DDLDP Policy S4 (Development in the Countryside) seeks to ensure that new development protects and, where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park. .

In respect of DDLDP open countryside Policy S4, it is considered that an ongoing throughput tonnage of 100,000 tpa, within the confines of the existing waste facility, would not have a more adverse impact on the character and appearance of the rural area than the existing waste facility as currently being used, in breach of the current tpa throughput limit, generates already or would generate if it was to be still to be used only up to the current 25,000 tpa limit. As such, it is considered that the higher throughput development accords with the requirements of Policy S4 of the DDLDP. With the increase in waste throughput to 100,000 tonnes, the waste facility will have grown and become concentrated to a point where the site could be considered to be at its limit.

I have considered the locational criteria provided in Appendix B of the NPPW and consider that dust and noise emissions, landscape and visual impacts and highway and traffic impacts are relevant in the determination of this application. I do not consider that odour emissions are of concern, given the inert nature of the waste received at the site. I have also considered the advice contained within Chapter 15: Conserving and enhancing the natural environment of the NPPF and policies W6: Pollution and Other Nuisances, W9: Protection of Other Interests and W10: Cumulative Impact of the DDWLP and the effect on the local community and environment. These are addressed more fully below.

The issues to consider are the impacts from the increase in annual throughput from 25,000 tonnes per annum to 100,000 tonnes annually. Section 4: Identifying Suitable Sites and Areas of the NPPW states that waste planning authorities should assess the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states, in Paragraph 170, that the planning system should contribute to and enhance the natural and local environment by (under criterion e), preventing both new and existing development from contributing to, being put at

unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water, noise pollution or land instability.

NPPF Paragraph 180 of Chapter 15 (Conserving and enhancing the natural environment) indicates that planning decisions should avoid noise from new development giving rise to significant adverse impacts on health and quality of life and limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation.

Conservation Area and Listed Buildings

The Conservation Area (CA) is around 425m of the site, and there are listed buildings in the vicinity, as described above in the description of the site and its surroundings section of this report.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of any application for planning permission, ‘*special regard*’ must be had to ‘*the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.*’

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise, with respect to any buildings or other land in a conservation area, of a planning function, “*special attention*” must be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 192 of the NPPF expects planning authorities to take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 193 states: “*When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its [the asset’s] optimum use.

These NPPF paragraphs therefore recognise that to reach a decision to grant permission in a case of 'less than substantial' harm need not involve so much public benefit to weigh against the harm as would be needed in a case of 'substantial' harm.

However, in this case, there is no evidence to suggest that any listed buildings or their settings, or the conservation area, are so close to the application site as to be susceptible to any harmful impacts from the current waste facility operation at the site. On account of their distances and separation from the application site, there is no discernible basis on which raising the annual throughput limit to match the existing recycling capacity of the site would harm the significance of any of these designated heritage assets. I am satisfied that there is no conflict between this application and the desirability of preservation of these heritage assets, to which special attention and regard must be had by virtue of Section 66 and Section 72.

Landscape and Visual Impact

DDLDP Policy PD5: Landscape Character seeks to protect, enhance and restore the landscape character of the Plan area. The third criterion of this policy requires that development proposals recognise the intrinsic character, appearance and local distinctiveness of the landscape and landscape setting of the PDNP and can be accommodated without unacceptable impact. This policy further seeks to resist development, in the fourth criterion, which would be harmful or detrimental to the character of the local or wider landscape or the setting of a settlement. DDLDP Policy PD9: Pollution Control and Unstable Land seeks to protect people and the environment from unsafe, unhealthy and polluted environments including particulate emissions.

DDWLP Policy W7: Landscape and Other Visual Impacts seeks to protect the local landscape/townscape and local character and distinctiveness. DDWLP Policy W8: Impact of the Transport of Waste states that waste development will be permitted only if the methods and routes of waste transport would not cause significant disturbance to the environment, people or communities, the transport network is adequate to accommodate the traffic and the proposed access arrangements and the impact of any traffic generated would not be detrimental to road safety.

No new buildings or alterations to existing buildings are proposed by this application. The former southern vehicular access, the subject of initial concern by the County Highway Authority in case it might be reopened at some point, requires filling in with a permanent feature and it is considered that the use of limestone to match the existing walls either side of this access is appropriate for this. I am satisfied there would be no significant landscape or visual impacts from a grant of conditional permission as recommended in this report. The conditions in the recommendation include a condition pertaining to permanently closing the southern access.

Highway and Traffic Impacts

Several of the comments in objection from local residents and from the local elected member, Councillor Ratcliffe, relate to these impacts. An increase from 25,000 tonnes per annum to 100,000 tonnes annually is substantial and I understand the concerns raised over noise, pollution, and vibration from increased HGV movements. The site is already operating at 100,000 tonnes annually. I am not aware from either the EHO or the Environment Agency of any nuisance emission history pertaining to this site. I also note that the County Highway Authority has not raised any objection and acknowledges that the continued operation at 100,000 tonnes annually would not require any HGV movements above the current levels.

The revised site layout plan shows a reconfigured car parking layout in response to the initial Highway Authority concerns over the potential re-opening of the closed southern access. The Highway Authority has recommended a condition in respect of permanently closing the southern access. I have therefore included a relevant condition in the recommended decision below.

Noise and Dust

There are Noise and Dust Management Plans in place at the site with associated emission monitoring and complaint procedures. I am satisfied that these established management plans and procedures would serve to mitigate any rise in such emissions arising from the increase in waste. Paragraph 183 of the NPPF emphasises that the planning regime should not duplicate pollution control regimes. I am satisfied that any potential noise or dust emissions would be appropriately controlled through the environmental permitting regime at the site and the planning authority should assume that this pollution control regime will operate effectively and should not seek to duplicate these controls. I am satisfied that any potential adverse effects can be mitigated to an acceptable level.

Conclusion

I consider that at a new annual throughput limit of 100,000 tonnes the development would accord with NPPW guidance provided in Section 4: Identifying Suitable Sites and Areas of the, advice provided in NPPF Chapter 15: Conserving and enhancing the natural environment of the, DDWLP policies W6: Pollution and Related Nuisances, W7: Landscape and Other Visual Impacts, W8: Impact of the Transport of Waste, W9: Protection of Other Interests and W10: Cumulative Impact. In respect of policies of the DDLP, I consider that the development at this tonnage accords with the requirements of policies PD5: Landscape Character, PD9: Pollution Control and Unstable Land and HC19.

It is considered that there is an evident market being served by an increased throughput tonnage from 25,000 tonnes to 100,000 tonnes annually. The site

has been operating at this increased throughput for several years without any apparent particular harm to local amenity and that DDDC's EHO and the Environment Agency have not objected to this planning application. There is no proposed increase in HGV movements above that already permitted and I note that the County Highway Authority has not raised any objection to the proposed increase in throughput. The County Highway Authority is satisfied with the reconfigured car parking layout submitted on the revised site layout plan and I have included a planning condition in the recommended decision in respect of permanently blocking the southern access to prevent its re-opening.

With noise and dust management plans in place at the site and the environmental permitting regime in force, I am satisfied that the development would not result in any significant environmental or amenity impacts. The development is considered to be acceptable within the context of national and local development plan policies.

Subject to the recommended conditions, I do not consider that the proposal conflicts with national or local planning policies and it is recommended for approval.

(3) **Financial Considerations** The correct fee of £234 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act which falls to this Authority to determine as Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No. 3.56.21
Application documents received from Peak Waste Recycling Ltd (agent: Oaktree Environmental Ltd) dated 14 February 2020.
Planning Statement Reference 2231-004-A dated 18 February 2020 (author: Oaktree Environmental Ltd).

Site Location Plan Reference 2231-004-02 dated 14 June 2017.

Site Layout Plan Ref. 2231-004-03 Revision A dated 1 April 2020.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 9 March 2020 clarifying that the current throughput of the site is 100,000 tonnes annually.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 8 April 2020 clarifying that the 10 jobs referred to in Paragraph 3.2.4 of the Planning Statement are already filled.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 8 May 2020 confirming the total number of employees.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 13 May 2020 confirming the total number and types of skips and annual throughput since 2006.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 20 May 2020 confirming the on-site RDF production.

Consultation Responses:

Emails from Derbyshire Dales District Council Planning Department dated 30 March 2020.

Derbyshire Dales District Council EHO 9 April 2020.

Kniveton Parish Council dated 13 May 2020.

Derbyshire County Highway Authority dated 18 March 2020, 1 April 2020 and 29 April 2020.

Derbyshire County Landscape Officer dated 27 April 2020 and 29 April 2020.

Emails from County Elected Member Councillor Ratcliffe dated 7 April 2020 and 28 April 2020.

Email representations from two local residents dated 31 March 2020 and 6 April 2020 (the latter emailed on 7 April 2020).

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions based on or substantively similar to the following draft conditions:

Form of Development

- 1) The development shall be carried out in accordance with the details set out in the documents and drawings which supported the application for planning permission under code no. CW3/0818/37, and the application for planning permission under CW3/0818/36, as amended by minor changes to those details as are specified in the documents and drawings which supported the application for this permission (code no. CW3/0220/77), except to the extent that any requirements of the conditions below provide otherwise.

For the avoidance of doubt, the documents and drawings referred to in this condition are:

In respect of application CW3/0220/77:

- Application form dated 14 February 2020.
- Planning Statement Reference 2231-004-A dated 18 February 2020 (author: Oaktree Environmental Ltd).
- Site Layout Plan Reference 2231-004-03 Revision A dated 1 April 2020.

In respect of application CW3/0818/37:

- Application form, dated 7 August 2018 (amended version received by email dated 26 September 2019).
- Planning Statement (Reference 3844-2231-A), Version 1.7 dated 26 September 2019.
- Drawing No 3844/2231/02 Revision B titled Site Location Plan, dated 24 July 2018.
- Drawing No 3844/2231/03 Revision D, titled Site Proposals Plan, dated 26 September 2019.
- Drawing No 3844/2231/04, titled Existing Buildings Elevations, dated 24 October 2018.
- Environmental Noise Assessment Reference 3844-2231-A, dated 22 October 2018.
- Noise Management Plan Reference 3844-2231-B, dated 2 November 2018.
- Emissions Modelling Assessment titled – Proposed Biomass Boiler, Reference 3740-2231-C, dated 25 October 2018.
- Photographs received 7 August 2018.
- Email correspondence dated 22 January 2019 from Oaktree Environmental Ltd providing confirmation of annual input.
- Email correspondence dated 5, 6, 7 and 13 March 2019 from Oaktree Environmental Ltd.

In respect of application CW3/0717/36:

- Application for planning permission dated 19 July 2017.
- Planning Statement ref 3541-2231-B dated 19 July 2017.
- Landscape and Visual Assessment dated July 2017.
- Revised Emissions Modelling Assessment Reference 3740-2231-C dated 27 October 2017.
- Drawing No 3541/2231/02 Revision A, titled Site Location Plan, dated 14 June 2017.
- Drawing No 3541/2231/06 Revision A, titled Wider Site Layout Plan, dated 13 October 2017.
- Drawing No 3541/2231/04 titled Existing elevations, dated 8 June 2017.
- Drawing No 3541/2231/05 Revision B, titled Proposed Elevations, dated 14 July 2017.

- Drawing No 3541/2231/03 Revision, titled Proposed Layout, dated 14 July 2017.
- Drawing No 3541/2231/07, titled Car Park Access Proposals Plan, dated 13 October 2017.
- Email dated 19 September 2017 from Oaktree Environmental Ltd detailing the specification of the biomass boiler.

Reason: To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

Availability of Plans

- 2) A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any condition of this permission, shall be kept available for inspection at the site for the duration of the development.

Reason: To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of development.

Notifications

- 3) Written notification of the following shall be provided to the Waste Planning Authority at least seven days prior to the commencement taking place.
 - a) The commencement of the installation of the biomass boiler.
 - b) The completion of installation of the biomass boiler.
 - c) The commencement of use of the biomass boiler.
 - d) The cessation of use of the biomass boiler.

Reason: To enable the Waste Planning Authority to monitor the development in the interests of local amenity.

Volume of Waste

- 4) The maximum limit of waste imported to the application site annually shall not exceed 100,000 tonnes. Records of the annual tonnages shall be made available (on request) to the Waste Planning Authority.

Reason: To ensure that the development does not have an adverse impact on the traffic generation and neighbouring amenity.

Vehicle Movements

- 5) Over every working day the number of movements of vehicles between the public highway and the site for the delivery and/or removal of waste and other materials shall not exceed a total of 190 movements, and shall comprise no more than 95 movements in and no more than 95 movements out.

Within six months from the date of this permission the operator of the site shall submit to the waste planning authority for its approval a traffic management plan to specify operational measures for ensuring that HGV vehicle movements are spread evenly throughout the day and that local peak travel times are avoided, as far as practicable.

Reason: To ensure that the development does not have an adverse impact on the traffic generation and neighbouring amenity.

Landscaping, Planting and Maintenance Scheme

- 6) Landscaping and planting shall be in accordance with the submitted landscaping, planting and maintenance scheme drawing no. 2231-005-2 dated 10 March 2020.

Reason: To provide visual screening of the site in the interest of visual amenity.

Landscaping Maintenance

- 7) For the first five years following new planting of any trees or hedgerow, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any stock which die or become seriously damaged, diseased or is missing, shall be replaced with plants of the same species or such alternative species as have been approved by the Waste Planning Authority (for the avoidance of doubt, 100% replacement is necessary).

Reason: To ensure successful establishment of landscaping at the site.

Biomass Boiler

- 8) Prior to the installation of the biomass boiler, an assessment of the potential for noise from the operation of the biomass boiler affecting residential properties in the area shall be submitted to and approved in writing by the Waste Planning Authority.

If the assessment indicates that noise from the development is likely to affect neighbouring residential properties, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provision

so the National Planning Policy Framework, BS4142:2014 “*Method of rating industrial noise affecting mixed residential and industrial areas*” and BS 8233: 2014 “*Guidance on Sound Insulation and Noise Reduction for Buildings*”. The approved scheme shall be implemented prior to the commencement of the use of the biomass boiler and maintained thereafter.

In the event of a justified/substantiated complaint at the request of the Waste Planning Authority, further assessment and mitigation shall be carried out.

Reason: In the interest of safeguarding the aural amenity of the local residents. It is necessary for this to be a pre-commencement condition in order that noise levels may be agreed prior to the commencement of works on site and to safeguard the amenities of nearby occupiers.

- 9) The proposed biomass boiler and drying buildings shall be colour finished in juniper green (BS12 B 29) and the proposed flue stack in goosewing grey (BS10 A 05).

Reason: In the interest of the visual amenity to the area.

- 10) No alternative biomass boiler to that detailed in the application documents relating to planning permission CW3/0717/36, shall be constructed at the site.

Reason: To control the impacts of noise and emissions to air from the development and to provide for the monitoring of these impacts in the interest of local amenity.

- 11) The biomass boiler facility shall be limited to only receive as feedstock residual waste wood which is within Grades A and C under the Wood Recyclers Association (WRA) grading system, and there shall be no waste which is received for the biomass boiler which is not waste wood. The operator shall maintain records of the tonnage and sources of the waste delivered to the site and shall make these records available to the Waste Planning Authority at any time upon request.

Reason: In the interests of sustainable waste management in accordance with the waste hierarchy. A use of any feedstock other than from waste streams, which accord with this condition, would give rise to different environmental effects which would not have been subject to assessment regarding sustainability during the determination of the application for this permission.

Vehicular Access

- 12) For the avoidance of doubt and notwithstanding the details submitted in respect of planning application CW3/0818/37, the sole access to the site shall be the northern access shown on Drawing No. 2231-004-03 Revision A, titled Site Layout Plan dated 1 April 2020.

Reason: In the interest of highway amenity.

- 13) The southern access (also known as the bungalow access and the car park access) shall be permanently closed and the highway verge reinstated. The access opening should be made good by the construction of a limestone wall to match the existing walls either side of the former access. The applicant shall submit documentary evidence of this to the Waste Planning Authority within three months of the date of this planning permission for approval in writing.

Reason: In the interest of highway amenity.

- 14) The area identified for car/vehicle parking, as on Drawing No. 2231-004-03 Revision A, titled Site Layout Plan dated 1 April 2020, shall only be used for car and vehicle parking. No storage or treatment of waste or any other operation shall be carried out in this area.

Reason: To maintain the vehicle/car parking areas and ensure there is no encroachment of waste storage or treatment into this area of the site.

Restriction on Permitted Development Rights

- 15) Notwithstanding the provisions of Part 7, Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no development involving the extension or alteration of a building or the installation of replacement plant or machinery other than those hereby permitted shall be undertaken without the prior written approval of the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon the landscape.

Environmental Protection

- 16) There shall be no burning of waste or other materials on the site, other than wood waste permitted as feedstock for the biomass boiler.

Reason: In the interests of the protection of local amenity.

Noise

- 17) The development shall be carried out in accordance with the details set out in the Environmental Noise Assessment (Reference 3844-2231-A) dated 22 October 2018 and the Noise Management Plan (Reference 3844-2231-B) dated 2 November 2018.

Reason: To mitigate the noise effects from vehicles to protect nearby residents from intermittent and excessive noise.

- 18) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times including the use of effective silencers.

Reason: To mitigate the noise effects from vehicles to protect nearby residents from intermittent and excessive noise.

- 19) Reversing alarms used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

Reason: In the interest of protection of the local amenity.

- 20) The use of power tools, including pneumatic hammers to break up or reduce the size of any material, is prohibited.

Reason: In the interest of protection of local amenity.

Stockpile Heights

- 21) The maximum height for any stockpile of material on the site shall be restricted to 6 metres above existing ground level.

Reason: To minimise impact on the wider landscape amenity.

Vegetation Clearance

- 22) No tree felling or clearance of vegetation shall be carried out in the period between 1 March and 31 August inclusive unless a nesting bird mitigation strategy in respect of such works (which shall include the undertaking of nesting bird checks immediately prior to the commencement of the works and the provision of any mitigation or compensation measures require thereafter), has been submitted to and approved in writing by the Waste Planning Authority. Such works shall then only be carried out in accordance with the mitigation strategy as approved.

Reason: To protect nesting birds.

External Lighting Scheme

- 23) The development shall be carried out in accordance with the details set out in the External Lighting Scheme Reference 2231-005-01 Revision A dated 1 April 2020.

Reason: To reduce the potential for light pollution off-site.

Site Liaison Committee

- 24) Site Liaison Committee meetings shall be held in accordance with the details provided in the '*Scheme for the provision and establishment and operation of a site liaison committee*' submitted under covering letter dated 8 January 2019, approved by the Waste Planning Authority on 17 January 2019.

Reason: To ensure that there is a mechanism for engaging with the local community, to ensure that they are fully informed with regards to activities associated with the development hereby approved, to encourage community and operator relations, and in the interests of local amenity.

Highway Safety

- 25) No mud, dirt, debris, oil or grease shall be carried from the site on to the public highway.

Reason: In the interest of highway safety and in accordance with Policy W8 of the Derby and Derbyshire Waste Local Plan.

- 26) There shall be no discharge of surface water from the site onto the public highway.

Reason: On the grounds of highway safety.

Securing of Loads

- 27) All loads of waste materials delivered to or removed from the site shall be enclosed or covered so as to prevent spillage, dust or loss of material at the site or onto the public highway.

Reason: In the interest of environmental and highway safety and the local and wider amenity.

Hours of Operation

- 28) With the exception of the operation of the biomass boiler, no operations including the acceptance and removal of waste and deliveries to and from the site shall be carried out other than during the following hours:

0700 hours to 1700 hours Mondays to Fridays inclusive;

0700 hours to 1200 hours Saturday only.

There shall be no operations on Sundays, Bank Holidays or other Public Holidays.

The biomass boiler shall be permitted to operate up to 24 hours a day on Mondays to Sundays including Bank Holidays and other Public Holidays.

The preparation and delivery of wood fuel to the biomass boiler shall only be carried out during the following hours:

0800 hours to 1700 hours Mondays to Fridays inclusive;
0800 hours to 1100 hours Saturday.

There shall be no preparation or delivery of wood fuel to the biomass boiler on Sundays, Bank Holidays or other Public Holidays.

Reason: In the interests of environmental and local amenity.

Dust

- 29) The development shall be carried out in accordance with the details set out in the Dust Management Plan Reference 2231-005-A dated 10 March 2020.

Reason: To mitigate the dust effects from on-site vehicle manoeuvres and operations.

- 30) Any windblown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

Reason: In the interests of the protection of local amenity.

- 31) During dry and/or windy weather, dust suppression methods, such as water bowsers and hosepipes, shall be used to prevent dust being blown off the site. At such times as the prevention of dust nuisance by the above conditions is not possible, the movement of any dusty materials shall temporarily cease until such times that the weather conditions improve.

Reason: In the interests of the protection of local amenity.

- 32) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust. At such times as any operation gives rise to unacceptable levels of dust leaving the site, that operation shall be temporarily suspended until weather and site

conditions improve and the operations can be resumed without causing nuisance.

Reason: In the interests of the protection of local amenity.

Site Drainage and Contamination

- 33) Prior to being discharged into any watercourse, surface water drain, sewer or soakaway system, all surface water drainage from parking areas and hard-standings, shall be passed through an oil interceptor, which shall be designed and constructed to have a capacity (and details) compatible with the site being drained.

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

- 34) The site operator shall ensure that all site surface water drainage operates efficiently.

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

- 35) Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks. All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within the bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity plus 10%. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, and hydraulically connected gauges and sight glasses shall be located within the bund of have secondary containment. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessel overflow pipe outlets shall be detailed to direct downwards into the bund. There shall be no drainage through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

**Statement of Compliance with Article 35 of the Town and Country
(Development Management Procedure) (England) Order 2015**

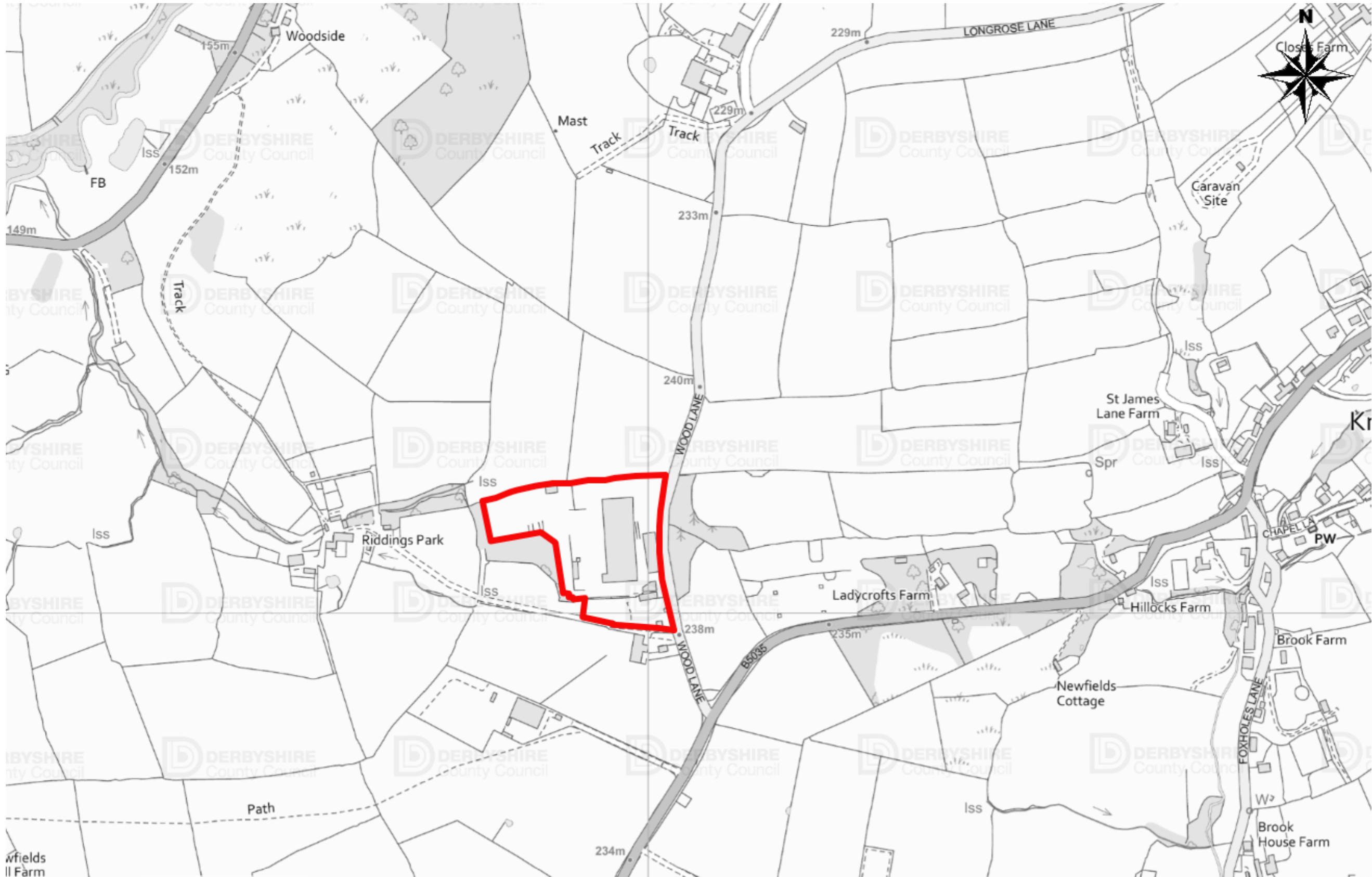
The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application.

Footnote

Highway Authority

- 1) Pursuant to Section 127 of the Highways Act 1980, at least six weeks prior notification shall be given to the Highway Authority before any works commence in the highway on the proposed closure of the access.
Email: Highways.hub@derbyshire.gov.uk

Mike Ashworth
Executive Director – Economy, Transport and Environment



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14-May-2020

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

8 June 2020

Report of the Executive Director – Economy, Transport and Environment

**2 RETENTION OF WORKSHOP/STORES BUILDING AT JOHNSONS
RECYCLING CENTRE, CROMPTON ROAD, ILKESTON
APPLICANT: JOHNSONS AGGREGATES AND RECYCLING LTD
CODE NO: CW8/0819/43**

8.1087.13

Introductory Summary

This application seeks planning permission in retrospect for the erection of a building to accommodate non-waste storage, machinery, and for vehicle repair and servicing activities associated with an established Incinerator Bottom Ash (IBA) recycling facility.

The building is within a well enclosed yard area which is surrounded by industrial buildings of a similar or larger scale and similar finish. The application site is within Flood Zone 2 and the supporting Flood Risk Assessment concluded that the new building would not result in the impedance of surface water or fluvial flow, and would be at an acceptable level of flood risk. The building is located on land identified in the Erewash Core Strategy (ECS) as the Stanton Regeneration Area.

I consider that the building is needed for a use associated with an existing waste use of a wider site. I do not consider that any significant landscape, visual or amenity impacts from the building on the locality are to unacceptable detrimental levels given the pre-existing industrial character and setting of its site. I have considered three representations from members of the public which include an expression of concern that the submitted planning application is potentially misleading, and doubt on whether the use of concrete blocks is suitable in the construction, and concerns about disturbance from noise and dust emissions and detriment to amenity from HGV movements. The submitted application is clear in that the details of a large workshop/stores building and the uses for the building are explained clearly. Erewash Borough Council would address whether the use of concrete blocks in the construction of the building is structurally permissible, through its Building Regulations function. No increase in HGV movements is proposed under this application. I do not consider that the storage and servicing/maintenance activities within the building would generate significant amounts of dust. I recognise that certain activities associated with the servicing and repair of machinery and vehicles could generate noise. However, there is a noise management plan in place in respect of at the wider site of the recycling facility.

I do not consider that the development covered by the application conflicts with national or local planning policies or with the aims of the Stanton Regeneration Site Supplementary Planning Document (SPD), and it is recommended for approval subject to the conditions identified.

- (1) **Purpose of Report** To enable the Committee to determine the application.
- (2) **Information and Analysis** This planning application seeks permission for the development described below.

The Site

The application site has a surface area of 340 square metres (m²) and is located on the industrial edge of Ilkeston, at the southern end of the Quarry Hill Industrial Estate (formerly the Stanton Ironworks complex and accessed off the junction of Crompton Road and Merlin Way), approximately 2.5 kilometres (km) south of Ilkeston town centre. Quarry Hill Industrial Estate is an established industrial estate with several waste facilities nearby, all sitting within part of the site of the former ironworks. The site of the proposed building is within a yard area which, in turn, is part of a large waste facility (to the north-west of the application site) specialising primarily in IBA waste with some processing of construction and demolition waste. The yard area is bounded by a 5 metres (m) high concrete sectional wall. There are no views of the application site from any public highway, public footpath or canal towpath.

The company offices are to the north-west and beyond that, further north-west, is the main production building. The waste facility imports and recycles up to 350,000 tonnes per annum (tpa) of inert waste, comprising up to 300,000 tpa of IBA and up to 50,000 tpa of waste metal.

To the north-east and east of the yard area is a large civil engineering and industrial operation with buildings/offices and yard area. To the south-west of the yard area, on higher ground, is a former branch railway line which is now covered with semi-mature, self-set trees and shrubs. Further south are the extensive open areas of the former Stanton Ironworks where many of the buildings and structures have been removed. To the north-west is the applicant company's established and extensive IBA waste management facility.

Beyond the surrounding industrial uses are residential areas. Trowell is 950m to the north-east and Stapleford is 990m to the east, both on the east side of the Erewash Canal. Hallam Fields is 800m to the north.

A culverted section of the Nutbrook Canal is 80m to the north of the application site. The River Erewash is 620m to the east. The site is within Flood Zone 2.

Local Wildlife Site (LWS) ER215 Erewash Canal is 415m to the east of the site. LWS ER055 West Hallam Towpath Scrub is 385m to the east. LWS ER201 Quarry Hill Lagoons is 180m to the north-west. LWS ER217 Stanton Ironworks is 70m to the west of the site. LWS ER188 Ilkeston Road Pond and Nutbrook Canal is 270m to the south-west of the site. LWS ER168 Trowell Marsh is 530m to the north-west. There are no Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Regionally Important Geological/Geomorphological Sites (RIGS), or Special Areas of Conservation (SAC) within or in the vicinity of the site.

Public Right of Way (PROW) E6/81/7 follows the canal towpath on the west side of the Erewash Canal and is 410m to the east of the site. PROW E14/5/2 runs in a south-west to north-east direction and is 460m to the south-west of the site. The Nutbrook Trail is a Greenway multi-user trail 67 and is 175m to the north-west and 165m to the north and 390m to the east of the application site.

There are no statutory and non-statutory cultural heritage designations within the site, however, there are several nearby:

Grade II Listed Buildings:

DDR 1909 Hallam Fields Bridge is 500m to the north-east.

DDR1987 Hallam Fields Lock is 510m to the north-east.

DDR1979 New Stanton Cottages is 1180m to the west.

DDR1947 Tower of St. Bartholomew's Church is 555m to the north.

There are no Conservation Areas or Scheduled Monuments within, or in the vicinity of, the site. There are no World Heritage Sites, Scheduled Ancient Monuments, Registered Parks and Gardens or Registered Battlefields recorded within the study area.

The site is within a Coal Authority Development High Risk Area. This is part of the coal mining reporting area which contains one or more recorded coal mining related features which have the potential for instability or a degree of risk to the surface from the legacy of coal mining operations.

The Development

The development comprises the construction and use of a covered building which has already been built and is already being used for the maintenance, repair and servicing of plant, machinery and vehicles. The building would also be used for the storage of equipment and machinery. The dimensions of the building area 25.2m long x 13.54m wide x 5.2m to eaves (7.0m to roof apex). The south-west and south-east elevations of the building are constructed from large interlocking concrete blocks placed on a pre-existing impermeable concrete hardstanding with no foundation works. The north-west elevation is constructed from four steel shipping containers secured to the ground. The north-east elevation is open and is proposed to remain open as an entrance and exit for vehicles and plant being taken in and out. A pitched roof covers

the three elevations. The exterior elevations (the concrete sectional walls and the steel shipping containers) and the roof are all finished in Goose Wing Grey (colour code: RAL7038).

Recent Planning Application and Consent History for the Recycling Facility

Planning Application Reference No.	Description of Development	Decision/Date
CW8/0817/37	Extension of storage facilities.	Approved 5 March 2018
CW8/0417/1	Application not to comply with conditions 3 and 6 of planning permission CW8/0413/17 to allow the import and processing of waste materials (instead of construction and demolition waste and soils).	Approved 20 July 2017
CW8/0616/25	Proposed variation of Condition 3 of planning permission CW8/0413/17 to allow a minor change to the external arrangements of the site.	Approved 1 December 2016
CW8/0616/24	Raise the roof of an existing building and the erection of a dryer stack (chimney).	Approved 1 December 2016
CW8/0413/17	Proposed processing and recycling of incinerator bottom ash, aggregates and soils.	Approved 22 May 2014

The applicant has recently submitted to the Council for determination two applications for permission under section 73 of the Town and County Planning Act 1990 to seek to obtain an extension in the operating hours for the recycling facility that have been set by condition 5 to permission CW8/0817/37 and condition 6 to permission CW8/0417/1. The Council is, however, not yet in a position to proceed to determine these applications.

Consultations

Local Member

Councillor Frudd (Ilkeston South) and Councillor Major (Sandiacre) were requested to respond by 24 February 2020.

Erewash Borough Council (Planning)

Erewash Borough Council (EBC) (Planning) was requested to respond by 24 February 2020.

Erewash Borough Council (Environmental Health Officer)

EBC Environmental Health Officer (EHO) responded on 19 December 2019 and has no objections.

Erewash Borough Council (Building Control)

EBC (Building Control) confirmed on 11 March 2020 that the workshop/stores building requires Building Regulations Approval which had not been applied for by then. EBC has contacted Johnsons Aggregates and Recycling Ltd over this issue.

Stanton by Dale Parish Council

Stanton by Dale Parish Council responded on 6 December 2019 with no objections.

Derbyshire Wildlife Trust

Derbyshire Wildlife Trust (DWT) responded on 16 January 2020 advising that no ecological impacts were anticipated as a result of the development.

Environment Agency

The Environment Agency (EA) responded on 19 December 2019 and stating that it had no comments to make.

The Coal Authority

The Coal Authority responded on 13 December 2019 and 21 February 2020 with confirmation that the application site is within a defined Development High Risk Area. The Coal Authority notes the previously submitted Coal Mining Risk Assessment Report dated 20 December 2017 as part of planning permission code no. CW8/0817/37 and also notes that the development does not require foundations or earthworks. On this basis, the Coal Authority concluded that a Coal Mining Risk Assessment was not required and had no objections to the development.

Nottinghamshire County Council

Nottinghamshire County Council responded on 4 December 2019 and 18 February 2020 stating that it had no comments to make.

East Midlands Airport Safeguarding

East Midlands Airport responded on 5 December 2019 without objections.

County Highway Authority

The County Highway Authority responded on 10 February 2020 and stated that the development would not impact on existing highway conditions.

Lead Local Flood Authority

The County Council, as Lead Local Flood Authority, responded on 19 December 2019 and 14 February 2020 without comments.

Publicity

The application was advertised by site notices and a press advert in the Derbyshire Times on 12 December 2019 with a request for observations by 6 January 2020. One site notice was also hand delivered to a neighbouring business with a request for observations by 6 January 2020. Three representations, all objecting to the proposal, have been received in response to the publicity. The objections raised are summarised as follows:

- Application perceived as being misleading (not stating that it is for waste management development).
- Concern over construction materials used.
- Impact on nature and environment.
- Dust nuisance.
- Noise nuisance.

With regard to comments about the application being misleading, I consider that the planning application is clear in describing a large workshop/stores building and its intended use.

Planning Considerations

Section 38(6) of the Planning and Compulsory Planning Act 2004 requires that planning applications are determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. In the context of this proposal, the development plan consists of the saved policies of the Derby and Derbyshire Waste Local Plan (2005) (DDWLP) (adopted 2005), the Erewash Core Strategy (ECS) (2016) and the Saved Policies of the Erewash Borough Local Plan (2005) (Amended 2014) (EBLP). The application site is within Stanton-by-Dale Parish and is close to the boundary with Ilkeston (unparished). Neither are yet covered by an adopted Neighbourhood Development Plan. Other material considerations include national policy, as set out in the National Planning Policy Framework (2019) (NPPF), and associated Planning Practice Guidance (PPG), the Waste Management Plan for England (WMPE) and within the National Planning Policy for Waste (2014) (NPPW) and the Stanton Regeneration Site SPD (2017).

Saved Policies of the Derby and Derbyshire Waste Local Plan (2005)

W1b: Need for the Development.

W7: Landscape and Other Visual Impacts.

W6: Pollution and Related Nuisances.

W9: Protection of Other Interests.

Erewash Core Strategy (2014) Policies

1: Climate Change.

10: Design and Enhancing Local Identity.

20: Stanton Regeneration Site.

Stanton Regeneration Site SPD

The site is also located on land identified in the ECS as Stanton Regeneration Site and the Stanton Regeneration Site SPD (2017) is therefore also a material consideration. Policy SR1: Land Uses is relevant to this proposal.

Saved Policies of the Erewash Borough Local Plan (2005) (Amended 2014)

DC7: Development and Flood Risk.

EV16: Landscape Character.

National Planning Policy Framework

A revised NPPF was published in February 2019. The NPPF provides guidance on material considerations in the context of determining planning applications. It states there should be a presumption in favour of sustainable development. The term 'sustainable development' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives, economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

12: Achieving well designed places.

14: Meeting the challenge of climate change, flooding and coastal change.

15: Conserving and enhancing the natural environment.

Planning Policy Guidance (Waste) (PPG-W)

On-line national planning policy guidance.

National Planning Policy for Waste (NPPW) (2014)

Chapter 7: Determining Planning Applications.

Appendix B: Locational Criteria.

Need for and Principle of Development

Chapter 7: Determining Planning Applications of the NPPW advises waste planning authorities to only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. The advice adds that in such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. Data collected as the evidence base for the emerging Derbyshire and Derby Waste Local Plan indicates that the future need for waste facilities will predominantly be focussed around the mid-section of the waste hierarchy, specifically transfer, treatment and reprocessing in driving waste up the hierarchy. In that simple "need" context this application fits with that requirement.

DDWLP Policy W1b: Need for the Development presumes in favour of waste development if it would help to cater for the needs of the local area in terms of quantity, variety and quality, as part of an integrated approach to waste management. Waste development catering primarily for the needs of other areas will be permitted only if the development would satisfy a need which could not realistically be met closer to the source of the waste and the development would contribute to an integrated system of waste management. The wider site benefits from planning consent for the processing and recycling of IBA waste and the proposed workshop/store building is part of the necessary infrastructure being developed on the site to provide for the most efficient waste management operations practicable. It is considered that there is no policy conflict with W1b.

In principle, the need for the proposal is considered to be proven. The acceptability of the planning application must be considered further against planning policy and its merits. In the context of the current development plan and national guidance, I have given consideration as to whether the development would be likely to give rise to any significantly different or additional impacts to those previously considered. I consider that the main issues that need to be considered for this planning application are:

- Location of Development.
- Design and Landscape/Visual Impacts.
- Amenity Impacts.
- Flood Risk.

Location of the Development

The application site is located within an established industrial estate on land identified in the ECS as part of the Stanton Regeneration Site. Although located within the regeneration area, the Land Use Masterplan within the SPD also identifies this area as an '*existing industrial area/permissions*' and is close to the area identified as the industrial park. The building would be located on an established waste site with extant planning permissions for waste processing operations. I am therefore satisfied that the proposal would not conflict with the purposes of the Policy 20 of the ECS and the SPD, and would be acceptable in this location.

Design and Landscape/Visual Impacts

The NPPF supports good design, most notably at Section 12. Paragraph 170 of the NPPF (Chapter 15: Conserving and enhancing the natural environment) advises that planning decisions should protect and enhance landscapes. Appendix B of the NPPW lists locational criteria, the most relevant in respect of landscape and visual impacts being criteria C (i) which considers the potential for design-led solutions to produce acceptable development and C (ii) which recognises the need to protect landscapes. Policy W7: Landscape and Other Impacts of the DDWLP presumes in favour of waste development where the appearance of the development would respect the character and

local distinctiveness of the area, would not materially harm the local landscape and would be located and designed to be no larger than necessary. This policy also seeks that the visual impact of the proposed development is minimised or the appearance of the landscape is improved.

ECS Policy 10: Design and Enhancing Local Identity expects the design of all new development to make a positive contribution to the public realm, creating an attractive environment with regard to local context. Policy EV16: Landscape Character of the Saved Policies of the EBLP states that development should recognise and accord with the landscape character within which it is located, having regard to materials of construction, design, scale, massing and landscaping.

The application site is not within, or adjacent to, any designated special landscapes. The proposed structure is of substantial scale and massing at 25.2m long x 13.54m wide x 5.2m to eaves (7.0m to roof apex) to be finished in Goose Wing Grey (colour code: RAL7038). The surrounding structures are of similar industrial scale and massing, however, many of the surrounding buildings are also finished in a similar shade of grey. The design is functional and industrial in appearance, given the buildings intended use. It is considered that the scale, massing, design and finish of the proposed new building would not bring a detrimental element to what is a predominantly industrial landscape. The proposed structure would be screened from public view by the existing structure surrounding it.

I consider that the materials utilised in the construction are satisfactory from an aesthetic point of view in this enclosed industrial setting. I do not consider that there would be material harm to the local landscape or visual amenity as a result of the proposed development. As such, I consider that the proposal accords with national planning guidance (the NPPF), NPPW, DDWLP Policy W7, ECS Policy 10 and Saved Policy of the EBLP Policy EV16.

Amenity Impacts

The application site is within the existing extensive IBA facility which is itself within an area of heavy industry. DDWLP Policy W6: Pollution and Related Nuisances states that: "*waste development will not be permitted if the development would result in harm caused by contamination, pollution or other adverse environmental or health effects.*" Policy W9: Protection of Other Interests of the DDWLP presumes in favour of waste development where it would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community. The proposed structure would be enclosed within the existing IBA site and further screened by the existing industrial structures that surround it. The site is a considerable distance away from residential areas.

With respect to the representation comments with regard to noise and dust nuisance, I note that this representation has been submitted in respect of three planning applications: the application under consideration in this report

(CW8/0819/43); a pending planning application (CW8/0120/70) at the same site (Johnsons Aggregates and Recycling Ltd) to vary a condition of an existing planning permission to increase working hours and; a pending planning application (CW8/0220/75) at the nearby Donald Ward Ltd waste site to consolidate historic planning permissions and the continuation of waste recycling/waste processing.

I acknowledge the concerns raised in respect of nuisance noise and dust emissions and nuisance from HGV movements on local residential areas, the environment and nature. The planning application under consideration in this report is for a large workshop/stores building. There may be the potential for noise emissions from machinery and vehicle maintenance and servicing activities, however, the site is a considerable distance away from residential areas and that there are existing noise and dust management plans in place. I consider that necessary protection of amenity would be ensured by inclusion of conditions to apply plans and mitigation measures equivalent to those contained in the current conditions to the main existing permission for the recycling facility, particularly in respect of its noise and dust management, and restriction of operational hours to generally align with those to which the recycling site works are generally restricted (0600 hours – 1800 hours Monday to Saturday inclusive , with no working on Sundays, Bank Holidays or other National Holidays), with exceptional provision for such essential plant servicing and maintenance and similar work as requires working outside the restricted hours.

I do not consider that there would be any impact on the community in terms of interests, economic or social activities. I consider that the proposal accords with the requirements of DDWLP policies W6 and W9.

Flood Risk

Paragraph 163 of the NPPF (Chapter 14: Meeting the challenge of climate change, flooding and coastal change) advises planning authorities to ensure that flood risk is not increased elsewhere and, where appropriate, that planning applications are supported by a site specific flood risk assessment. ECS Policy 1: Climate Change, specifically criterion 5: Flood Risk and Sustainable Drainage supports development that does not increase the risk of flooding elsewhere. The application site is within Flood Zone 2. The planning application is supported by a Flood Risk Assessment which concludes that the proposed new building would not result in the impedance of surface water or fluvial flow and is at an acceptable level of flood risk. As such, it is considered that the proposed development accords with the NPPF and the requirements of Policy 1: Climate Change of the ECS.

Conclusion

In conclusion, I consider that the continued presence of the completed building and its use as a workshop/stores for vehicle and plant repair maintenance and servicing is acceptable in this enclosed site within an established industrial setting. I do not consider that the substantial scale and

massing of this structure is incongruous in this industrial landscape. The site is surrounded by industrial buildings of similar or larger scale. I also note the proposed choice of colour finish of Goose Wing Grey (colour code: RAL7038) and that many of the surrounding buildings are finished in a similar shade of grey. I consider that the location, scale, massing, design and finish of the building is acceptable and would not result in any detriment to other land uses, the landscape, the local environment and neighbouring amenity. I also find the location of the building in the Stanton Regeneration area to be acceptable. I do not consider that there would be any impediment or endangerment to the social or economic activities or interests of the local community.

I have considered the objections raised by members of the public. I consider that the planning application is clearly seeking retrospective planning permission for a large building for storage purposes and for the maintenance and servicing of machinery and vehicles and is not misleading in any way. The issue of whether the large concrete blocks are suitable structurally for the construction of such a building would be determined by EBC's Building Control Department, once a building control application is made to it. As to the aesthetics of the blocks, I consider that they are satisfactory in this enclosed industrial setting.

In respect of the concerns raised over dust and noise nuisance, and disturbance from HGV movements, I note that these are made with regard to three pending planning applications: this planning application for the new building, a planning application to increase the working hours of the site within which the new building would be sited, and a planning application to consolidate historic permissions and activities at the nearby Donald Ward Ltd waste site. I do not consider that the presence and use of the new building in itself contributes to nuisance emissions and detriment to amenity from HGV movements. It is located well within the Johnsons Aggregates and Recycling Ltd site, which is itself a considerable distance away from residential areas. There may be the potential for noise associated with the servicing and repair of machinery and vehicles from within the building, however, there are nuisance emission management plans in place at the site, including for noise.

Subject to the recommended conditions, I do not consider that the proposal conflicts with national or local planning policies and it is recommended for approval subject to the conditions identified.

(3) **Financial Considerations** The correct fee of £3,234 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990, which falls to this Authority to determine as the Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a

result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No 8.1087.13
Application documents received from Johnson Aggregates and Recycling Ltd (Agent: Bond Planning Consultancy) dated 12 July 2019:
1APP form dated 12 July 2019;
Planning Statement, author: Bond Planning Consultancy Version 1.0 (no reference), dated May 2019.
Location Plan (no reference and undated).
Site Layout Plan (no reference and undated).
Flood Risk Assessment, author: BWB, dated November 2019.
North-East Elevation (no reference and undated).
North-West Elevation (no reference and undated).
South-East Elevation (no reference and undated).
South-West Elevation (no reference and undated).
Email from Agent confirming colour finish, dated 10 December 2019.

Two representations from members of the public dated 3 and 4 March 2020.

Nottinghamshire County Council responses dated 4 December 2019 and 18 February 2020.

East Midlands Airport Safeguarding response dated 5 December 2019.

Stanton-by-Dale Parish Council response dated 6 December 2019.

Internal County Landscape Officer responses dated 12 December 2019 and 11 February 2020.

Environment Agency response dated 19 December 2019.

Erewash Borough Council (Environmental Health) response dated 19 December 2019.

Internal Lead Local Flood Authority responses dated 19 December 2019 and 14 February 2020.

Derbyshire Wildlife Trust responses dated 16 January 2020.

Internal County Highways Authority response dated 10 February 2020.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is authorised to be **granted** subject to a set of conditions to be drawn up by the Executive Director – Economy, Transport and Environment, for ensuring that, in the interest of local amenity, the development to be granted permission proceeds in conformity with those

restrictions on working hours and noise traffic and visual impact and other environmental mitigation measures as are provided by the conditions to which the planning permission CW8/0417/1 (in respect of the associated waste recycling) is subject, and further conditions substantively as follows:

Form of Development

- 1) The development shall at all times from the date of this permission accord with the details in the 1APP form dated 12 July 2019 and the following:
 - Planning Statement, author: Bond Planning Consultancy Version 1.0 (no reference), dated May 2019.
 - Location Plan (no reference and undated).
 - Site Layout Plan (no reference and undated).
 - Flood Risk Assessment, author: BWB, dated November 2019.
 - Drawing entitled 'North-East Elevation'.
 - Drawing entitled 'North-West Elevation'.
 - Drawing entitled 'South-East Elevation'.
 - Drawing entitled 'South-West Elevation'.
 - Email from Bond Planning Consultancy confirming colour finish, dated 10 December 2019.

Reason: To specify documents containing details pertaining to the development under this permission and facilitate effective monitoring of the development by the Waste Planning Authority for compliance with the details, in the interests of the amenity of the area.

- 2) No waste items or waste materials shall be brought into, onto or be-side the building. The building shall be used only for the storage of non-waste items or non-waste materials associated with use of the adjacent site identified on drawing number [to be inserted] attached to this planning permission as a recycling facility and/or for the servicing and repair of machinery and vehicles associated with that use.

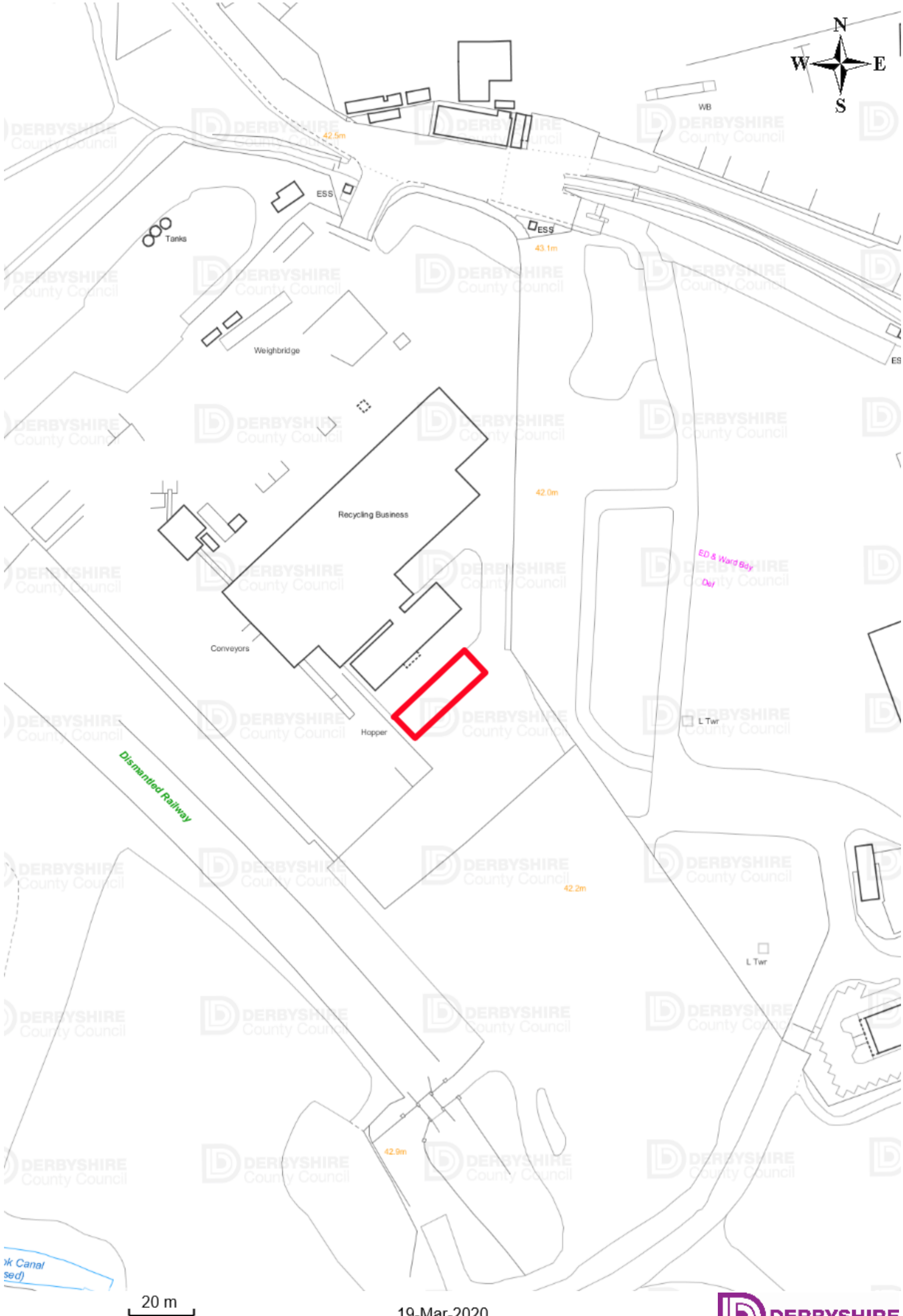
Reason: For the avoidance of doubt.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Mike Ashworth
Executive Director - Economy, Transport and the Environment

CW8/0819/43 - Proposed Workshop and Stores Building, Johnsons Aggregates and Recycling Ltd.,
Crompton Road, Ilkeston



19-Mar-2020

Agenda Item No. 3.3

REGULATORY - PLANNING COMMITTEE

8 June 2020

Report of the Executive Director - Economy, Transport and Environment

**3 PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 17 (PART) –
PARISH OF HORSLEY**

(1) **Purpose of Report** To seek authority for the Director of Legal Services to make a Public Path Diversion Order (“Diversion Order”) for the permanent diversion of Public Footpath No.17 in the Parish of Horsley in the interests of the landowners.

(2) **Information and Analysis** Derbyshire County Council has received an application for the permanent diversion of Public Footpath No.17, in the Parish of Horsley, in the interests of the landowners, to improve safety for their young children and pets when they are playing in the field. Currently, dogs are being let of their leads which is scaring the children and the dogs are fouling in the field which is unpleasant for the landowner. The landowner would also like to make managing the land easier and graze the field with a horse or pony.

If the Diversion Order takes effect, it will divert approximately 48 metres of Public Footpath No.17, shown on the attached plan, Reference TE/LF/X4351/Cttee/2020, as a solid bold line between points **A-B**, to a line shown as a bold broken line between points **A-C-B**. The new path will be approximately 64 metres long with a recorded width of 2 metres and a crushed stone surface. The path will be fenced on its southern and eastern sides with a post and rail fence and the recorded width of 2 metres will begin 2 metres from the centre line of the hedge which borders its northern and western sides.

Amber Valley Borough Council and Horsley Parish Council were consulted and offered no objections to the proposal and the Local Member, Councillor Buttery, did not comment on the proposal.

Objections were raised to the proposal from another party on the grounds that the diverted section of path, which will be fenced off next to a hedge, would be less enjoyable because the path will be enclosed for a further 64 metres instead of crossing an open field between points **A-B**. It was also suggested that the footpath would not be useable as the hedge would eventually become overgrown and weeds would grow from and obstruct the surface of the path and these would not be cut back due to the path being enclosed, again

making the diverted section of path less enjoyable. The basis of these objections have been taken into account during consideration of the application. A post and rail fence will be erected, which will not completely enclose the path alongside the hedge, and the path will be 2 metres wide, beginning 2 metres from the centre line of the hedge to allow for growth of the hedge. The path will have a crushed stone surface to keep surface vegetation to a minimum and create a good year-round walking surface and the landowner will be required to maintain the hedge to keep the path width at 2 metres.

Further comments from the same party questioned how diverting the path would improve safety for the landowners' children and why a gate could not be installed to control the movement of animals in the field. The children's safety is compromised as the path passes through an open field where the children play. Due to the open nature of the field, dogs roam and foul in areas that are not part of the Public Right of Way which is scary and unpleasant for the landowner. A gate into the field at Point **B** would give walkers chance to put their dogs on a lead before entering the open field and would assist with using the field to keep animals in but there is potential for it to be left open, causing the animals to escape. This gate would be a limitation on the footpath which would not be required if the path is diverted and fenced along the field boundaries.

(3) **Financial Considerations** The applicant has agreed in writing to defray all of the costs in respect of making and advertising the Diversion Order and bringing the new route into a suitable condition for public use. This includes Officer time in processing the application and the installation of a way-marker post. The overall cost is estimated to be in the region of £2,000.

(4) **Legal Considerations** Derbyshire County Council may make an Order under Section 11 of the Highways Act 1980:

- 1) Where it appears to a council as respects a footpath or bridleway in their area that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,—
 - (a) create, as from such date as may be specified in the order, any such new footpath or bridleway as appears to the council requisite for effecting the diversion, and
 - (b) extinguish, as from such date as may be specified in the order the public right of way over so much of the path or way as appears to the council requisite as aforesaid.

- 2) A public path diversion order shall not alter a point of termination of the path or way—
 - (a) if that point is not on a highway, or
 - (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.

- 6) The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which —
 - (a) the diversion would have on public enjoyment of the path or way as a whole,
 - (b) the coming into operation of the order would have as respects other land served by the existing public right of way, and
 - (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.

Research has concluded that it is expedient to make the necessary diversion order because:

Whether it is in the interests of the owner of the land or of the public that the footpath should be diverted

The diversion of the public footpath is seen to be in the interest of the landowners, to improve safety for their young children and pets when they are playing in the field and to allow the field to be grazed by a horse or pony in the future without fear of it escaping.

Whether the diverted footpath will (or will not) be substantially less convenient to the public

The diverted section of footpath **A-C-B** would have a length of approximately 64 metres, the existing section **A-B** has a length of approximately 49 metres. The diversion would therefore increase the walking distance by 15 metres. This is not seen to be a substantial increase in distance and, therefore, will not be substantially less convenient.

The effect the diversion would have on the public enjoyment of the footpath as a whole

The diverted footpath will have slightly different views of the surrounding landscape as the path is being moved to the edge of the field, but the path will be fenced off with a post and rail fence which will still allow users of the footpath to look at the surrounding views. Also, although the diverted footpath

will be next to a hedge, it will have adequate width to allow for the hedge to grow without causing an obstruction to the footpath and the landowner will be required to maintain the hedge to keep the path width at 2 metres.

The existing line of the path crosses an open field and has a grass surface. The diverted section of footpath would be in the same field but the path will have a crushed stone surface to ensure the path has a good year round walking surface and to prevent undergrowth from making the path inaccessible.

Diverting the footpath around the edge of the field would mean a further gate on the footpath will not be required, at Point **B**, when the field is grazed by a horse or pony. This will therefore not alter the accessibility of the footpath in accordance with the Equality Act 2010.

Overall, it is seen that the diversion would have no negative impacts on the public's enjoyment of the route as the views that will be lost from walking between a post and rail fence and the hedge are negligible and it would prevent an extra limitation being added to the footpath, in the form of a gate, when the applicants decide to graze the field.

The effect which the coming into operation of the Order would have as respects other land served by the existing public rights of way

The diversion would have no known or foreseen adverse consequences in this respect.

The effect which the new public right of way created by the Order would have as respects the land over which the right is so created, and any land held with it

The land over which the new path will run is within the ownership of the applicants, and no effects are anticipated.

Whether it is expedient to make the Order

It is considered that the proposed diversion is in the interests of the landowners. The proposed diversion would not be substantially less convenient to the public and would not have an adverse effect on the public's enjoyment of the route as a whole or adversely effect the land over which the diversion would run or land served by the existing right of way. It is therefore considered expedient to make the Order.

(5) **Environmental and Health Considerations** Consideration has been given to the County Council's Rights of Way Improvement Plan in considering this application and preparing this report.

Other Considerations

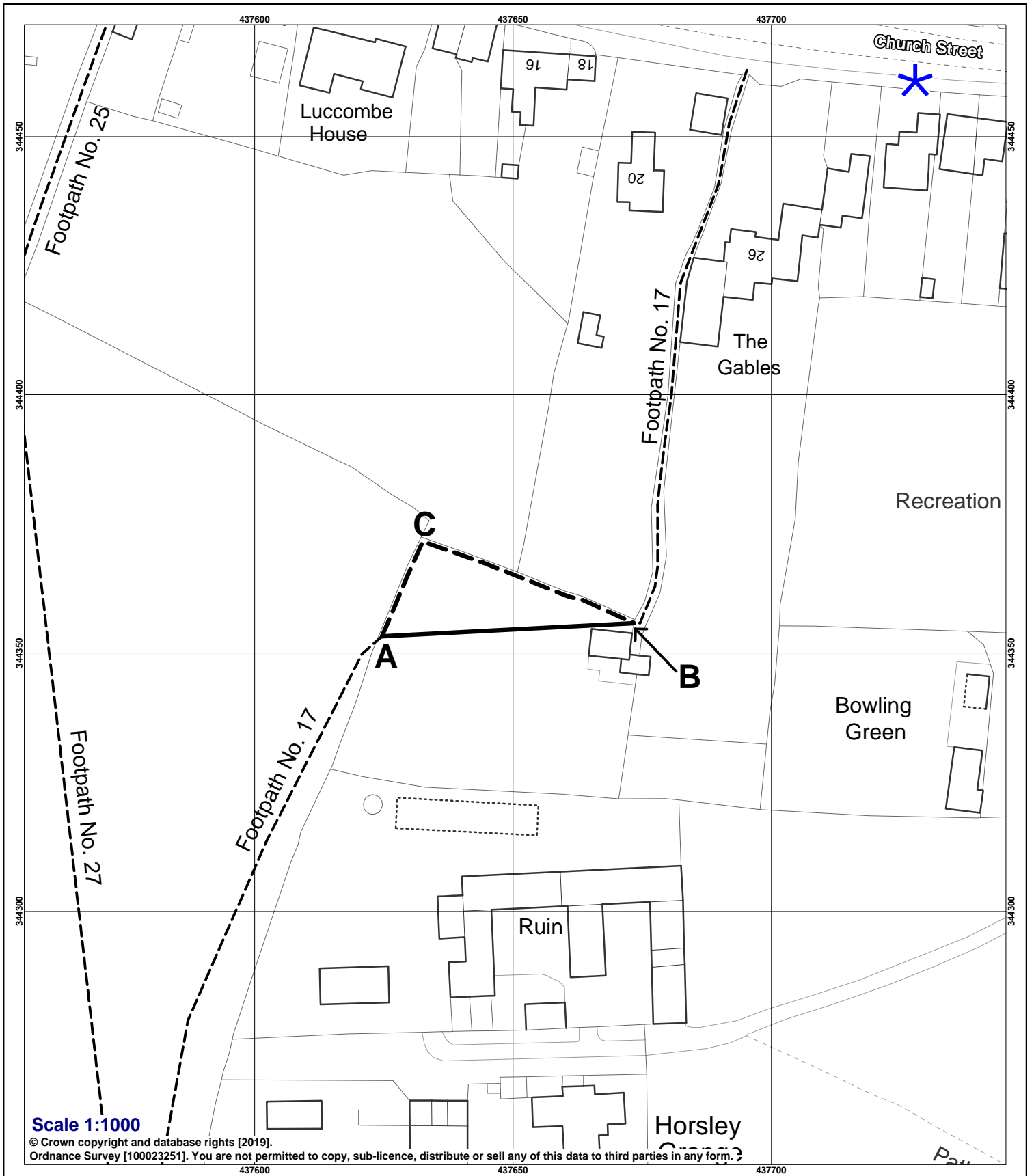
In preparing this report the relevance of the following factors has been considered; prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** Held on file within the economy, Transport and Environment Department. Officer contact details - Louisa Freeman, extension 39790.

(7) **OFFICER'S RECOMMENDATIONS** That:

- 7.1 The Director of Legal Services be authorised to make the necessary Order to divert Public Footpath No.17 (Part), in the Parish of Horsley, under the provisions of Section 119 of the Highways Act 1980.
- 7.2 Should objections be received to the making of the Order that cannot be resolved, then the matter be forwarded to the Secretary of State for determination.

Mike Ashworth
Executive Director – Economy, Transport and Environment



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Ref: TE/LF/X4351/Cttee/2020

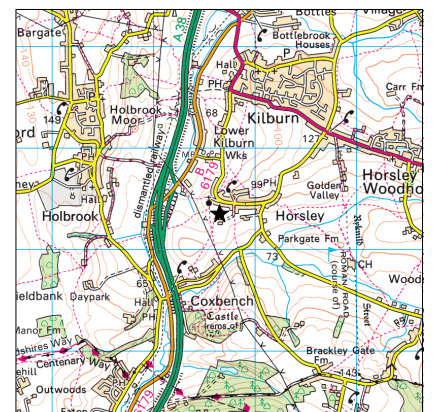
Date: 29 January 2020



Mike Ashworth
 Executive Director
 Economy, Transport & Environment
 Derbyshire County Council
 County Hall
 Matlock
 DE4 3AG

Highways Act 1980, Section 119
Proposed diversion of Public Footpath No. 17
(Part) - Parish of Horsley

Key:	Path to be diverted (A-B)	
	Alternative footpath (A-C-B)	
	Unaffected footpath	



DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

8 June 2020

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee's Information

4 CURRENT ENFORCEMENT ACTION

Site	Breach	Action Taken	Comment
BM Tech, Foston 9.1564.4	Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115.	Condition 2 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of importation and deposit of waste outside the building. Condition 3 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of use of processing plant outside the building.	Regularising planning application granted 30 December 2019. Site inspection to be arranged.
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received). Breach of Condition Notice (Mud on Road) issued 19 December 2016. Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	Site inactive.

Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme. February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date). Temporary Stop Notice issued 17 February 2017. Interim Injunction Order granted 31 March 2017.	Site inactive. Two planning applications relating to the site under consideration (CM3/0918/48 and CM3/0918/49).
Land west of Park Farm, Woodland Road, Stanton	Without planning permission the change of use of the land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.	Enforcement Notice issued 14 December 2018	Date notice takes effect – 21 January 2019. Ongoing monitoring of notice requirements.
Land at Park Hills Farm, Muggington Lane End, Weston Underwood	Without planning permission the deposit of waste materials onto land.	Temporary Stop Notice issued 29 May 2019 Enforcement Notice issued 3 February 2020	Ongoing monitoring/review. Enforcement notice took effect 4 March 2020
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	Planning Contravention Notice issued 28 October 2019	

Mike Ashworth
Executive Director – Economy, Transport and Environment

Decisions Outstanding on 28 May 2020.

Item 3.5

Table shows:

EIA applications outstanding for more than 16 weeks Major applications outstanding for more than 13 weeks Minor applications outstanding for more than 8 weeks

Date: 28 May 2020

Appcode EIA	Proposal	Location	Status	No of Weeks
CW8/0220/75	Consolidation of historic planning permissions & continuation of waste recycling/waste processing to include: extension to an existing recycling building, installation of new weighbridge, improved site layout, and retrospective use of second vehicular site access off Merlin Way/Crompton Road, at the Donald Ward Limited Recycling Facility, Quarry Hill Industrial Estate, Hallam Fields Road, Ilkeston, Derbyshire	Land North East Of Crompton Road Junction, Donald Ward Ltd, Hallam Fields Road, Ilkeston	Consultations being initiated	16
CD9/0319/110	Demolition of ashlea farm and related buildings off deep dale lane and the development of a new all movement junction on the a50 and connecting link road to infinity park way, with associated works including: street lighting columns, footways/cycleways, construction of earth mounds, flood compensation areas, acoustic fencing and landscaping.	land between deep dale lane and infinity park way, sinfin, derby	further information awaited	57
CM9/0816/46	Application under Section 73 to vary condition specifically to commencing extraction in the Western Extension prior to completing restoration of Phase 8 of Planning Permission CM9/0211/163 and allowing increased stocking of waste materials in the landfill transfer	Shardlow Quarry, Acre Lane, Shardlow	Further Information Awaited	121
CM3/0817/40	development of a lateral extension to the south west of the existing permitted operations to provide the winning and working of minerals, associated ancillary operations and amended restoration scheme through landfill at Slinger Top Quarry, Cromford.	Slinger Top Quarry, Cromford, Matlock	Further Information Awaited	147
CM6/1110/112	Recovery of 400,000 tonnes of coal using surface mining and the development of two flood alliviation areas along the Bottle Brook at George Farm Reclamation Site, Denby.	George Farm, Denby, Derbyshire	Approved /Legal Agreement	487
CM3/0906/91	Section 73 application for the amendment of condition 17 of planning permission WED/1284/836	Middleton Mine, Middleton by Wirksworth	Further Information Awaited	716

Major

Appcode	Proposal	Location	Status	No of Weeks
CD1/0220/76	Construction of a new 4 Arm roundabout junction centred on the A6 to the north of Buxton, including the initial lengths of access roads off the roundabout to the west and to the south east.	A6 to the north of Buxton, adjacent to the area known locally as Fairfield Common	Consultations being initiated	16
CW8/0120/70	Section 73 planning application to vary condition 6 of permission CW8/0417/1 to increase operational hours at the site	Johnsons Recycling Centre, Crompton Road Ilkeston	Consultation Replies Awaited	19
CW9/1119/61	Under Section 73 of the Town and Country Planning Act 1990 to not comply with Condition 2 of planning permission CW9/0816/45 in order to remove the 10 year time limit set out in the condition and to make this permission compatible with the existing planning permission CW9/1018/63 at Cadley Hill Park, Burton Road, Swadlincote.	Willshee's Skip Hire Ltd, Cadley Hill Park, Burton Road, Swadlincote	Consultation Replies Awaited	26
CM5/1119/57	Full planning permission for the retention, continued operation and restoration of the existing Whitwell Lime Works site at Craggs Road, Whitwell, Derbyshire until 31st December 2043	Whitwell Works, Southfield Lane, Whitwell	Report being prepared	27
CW4/0819/45	Change of use of land and buildings to a waste transfer station, including the overnight parking of refuse collection vehicles, the installation of a vehicle weighbridge and the siting of a portacabin	Land and buildings to the east of Mansfield Road, Corbriggs Industrial Estate, Corbriggs	Further Information Awaited	41
CM3/0918/49	Formation of new access and road to existing quarry	Stancliffe Quarry, Dale Road North, Darley Dale	Further Information Awaited	76
CM3/0918/48	Amendment to condition 7, 10 & 11 of determined conditions approval R3/0699/17 (LET 7276). Relating to quarry permit 1390/9/2 (7 March 1952)	Stancliffe Quarry, Dale Road North, Matlock	Further Information Awaited	76
CM5/0818/42	Reclamation, cut of and fill site, of the former Whitwell Colliery site to facilitate mixed use redevelopment of the site together with landscaping, ecology and drainage.	Former Whitwell Colliery, Station Road, Whitwell	Approved /Legal Agreement	81
CW8/0818/45	Section 73 application seeking permission to amend condition 24 of planning permission CW8/0811/61 to extend the hours of working on the established Ward Waste Recycling Facility on land at the Quarry Hill Industrial Estate, Hallam Fields Road, Ilkeston, Derbyshire	Donald Ward Limited, Quarry Hill Industrial Estate, Ilkeston	Report Written	91
CM1/1017/57	S73 Application to vary condition 16 of permission R1/0498/5, to regularise the extraction limit so that it conforms the 1947 limit , not the 1951 limit.	Dowlow Quarry, Sterndale Moor, Buxton	Further Information Awaited	134
CM1/1017/58	10.68 hectare site extension into land to the south-east of the quarry	Dowlow Quarry, Sterndale Moor, Buxton	Further Information Awaited	134

Minor

Appcode	Proposal	Location	Status	No of Weeks
CD3/1219/65	Creation of Artificial Grass Pitch (AGP) with associated features including 4.50m high ball stop fencing and entrance gates to the AGP perimeter; 1.20m and 2.00m high pitch barriers with entrance gates internally within fenced AGP enclosure to segregate the artificial grass field of play and perimeter area from adjoining hard-standing areas; hard-standing areas complete with associated porous asphalt surfacing for portable goals storage, pedestrian circulation and access as well as vehicular maintenance and emergency access; 15.00m high floodlight system around AGP perimeter; 2.59m high maintenance equipment store located within AGP fenced enclosure; adjustment of summer and winter playing pitches.	Highfields School, Upper Lumsdale, Matlock, Derbyshire	Report being prepared	15
CD8/0120/72	The proposed construction of a new Primary School associated landscaping works incorporating the provision of a new external car parking area, hard and soft landscaped play areas and installation of security fencing at the former Pupil Referral Unit Brookside road Breadsall (amended vehicular access and application red line).	Behavioural Support Centre, Brookside Road, Breadsall	Report being prepared	18

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Agenda Item No. 3.6

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

8 June 2020

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee’s Information

6 CURRENT APPEALS/CALLED IN APPLICATIONS

There are currently no appeals lodged with the Planning Inspectorate.

**Mike Ashworth
Executive Director – Economy, Transport and Environment**

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Agenda Item No. 3.7

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

8 June 2020

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee’s Information

**7 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR –
ECONOMY, TRANSPORT AND ENVIRONMENT UNDER
DELEGATED POWERS**

Date	Reports
03/02/20	<p>Applicant: Derbyshire County Council Planning Application Code No: CD1/1219/64 Proposed Installation of 2.4 Metres High Fencing at the Front of the School, with Automated Vehicle and Pedestrian Gates Linked to the School Office at Harpur Hill Primary School, Trent Avenue, Harpur Hill, Buxton</p>
14/02/20	<p>Delegation Decisions on Schemes Required by Planning Conditions: CW5/0218089 Creswell Colliery Lagoons: SW3293 SW3294 SW3296 SW3297 SW3300 SW3301</p>
18/02/20	<p>Applicant: Derbyshire County Council Planning Application Code No: CD2/1219/68 Proposed Extension of a Reception Office and Secure Lobby with Internal Alterations to Form a Group Room at Brockwell Junior School, Purbeck Avenue, Chesterfield</p> <p>Applicant: Tarmac Limited Request to Postpone the Submission of an Application under the Environment Act 1995 (Schedule 14) for Approval of Conditions to Which a Planning Permission is to be Subject (First Periodic Review of Mineral Planning Permissions or 'RoMP' Application) at Hillhead Quarry, Buxton</p>

	<p>Applicant: Tarmac Limited Request to Postpone the Submission of an Application under the Environment Act 1995 (Schedule 14) for Approval of Conditions to Which a Planning Permission is to be Subject (First Periodic Review of Mineral Planning Permissions or 'RoMP' Application) at Hindlow Quarry, Buxton</p> <p>Delegation Decisions on Schemes Required by Planning Conditions: CD2/0419/7 Highfield Hall Primary School: SD3325 CM9/0805/73 Elvaston Quarry: SM3307 SM3308 SM3309 SM3310 SM3311 SM3312 SM3313</p>
28/02/20	<p>Applicant: Derbyshire County Council Planning Application Code No: CD3/1219/66 Section 73 Application Seeking Planning Permission for Development without Complying with Conditions 3 and 10 of Planning Consent CD3/0718/28 at St Oswalds C of E Infant School, Mayfield Road, Ashbourne DE6 1AS</p> <p>Applicant: Vital Energi Planning Application Code No: NMA/0120/68 Application for Non-Material Amendment to Planning Permission CW9/0319/108 at Former Drakelow C Power Station Site, Walton Road, Drakelow</p> <p>Delegation Decisions on Schemes Required by Planning Conditions: CD3/0819/38 Lady Hole Lane SD3318 SD3319 SD3322 SD3323</p>
06/03/2020	<p>Applicant: Tarmac Submission No: PD17/1/74 Request for the Council's Prior Approval for a Replacement Bag Filter within the Cement Plant Operation at Tunstead Quarry, Waterswallows Road, Buxton SK17 8TG</p>
13/03/2020	<p>Applicant: Mr M Mann, Clay Cross Biomas Limited Planning Application Code No: CW4/0120/069 Section 73 Application to Not Comply with Planning Conditions 1a, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 22, 23, 25, and</p>

	33 of Planning Permission Reference CW4/1114/98 at Land off Bridge Street, Clay Cross
19/03/20	Applicant: AR Recycling Ltd Planning Application Code No: CW6/1119/56 Planning Application Seeking to Vary Condition 1 of Planning Permission Reference CW6/0516/11 to Continue the Waste Operation for a further Ten Years, Adjacent 1 Quarry Road, Somercotes
06/04/20	Delegation Decisions on Schemes Required by Planning Conditions: CD8/0317/104 Wilsthorpe Community School SD3326 CD3/0819/38 Lady Hole Lane SD3317
09/04/20	Applicant: Derbyshire County Council Planning Application Code No: CD1/1219/62 Proposed Erection of a Detached, Single Storey Teaching Block, incorporating Two Classrooms, a Dance Studio, Ancillary Spaces and an Entrance Canopy at Harpur Hill Primary School, Trent Avenue, Harpur Hill, Nr Buxton
23/04/20	Applicant: Derbyshire County Council Planning Application Code No: CD3/0120/73 Removal of Existing Timber Doors and Door Frames to Outbuilding and Replacement with Powder Coated Aluminium Doors and Door Frames, Brassington Primary School, School Hill, Brassington, DE4 4HB
	Applicant: Derbyshire County Council Planning application Code No: CD9/0220/78 Two Classroom Extension, Landscaping Works with Perimeter Paths, Security Fencing and Additional Car Parking at Etwall Primary School, Egginton Road, Etwall, Derby DE65 6NB
	Delegated Decisions on Schemes Required by Planning Conditions: CW3/0818/37 Peak Waste Recycling Ltd SW3330 SW3332
28/04/20	Applicant: Breedon Southern Ltd Submission No: PD17/1/75 Request for Prior Approval for Changes to the Layout, Design and External Cladding of an Asphalt Plant, previously approved under Part 17B of the General Permitted Development Order 2015, at Dowlow Quarry, Buxton
	Applicant: Tarmac Limited Request to Postpone the Submission of an Application Under the Environment Act 1995 (Schedule 14) for Approval of

	Conditions to which a Planning Permission is to be Subject (First Periodic Review of Mineral Planning Permissions or 'ROMP' Application) at Dene Quarry
15/05/20	Delegated Decisions on Schemes Required by Planning Conditions: CW3/0818/37 Peak Waste Recycling Ltd SW3331

Mike Ashworth
Executive Director – Economy, Transport and Environment

Planning Services
Development Management
Monthly Performance Management Statistics
1 January 2020 to 31 March 2020

Pre-application

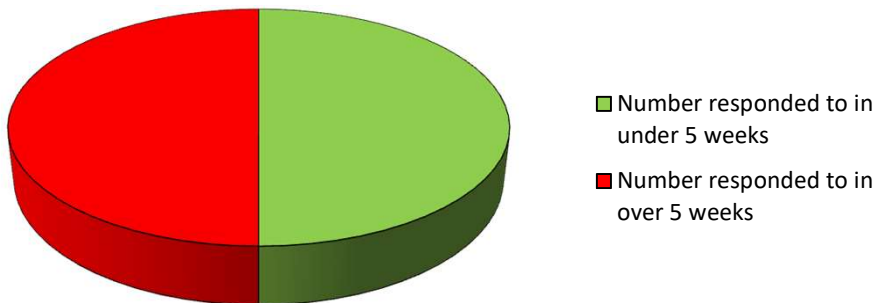
1 Total number of pre-application advice requests received

Number of mineral enquiries received	1
Number of waste enquiries received	1
Number of county council development enquiries received	12
Total number received	14

1 Percentage of pre-application advice requests responded to within 5 weeks

Number responded to in under 5 weeks	9
Number responded to in over 5 weeks	9
Total Number responded to	18
Percentage responded to within 5 weeks	50.00%

1.2 Percentage of pre-application advice requests responded to within 5 weeks



Planning Applications Received

2.1(a) Total number of planning applications received by type

Number of minor applications received	5
Number of major applications received	11
Number of EIA applications received	1
Number of ROMP applications received	0
Number of other applications received	3
Total number received	20

2.1(b) Total workload received

Number of applications received	20
Number of Screening Opinion requests received	1
Number of Scoping Opinion requests received	0
Number of submissions under condition received	28
Total workload received	49

Decision Making

3 Percentage minor applications determined on target

3.1a) Percentage minor applications determined within statutory period

Number of applications determined within 8 weeks	7
Number of applications not determined within 8 weeks	0
Total number determined	7

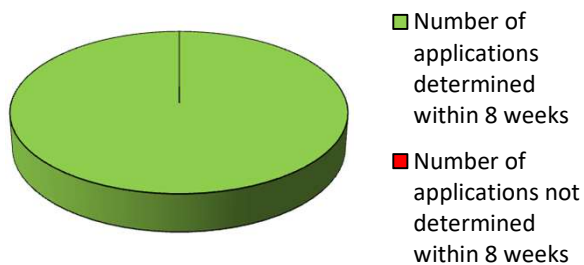
Percentage determined within statutory period **100.00%**

3.1b) Percentage minor applications determined within agreed extended period

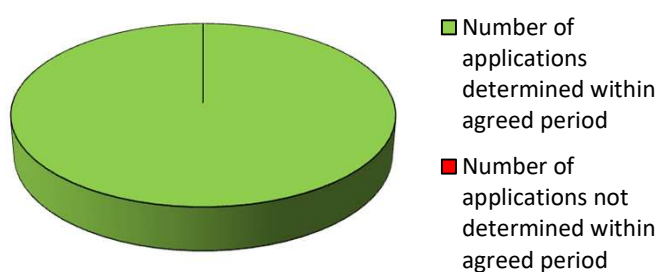
Number of applications determined within agreed period	1
Number of applications not determined within agreed period	0
Total number determined	1

Percentage determined within agreed extended period **100.00%**

3.1a) Percentage minor applications determined within statutory period



3.1b) Percentage minor applications determined within agreed extended period

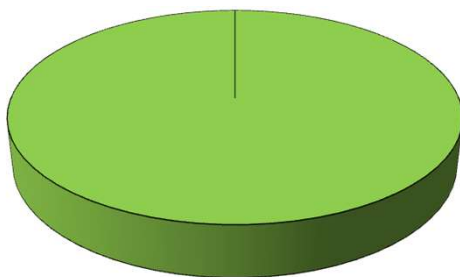


3.1c) Percentage all minor applications determined on target

Total number of minor applications determined on target	7
Total number of minor applications not determined on target	0
Total number determined	7

Percentage determined on target 100.00%

3.1c) Percentage all minor applications determined on target



- Total number of minor applications determined on target
- Total number of minor applications not determined on target

3 Percentage major applications determined on target

3.2a) Percentage major applications determined within statutory period

Number of applications determined within 13 weeks	7
Number of applications not determined in 13 weeks	0
Total number determined	7

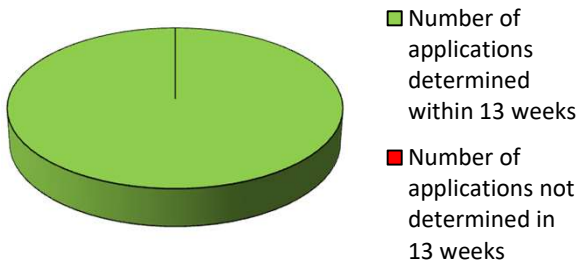
Percentage determined within 13 weeks 100.00%

3.2b) Percentage major applications determined within agreed extended period

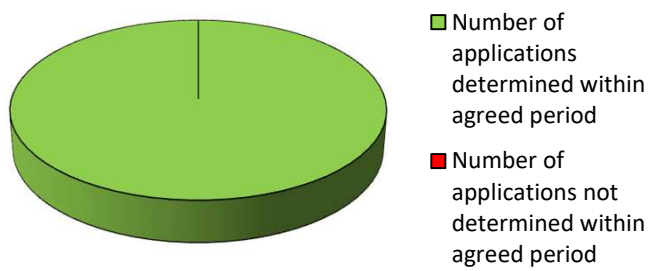
Number of applications determined within agreed period	7
Number of applications not determined within agreed period	0
Total number determined	7

Percentage determined within agreed extended period 100.00%

3.2a) Percentage major applications determined within statutory period



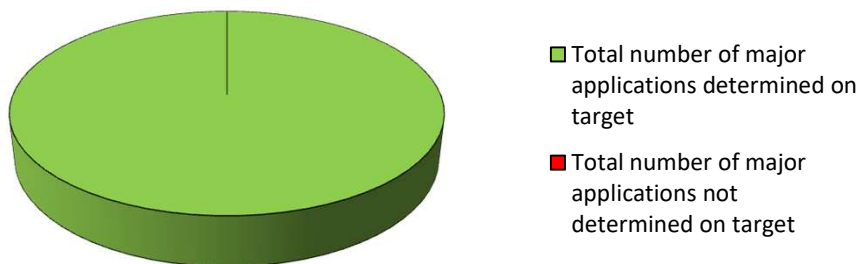
3.2b) Percentage major applications determined within agreed extended period



3.2c) Percentage all major applications determined on target

Total number of major applications determined on target	7
Total number of major applications not determined on target	0
Total number determined	7
Percentage determined on target	100.00%

3.2c) Percentage all major applications determined on target



3 Percentage EIA applications determined on target

3.3a) Percentage EIA applications determined within statutory period

Number of applications determined within 16 weeks	0
Number of applications not determined within 16 weeks	0
Total number determined	0
Percentage determined within 16 weeks	Null

3.3b) Percentage EIA applications determined within agreed extended period

Number of applications determined within agreed period	0
Number of applications not determined within agreed period	0
Total number determined	0

Percentage determined within agreed extended period **Null**

3.3a) Percentage EIA applications determined within statutory period

3.2b) Percentage major applications determined within agreed extended period

- Number of applications determined within 16 weeks
- Number of applications not determined within 16 weeks

- Number of applications determined within agreed period
- Number of applications not determined within agreed period

3.3c) Percentage all EIA applications determined on target

Total number of applications determined on target	0
Total number of applications not determined on target	0
Total number determined	0

Percentage determined on target **100.00%**

3.3c) Percentage all EIA applications determined on target

- Total number of applications determined on target
- Total number of applications not determined on target

3 Percentage major applications determined within 26 weeks

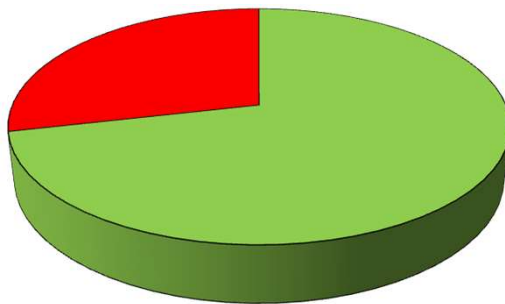
Number of major applications determined within 26 weeks
Number of major applications determined in over 26 weeks
Total number determined

5
2
7

Percentage determined within 26 weeks

71.43%

3.4 Percentage major applications determined within 26 weeks



- Number of major applications determined within 26 weeks
- Number of major applications determined in over 26 weeks

4 Percentage all applications determined within 26 weeks

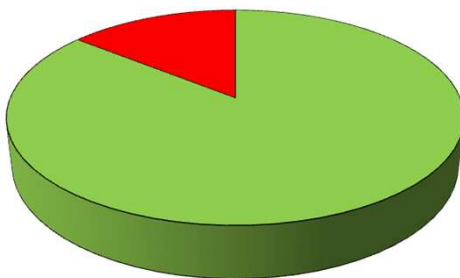
Number of all applications determined within 26 weeks
Number of all applications determined in over 26 weeks
Total number determined

12
2
14

Percentage determined within 26 weeks

85.71%

3.5 Percentage all applications determined within 26 weeks



- Number of all applications determined within 26 weeks
- Number of all applications determined in over 26 weeks

Effectiveness of Pre-application Advice

4 Effectiveness of pre-application advice by application type

	Minor		Major		EIA	
	With pre-app	Without pre-app	With pre-app	Without pre-app	With pre-app	Without pre-app
% Invalid when received	25.00%	Null	0.00%	50.00%	null	null
% Approved	83.33%	Null	0.00%	100.00%	null	Null
% Determined on target	66.67%	Null	66.67%	0.00%	null	Null
% Refused	0.00%	0.00%	Null	Null	null	Null

Post Application

5 Number of submissions under condition received by type

Number of county development schemes received	24
Number of minerals schemes received	0
Number of waste schemes received	4
Number of reserved matters submissions received	0

Total number received 28

5 Percentage submissions determined within 8 weeks

Number of submissions determined within 8 weeks	7
Total number of submissions determined	32

Percentage determined within 8 weeks 21.88%

5 Number of appeals lodged

Total number of appeals lodged 0

5 Percentage appeals won

Number of appeals won	0
Total number of appeals lodged	0

Percentage won Null