

PUBLIC

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 8 July 2019.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin (not site visit) , D Charles, A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P Smith and B Wright.

Apologies for absence were submitted on behalf

36/19 **SITE VISIT** In accordance with the Code of Practice Members visited the former Whitwell Colliery Site (Minute No. 38/19).

37/19 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 20 May 2019 be confirmed as a correct record and signed by the Chairman.

38/19 **PROPOSED RECLAMATION, CUT AND FILL OF THE FORMER WHITWELL COLLIERY SITE TO FACILITATE MIXED USE REDEVELOPMENT OF THE SITE, TOGETHER WITH LANDSCAPING, ECOLOGY AND DRAINAGE APPLICANT: THE WELBECK ESTATES COMPANY LIMITED CODE NO: CM5/0818/42** As reported by the Executive Director, The Welbeck Estate Company Limited had submitted concurrent planning applications to Derbyshire County Council and Bolsover District Council (BDC). This application was for the reclamation by cut and fill of the former colliery tip and associated land with landscaping, ecology enhancements and new drainage as enabling works for the application to the district for a mixed-use scheme of new housing, employment land and public open spaces.

The Executive Director's report gave special consideration to the extent of potential harm to the nearby conservation areas, in which a degree of conflict with a policy of the Bolsover District Local Plan (BDLP) was identified.

There had been two rounds of consultations on this application, the first following the receipt of the application and the second following submission of additional/other information to accompany an environmental statement The local elected member had also been consulted. Details of the comments received from consultees and following publicity were given in the report.

Darren Ridout, the applicant, Chris Jesson, agent and Chris Fridlington of Bolsover District Council, attended the meeting and made brief presentations to members in support of the application. Members made a number of comments which were duly noted.

The report in its conclusion stated that the restoration of the Whitwell Colliery tip and surrounding land in addressing the consequence of an historic mining legacy in the area was welcomed. The Executive Director was satisfied that the proposed reclamation details were not unacceptable, subject to controls as set out in the recommended conditions and completion of a suitable section 106 agreement. The landscape restoration would have benefits in the longer term. The proposed scheme would deliver through the on-site reuse the mineral waste, an improved landform, (albeit still differing from the natural surroundings in scale given the quantity of colliery tipped material at the site and generating some less than substantial harm on the conservation areas). The proposal was expected to also provide the basis for future economic benefits in the form of modern housing and commercial opportunities, since the emerging local plan was at an advanced stage. Biodiversity and ecology benefits were also expected.

The site had scope for a range of habitat types and landscaping improvements incorporating the views expressed by DWT and EMBC, and the Executive Director was satisfied that these details were capable of being agreed by a suitably worded planning conditions should planning permission be granted.

Overall, it was expected that the successful reclamation would contribute to the stated socio-economic benefits by providing the means to facilitate development of housing and employment opportunities in close proximity to each other and to existing employment opportunities, with good access onto the highway and rail networks and close to recreational and tourism opportunities.

Accordingly, it was considered that the proposal, subject to finalised ecological and landscape management and other detailed matters being agreed, which were capable of being controlled via planning conditions and legal agreement, satisfied national planning policy and accords with policies of the DDMLP. Notwithstanding a conflict with Policy CON4 of the BDLP, as identified in the report, the development was considered to be suitable to be recommended for approval.

RESOLVED that planning permission be granted, subject to conditions substantially similar in accordance with the schedule of draft conditions set out in the report of the Executive Director Economy, Transport and Environment, with effect from the completion of an agreement between the Council and the

land owners under section 106 of the Town and Country Planning Act 1990 which creates a planning obligation with respect to the application land to ensure that following the development there is (1) 25 years of landscape and ecology management of the site in accordance with an approved Landscape and Ecology Management Plan; (2) permanent retention of those areas of the site to be so managed for the purpose of continuing to provide amenity through landscape and biodiversity provision and (3) dedication by the owners as a public right of way of any permissive path created in accordance with the application or the Landscape Masterplan that the Council notifies to the landowner(s) as requiring to be so dedicated.

39/19 SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITION 3 (DURATION) AND 4 (APPROVED DETAILS) OF PLANNING PERMISSION REFERENCE NUMBER 9/0218/94: ERECTION OF A 15MW RENEWABLE ENERGY CENTRE AND ASSOCIATED INFRASTRUCTURE ON LAND AT THE FORMER DRAKELOW C POWER STATION, OFF WALTON ROAD, DRAKELOW APPLICANT: FUTURE EARTH ENERGY CODE NO: CW9/0319/108 The Executive Director reported that planning permission for an energy from waste power station had been granted in 2015 (planning permission code no. CW9/0615/48), and that a subsequent Section 73 application (CW9/0218/94) to change the design of the plant had been granted permission in May 2018. The principle of the development of the application site for an energy from waste power station had therefore been established.

The applicant proposed further external design changes, and to extend the duration of the operation of the plant from 25 to 30 years.

This application proposed non-compliance with the requirement of Condition 3 to which the 2018 permission was subject in order to allow a 30 year operation of the plant (rather than the d 25 year operation). The applicant contended that the additional five year period was required to cover a construction finance loan.

The applicant proposed non-compliance with the requirement of Condition 4 to which the 2018 permission was subject in order to amend the design to cater for the change of the plant from a single-line based gasification system to a three-line gasification system, (a three line gasification system was initially approved under the original planning permission CW9/0615/48, but altered under design changes approved under planning permission CW9/0218/94).

The main elements of the design changes were a reduction in height of the plant by approximately 10 metres (m), a revised built development footprint, and a general reconfiguration of layout. Fuel throughput, energy

output and HGV movements would remain as previously approved.

The original planning application was accompanied by an environmental Statement (ES) and the subsequent Section 73 application was accompanied by an addendum to the ES. The application now under consideration was also accompanied by a further addendum to the ES, which included updated analysis with regard to air quality, noise and landscape and visual impacts.

Following publicity a number of comments/responses were received. Details of the comments received from consultees following publicity were given in the Executive Director's report. The local elected members had also been consulted and no comments had been received.

Adrian Smith, on behalf of the applicant, made a brief presentation to members. Members made a number of comments which were duly noted.

The Executive Director was satisfied that the proposed changes to the design of the facility and extended operational life of five years (from 25 to 30 years) would not result in any significant environmental or amenity impacts and would accord with the Development Plan, the National Planning Policy Framework (NPPF), and the National Planning Policy for Waste (NPPW), and local planning policies, and that The applicant had provided valid reasons for seeking the variation.

An addendum to the ES had been provided which assessed likely significance of effects upon air quality, noise and visual impacts

The updated ES concluded that the proposed changes to the consented design would not result in any significant effects.

The application was therefore recommended for approval subject to the conditions contained in the Executive Director's report

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

40/19 **PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.11 – PARISH OF CHISWORTH** Authority was sought for the Director of Legal Services to make a Public Path Diversion Order for the permanent diversion of Public Footpath No. 11 in the parish of Chisworth in the interests of the landowners.

It was reported in the Executive Director's report that the line of the path was currently obstructed by a barn building for which planning permission had been granted by the local planning authority (High Peak Borough Council) in 2006. No legal order to divert the path had been processed in conjunction with the planning permission. A Diversion Order was sought the landowners to take the path away from the barn and for better management of the land.

The report described a proposed diversion of approximately 260 metres of Public Footpath No. 11, shown on the plan appended to the Executive Directors report, to a new path approximately 206 metres long with a width of 2 metres and a natural grass surface.

The Local Members, Councillor J Wharmby and Councillor G Wharmby, High Peak Borough Council and Chisworth Parish Council had been consulted and had offered no objections to the proposal.

A number of objections and further comments were received which were detailed in the Executive Directors report.

RESOLVED (1) that the Director of Legal Services be authorised to make the necessary order to divert Public Footpath No. 11 (Part) in the parish of Chisworth under the provisions of Section 119 of the Highways Act 1980; and

(2) that should objections be received to the making of the Order that could not be resolved, then the matter be forwarded to the Secretary of State for determination.

41/19 CREATION OF PUBLIC FOOTPATH AT LOCK LANE, SANDIACRE AND PROPOSED EXTINGUISHMENT OF PART OF LONG EATON PUBLIC FOOTPATH NO.47 (NOW KNOWN AS NO.68) – LONG EATON, PARISH OF SANDIACRE Authority was sought for the Director of Legal Services to make a Public Path Creation Order for the creation of a public footpath between Lock Lane and Sandiacre Public Footpath No. 19 (the Erewash Canal towpath) and to make a Public Path Extinguishment Order for the permanent extinguishment of part of Long Eaton Public Footpath No. 47 (numbered 68 on the Council's working copy of the definitive map)..

The Executive Director's report referred to a section of path 64 metres long on the plan appended to the report as offering a convenient link from Long Eaton Public Footpath No. 68 to Lock Lane and Sandiacre Public Footpath No. 19 It was proposed that this section was the subject of a Creation Order, to ensure it was part of the official footpath network in the interests of the public.

A public footpath was needed in this location. Part of a nearby public footpath, which would otherwise have provided access to Sandiacre Public Footpath No. 19, was unusable because it crossed the Erewash Canal at a location where no form of crossing had been provided, and there was some uncertainty over its precise alignment.

The section of path was already part of the completed Cycle Network (but had no recorded legal status and was not publicly maintainable highway. The formal creation would protect the public's right to use the path in the future.

The report referred to Long Eaton Public Footpath No. 47 being unuseable where it crossed the canal, and a proposal that that section of the footpath which crossed the canal, of approximately 27 metres length, be extinguished. .

Informal consultation of the proposals had been carried out in August 2018. The report also referred to objections and further comments which had been received. The Local Member, Councillor Hickton, and Erewash Borough Council had been consulted and had offered no objections to the proposals.

RESOLVED (1) that the Director of Legal Services be authorised to make an order to create a public footpath between Lock Lane and Sandiacre Public Footpath No.19;

(2) that the Director of Legal Services be authorised to make an order to extinguish part of Long Eaton Public Footpath No.47 (No. 68 on the Definitive Map working copy) upon the coming into effect of that Creation Order; and

(3) that should objections be received to the making of either or both of the orders that cannot be resolved, then the matter(s) be forwarded to the Secretary of State for determination.

42/19 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current enforcement action.

43/19 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 8 July 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.

44/19 **CURRENT APPEALS/CALLED IN APPLICATIONS** **RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate

45/19 DEVELOPMENT MANAGEMENT PERFORMANCE
MONITORING RESOLVED to receive the Planning Services Development Management Performance Management Statistics for 1 April 2019 to 30 June 2019.

46/19 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:

23 May 2019

- 1 Provision of a Green (RAL 6009) Powder Coated Steel Storage Shed Adjacent to the School's Playground at Riddings Infant School, West Street, Riddings, Alfreton, DE55 4EW
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0419/2
- 2 Proposed Erection of 1.8 Metres High Weldmesh Fencing and Double Vehicle Gates at Hartshorne Church of England Primary School, Main Street, Hartshorne
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0319/111

June 2019

- 1 Proposed Erection of a KSI Classroom and KSI Group Room, New Modular Building at Bolsover Infants and Nursery School, Welbeck Road, Bolsover
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0818/43
- 2 Localised Areas of Repointing to Section of the Wall which is to be retained. Dismantle and Rebuild of Existing Boundary Wall to Failing/Deteriorated Sections at Milford Community Primary School, Chevin Road, Milford, Belper, DE56 0QH
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0319/100
- 3 Delegated Decisions on Schemes Required by Planning Conditions June 2019

10 June 2019

- 1 Section 73 Application to Vary Conditions 6 and 8 of Planning

Permission No. CW8/0817/38 to not Comply with the Timescales
Stipulated for the Submission of Details by Condition at the Old
Ironworks, Stanton Recycling Ltd, Crompton Road, Ilkeston
Applicant: Stanton Recycling Ltd
Planning Application Code No: CW8/0219/95

14 June 2019

- 1 Retrospective Application for Modular Building at Norbury C of E
Primary School, 2 Lid Lane, Roston, DE6 2EG
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0419/8
- 2 Delegated Decisions on Schemes Required by Planning Conditions
June 2019
 - SD3227

26 June 2019

- 1 Delegated Decisions on Schemes Required by Planning 26 June 2019
 - SW3218
 - SW3219
 - SW3214

2 July 2019

- 1 Proposed Extension to Provide an Classroom and Group Room
including Construction of Retaining Wall, Tree Felling and Relation of
Existing –Tunnel at Ladywood Primary School, Oliver Road, Kirk
Hallam, Ilkeston DE7 4NH
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0319/106
- 2 Extension to the Existing School Library Facilities at Willington County
Primary School, Trent Avenue, Derby, DE65 6DN
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0119/87
- 3 Replacement of Flat Roof Covering, Including Cut-to-Falls Insulation,
Replacement of Roof-Lights, Clerestory Windows, and Over-Cladding
Upper Level Concrete Cladding Panels at Melbourne Junior School,
Pack Horse Road, Derby DE73 8JE
Applicant: Derbyshire County Council

Planning Application Code No: CD9/0419/3

4 Delegated Decisions on Schemes Required by Planning 2 July 2019

- SM3233
- SM3228