

PUBLIC

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 20 May 2019.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, J Frudd (substitute member) A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson and B Wright.

Apologies for absence were submitted on behalf of Councillors D Charles and P Smith.

Councillor M Ford declared a non-pecuniary interest in relation to Agenda Item No 3 (3) as he was aware that the applicant had previously had planning applications considered by South Derbyshire District Council, of which he was a member. (Minute 31/19)

No Significant Lobbying had been received.

28/19 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 8 April 2019 be confirmed as a correct record and signed by the Chairman.

29/19 **THE INSTALLATION OF A ROUNDABOUT JUNCTION ON THE A52 TO THE EAST OF ASHBOURNE GIVING ACCESS TO PREVIOUSLY CONSENTED DEVELOPMENT TO THE NORTH GRANTED BY DERBYSHIRE DALES DISTRICT AT LAND TO THE NORTH OF THE A52 DERBY ROAD, ASHBOURNE, FORMER ASHBOURNE AIRFIELD SITE APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD3/0419/1** As reported by the Strategic Director, this application was for the installation of a roundabout junction off the A52 giving access to a previously approved mixed-use development of the former Ashbourne Airfield. His report included details of the application together with comments received from consultees and following publicity. The site was on land including part of the A52 Derby Road, and part of the former airfield. The application site was not located in an area subject to sensitive natural or ecological designations. There were no designated heritage assets within the site, however, a grade II listed property “The Thatched Cottage” was located adjacent the site to the south-east. The report had been produced having regard to the special importance of the issue of harm to the setting of the listed building which was associated with the application in this case, as well as the benefits that the roundabout junction would bring as infrastructure required for the planned redevelopment of the former Ashbourne Airfield.

The report indicated that there would be considerable public economic and social benefits arising from the installation of the roundabout junction, which was considered to be an important infrastructural element in bringing forward additional housing, commercial and employment development, in accordance with Derbyshire Dales Local Plan (DDLp). The development of the former Ashbourne Airfield site was to be brought forward in two phases. The Phase 2 development would lead to the generation of traffic beyond the capacity of the signalled junction previously consented to by Derbyshire Dales District Council (DDDC) as part of the mixed-use development of the former airfield, which has the capacity to only serve Phase 1 of the development in isolation.

The applicant regarded the roundabout as being fundamental to the delivery of the Phase 2 development. The roundabout would facilitate a safe means of access not only for the approved Phase 1 development (development comprising an 8ha business park and 367 homes), but also 1,100 homes and a further 8ha of employment land under Phase 2 identified in the DDLp.

The proposal, however, did not accord fully with certain relevant policies in the DDLp and in the National Planning Policy Framework (NPPF). One such policy was that concerning listed buildings where it was considered the proposals would result in harm to the setting of the grade II listed building, although such harm would be less than substantial. The proposal would also result in landscape and visual impacts. Some of these impacts could be minimised through the imposition of conditions, although they would not prevent the impacts altogether. In determining planning applications, planning authorities must give special regard to the desirability of preservation of any affected heritage assets, including any listed buildings and their settings.

The imposition of conditions to control the design details for the roundabout junction including signage and lighting, would allow the Planning Authority to limit visual clutter to the minimum required in order to meet Highway Authority standards. Despite these mitigations, however, a 'less than substantial' level of harm to the heritage asset would still occur, which was still a consideration of great weight. The public benefits from the development, however, were significant and regarded by the Strategic Director as being of sufficient weight to justify a positive recommendation for the application, which having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in the report.

The application was therefore recommended in the report for approval subject to conditions substantially similar a set of the draft conditions listed in the Strategic Director's report.

Councillor Steve Bull attended the meeting to speak on behalf of Osmaston and Yeldersley Parish Council, and confirmed that the Parish Council had no objections to the proposal and that they felt that the roundabout would provide a better and safer solution than a traffic lighted junction system.

The County Councils Strategic Transport Manager Mr J Seymour, , who was attending the meeting to speak on behalf of the Council as applicant explained that the proposed provision of a roundabout played a significant strategic role in the expansion of the industrial estate and was a key component to the DDLP. This would not only provide the capacity but would future proof the Highway Network.

Members made several observations and raised some points for clarification which were answered by Mr Seymour, representing the applicant.

RESOLVED that planning permission be granted, subject to conditions substantially similar to the draft conditions detailed in the report of the Strategic Director Economy, Transport and Environment.

30/19 PERMANENT RETENTION OF THE EXISTING INERT WASTE RECYCLING OPERATIONS, TOGETHER WITH THE ASSOCIATED OFFICE BUILDING, WORKSHOP EXTENSION, AND ASSOCIATED VEHICLE PARKING ARRANGEMENTS, MAGNET BUSINESS PARK, HIGH HAZELS ROAD, BARLBOROUGH APPLICANT: BRID'S LIMITED CODE NO: CW5/0618/24 As reported on by the Strategic Director, a temporary planning permission, with regard to inert waste recycling (in a smaller area at Magnet Business Park), had been granted on 2 May 2017, for a period of 36 months (expiring 2 May 2020).

Details were given in the report of the application together with comments received from consultees and following publicity. The operator had submitted this application to regularise the position on site and also to seek a permanent planning permission.

Bolsover District Council had provided comments in objection to permission being granted. No objections had been received from any other statutory consultees.

The proposal was considered by the Strategic Director to accord with local and national planning policy, and to be acceptable with regard to all material considerations, but particularly with regard to location of the development, dust and air issues, landscape and design, highways, flood risk

and drainage, and economic impacts. Any impacts associated with the development were considered to be to a reasonable level, or could, where considered necessary, be controlled through the imposition of conditions. The application was therefore recommended for approval subject to conditions.

Mr W Briddon, attended the meeting on behalf of the applicant and spoke for three minutes in support of his application.

Several comments were made by Members, which were in support of the recommendation for approval.

RESOLVED that planning permission be granted, subject to the conditions contained in the report of the Strategic Director Economy, Transport and Environment.

31/19 THE PROPOSED EXTENSION TO THE SITE AND CONSTRUCTION OF A WASTE HANDLING BUILDING FOR THE STORAGE, TREATMENT AND PROCESSING OF REFUSE DERIVED FUEL AT THE FORMER RAILHEAD, CADEY HILL PARK, BURTON ROAD, SWADLINCOTE, DERBYSHIRE APPLICANT: WILLSHEES SKIP HIRE LTD CODE NO: CW9/1018/63

The Strategic Director reported that this proposal was for the construction and use of a waste handling facility for the storage, treatment and processing of refuse derived fuel (RDF) for use in waste to energy plants.

In considering the proposal, the Strategic Director had had regard to concerns relating to landscape and visual amenity, ecology and biodiversity, land contamination, flood risk, emissions to air, highways impacts and their effects on local amenity and was satisfied that the effects of the development could be managed and mitigated through an appropriate suite of conditions.

The proposed development would provide an end use for locally produced waste reducing the need for landfill and for the export of waste. It was therefore considered that the proposal would provide a facility that would meet the needs of the local area, and in creating a fuel product from that waste, would be in accordance with the national policy goals of moving waste up the waste hierarchy and contributing towards sustainable waste management objectives.

Details of the application together with comments received from consultees and following publicity were given in the report of the Strategic Director Economy, Transport and Environment.

The development was considered by the Strategic Director to be in accordance with the development plan and was therefore recommended for approval.

Mr D Alcock spoke for three minutes as Agent on behalf of the applicant in support of the application.

Councillor Mihaly, whilst supporting the application, suggested that an additional condition should be added to those that were recommended, to prohibit any burning of waste on the site.

A motion then was proposed and seconded for a resolution in accordance with the officer recommendation subject to an additional condition to prohibit any burning of waste on the site

RESOLVED to approve that (1) the Screening report, set out in Appendix 1 to the Strategic Director's report, be endorsed as the conclusion of the assessment work relating to the application which is subject of the report (Code No: CW9/1018/63) for the purposes of the Conservation of Habitats and Species Regulations 2010; and

(2) planning permissions be granted for application CW9/1018/63 subject to the conditions contained in the report of the Strategic Director Economy, Transport and Environment, and an additional condition to prohibit any burning of waste on the site.

32/19 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current enforcement action.

33/19 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 20 May 2019 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.

34/19 **CURRENT APPEALS/CALLED IN APPLICATIONS** **RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate

35/19 **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director Economy, Transport and Environment under delegated powers on:-

11 April 2019

1 Proposed Erection of Outdoor Catering Pod and Canopies at Itself Community Primary School, Doe Hill Lane, Itself

Applicant: Derbyshire County Council

18 April 2019

- 1 Replacement of the Timber Windows and Doors with Double Glazed Aluminium Units to the Residential Wings of Holly House School. Work to Include Replacement of Fascia and Rainwater Goods at Holly House School, Church Street North, Old Whittington, S41 9QR
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0219/97

- 2 Replace Existing UPVC Window with Double Powder Coated Aluminium Fire Doors, with UPVC Glazing Panels to Match Existing Pottery Primary School, Kilbourne Road, Belpre
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0219/91

- 3 Proposed Erection of a Sanctuary Pod and Hexagonal Timber Shelter at Ladywood Primary School, Oliver Road, Kirk Hallam, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0219/90

2 May 2019

- 1 Proposed Extension to Form Staff and Head of School Office, the Installation of Two External Canopies, Storage Shed and Landscaping Works at South Normanton Nursery School, Hamlet Lane, South Normanton
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0119/83

9 May 2019

- 1 Erection of Approximately 23 Metres Linear; 2.4 Metres High, Green RAL 6005 Mesh Fencing at Charon's Family Support Centre, Lower Whitworth Road, Ilkeston, DE7 4LT
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0319/103