

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 23 September 2019.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin (not site visit), A Griffiths, J Frudd (substitute member), L Grooby, R Iliffe, R Mihaly, R A Parkinson, and B Wright.

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

47/19 SITE VISIT In accordance with the Code of Practice Members visited the site at Occupation Lane, Woodville and the A514, Derby Road Swadlincote (Minute No. 52/19).

48/19 MINUTES RESOLVED that the minutes of the meeting of the Committee held on 8 July 2019 be confirmed as a correct record and signed by the Chairman.

49/19 REGRAIDING OF Paddock BY DEPOSITION AND DISTRIBUTION OF SPOIL, AS EXCAVATED IN RELATION TO BUILDING WORKS APPROVED BY HIGH PEAK BOROUGH COUNCIL, BUXTON HOUSE FARM, BACK ECCLES LANE, WHITEHOUGH APPLICANT:MS WELLWORK CODE NO: CW1/0219/96 The Executive Director reported this was a partly retrospective planning application that sought approval of the deposit of some 600 tonnes of inert waste on land that was currently used as a paddock. The waste had arisen from the construction of a two-storey side extension and garage at Buxton House Farm, Whitehough which was approved by High Peak Borough Council (planning permission reference HPK/2018/0026). The house was 25 metres to the south-west of the paddock.

The excavated inert waste had been stockpiled in the south-east corner of the paddock but to date had not been profiled and grass seeded. Topsoil had been stripped from the application site and stored separately ready for final deposition.

Whilst there was no identified need for this development and therefore it did not strictly comply with the saved policies of the Derby and Derbyshire Waste Local Plan, the Executive Director considered on balance that the proposal was acceptable given the limited amount of inert waste involved and the close proximity of the application site in relation to where the waste had

arisen. He considered that there would be limited impacts on the local amenity and environment and on that basis was satisfied that the application was acceptable and should be recommended for approval subject to the conditions as set out in his report.

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

In conclusion the Executive Director stated that whilst the need for the proposed development had not been provided it was considered that the small scale tipping and earth-moving operation on this relatively remote site was acceptable, would accord with the proximity principle and would not result in any detriment to other land uses, the landscape, the local environment, neighbouring amenity nor any adverse environmental or health effects. The local character and distinctiveness of this remote, predominantly agricultural environment, surrounding this hamlet would, in his opinion, not be affected and would be retained. The Executive Director also did not consider that there would be any impediment or endangerment to the social or economic activities or interests of the local community.

He was also satisfied that the deposit of the waste was inert soil/shale material which had been excavated as a result of residential development nearby. The applicant had provided a Tree Protection Statement, a Tree Protection Plan and revised cross-section drawings in response to the concerns of the Derbyshire Wildlife Trust over the impact of tipping waste material in close proximity to trees/ woodland on adjacent land. He was satisfied that the trees and woodland adjacent east of the site on neighbouring land would be adequately protected from any potential tree root damage as a result of earthwork operations.

On that basis, when considered against the relatively small scale nature of the development and that there would be limited impacts associated with final restoration, the Executive Director was satisfied that it would be not expedient to take enforcement action for its removal as suggested in the representations. It was therefore recommended, subject to the conditions that the application be approved.

RESOLVED that planning permission be granted subject to the conditions set out in the report of the Executive Director – Economy, Transport & the Environment.

**50/19 THE INSTALLATION OF A NEW MULTI-USE GAMES AREA AT
BURBAGE PRIMARY SCHOOL, 1 CAVENDISH AVENUE, BUXTON, SK17 9AE**
APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD1/0219/94

The Executive Director reported on a proposal for the erection of a 30 metres (m) by 15m Multi-Use Games Area (MUGA) on land at Burbage Primary School's playing field. The proposed site was on the existing playing field to the north of the school complex. The development as proposed was considered to be of good design and would be situated within a discrete location which would not result in any significant impacts on the amenity of the area. The applicant had demonstrated a justified need for the development. It complied with Sport England's Playing Field Policy. Due to the proximity of the development to residential properties, local residents may on occasion be disturbed by noise arising from the MUGA. The application site was not located within a Conservation Area (CA) or within the setting of a listed building. The Executive Director was satisfied that the proposal would accord with relevant development plan policies and the National Planning Policy Framework (NPPF), and was therefore recommended for approval, subject to conditions.

Following publicity a number of comments/responses were received. Details of the comments received from consultees and members of were given in the Executive Director's report. The representations made, which raised a number of concerns, had been taken into consideration when determining the application. The local elected member had also been consulted and no comments had been received.

Mr G Davies and Mr J Cook members of the public attended the meeting. Mr Davies made a brief presentation to members in objection to the application. Members made a number of comments which were duly noted.

In conclusion the Executive Director stated that whilst the proposal would contribute towards an increase in noise as a result of the external parties using the facility after school hours, the design and materials had been chosen to reduce the noise impact of the proposal on the residential properties nearby the site. He did not consider that the proposal would result in any adverse visual impacts or have any significant impact on ecology. The works, as described in the report had a justified need to take place and would accord with local and national planning policy. The development would not, in the opinion of the Executive Director, generate significant amounts of traffic or pollution and related nuisances. Subject to the recommended conditions, he was satisfied that the proposal would accord with the HPLP and the NPPF, and it is therefore recommended for approval.

RESOLVED that planning permission be granted, in accordance with the conditions detailed in the report of the Executive Director Economy,

Transport and Environment, subject to the following condition being amended to read: 'No construction/demolition work at the site shall take place outside the following hours: 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays.

51/19 INSTALLATION OF A NEW 3 ARM ROUNDABOUT JUNCTION CENTRED ON THE A52 EAST OF ASHBOURNE AND WEST OF LADY HOLE LANE, PROVIDING ACCESS TO CONSENTED DEVELOPMENT ON THE FORMER ASHBOURNE AIRFIELD SITE APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD3/0819/38

The Executive Director reported on an application by the County Council for the installation of a roundabout junction off the A52 giving access to a District Council approved mixed-use development of the former Ashbourne Airfield. 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.

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 had the capacity to only serve Phase 1 of the development in isolation.

The Council, as 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 8 hectares (ha) 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 NPPF. One such policy was that concerning listed buildings where it is 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. This 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.

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

Cllr J Harris, Ashbourne Town Council attended the meeting and made a brief presentation to members outlining the Town Council's objections to the application.

Councillor Steve Bull, the local elected member, attended the meeting and outlined his general support for the application

Mr J Seymour on behalf of DCC, the applicant, attended the meeting and made a number of comments in support of the application.

Members made a number of comments which were duly noted.

In conclusion the Executive Director stated that the principle of a roundabout junction within this locality has already been accepted by the County Council through the recent approval of planning application CD3/0419/1 in May 2019. It was not considered that the change in position and increase in size of the roundabout would incur any additional impacts to that of the previously approved scheme.

The development would bring significant public benefit through the provision of the roundabout junction to adequately serve both phases of development of the former Ashbourne Airfield site. The mixed housing and employment uses identified in the DDLP require safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider Ashbourne Airfield site are of strategic significance.

The proposed roundabout provided the opportunity to serve, via a single access, both the Phase 1 development comprising an 8ha business park and 367 homes and larger Phase 2 scheme extending to 1,100 homes and a further 8ha of employment land. Delivery of the Ashbourne Airfield, facilitated through the new access and link road is a priority for DDDC and important to the delivery of both the DDDC's Economic Plan, and Local Plan, providing the

opportunity for business expansion, retention of local jobs and delivery of new homes.

Drawing upon existing analysis of the Phase 1 expansion, the Phase 2 development could be expected to support as many as 36 FTE jobs through additional household expenditure, of which 24 would be 'net additional' (with the remaining 12 being displaced from elsewhere). The Gross Value Added by the new households would be approximately £7.8 million by 2031.

The development would, however, also result in some impacts on the landscape and some harm to the setting of the Grade II listed Thatched Cottage. Such harms would result from the likely loss of some hedgerow, potentially several trees and the physical introduction of the roundabout junction, with associated metalled road and footpaths, and any signage and lighting as required under Highway Authority standards. The harm was specifically to the openness and rural character of the locality, which was considered to also add to the significance of the setting of the listed building.

The harm was capable of some mitigation to the landscape through protective root barriers to trees and hedges.

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 level of harm to the heritage asset would still occur.

The Executive Director did not dispute that the 'harm' to the settings of the listed building, would indeed be at a 'less than substantial' scale, whilst remaining a consideration of great weight. The public benefits from the development, however, were significant. He regarded the public benefits to be delivered by this proposal as being a factor of sufficient weight to justify a positive recommendation of the application, 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 this report.

The Executive Director considered that any highways, ecological, drainage, archaeological or other impacts in their assessment are of limited weight in the 'planning balance', and, where necessary, could be mitigated by way of condition, and did not outweigh the public benefits of the proposal.

It was therefore recommended subject to the conditions that the application be approved.

RESOLVED that planning permission be granted subject to the conditions substantially similar to the draft conditions contained in the Executive Director's report.

52/19 CONSTRUCTION OF AN ALL-PURPOSE SINGLE CARRIAGEWAY COMPLETE WITH VERGES, CYCLEWAYS AND FOOTWAYS (INCLUDING THREE NEW ROUNDABOUT JUNCTIONS), CONNECTING BETWEEN THE EXISTING ROUNDABOUT SPUR AT OCCUPATION LANE, WOODVILLE AND THE A514 DERBY ROAD, SWADLINCOTE APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD9/0519/20 The Executive Director reported that the proposed link road would be a single carriageway road with a parallel footway/cycleway, associated drainage and landscaping, including three new roundabout junctions. The site lies within the administrative area of South Derbyshire District Council (SDDC).

A similar scheme had already been granted planning permission subject to conditions by South Derbyshire District Council (SDDC). The current application for planning permission had been made by the County Council for development it proposed to carry out.

The development would bring significant public benefit through the provision of a new road transport link, as part of the 'Woodville to Swadlincote Regeneration Route', in an area identified in the South Derbyshire Local Plan (SDLP) for economic, social and environmental regeneration.

The proposed mixed housing and employment uses, identified in the SDLP, required safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider "Woodville Regeneration Area" are of strategic significance.

The proposed link road would provide the opportunity to unlock the development of the Woodville Regeneration Area; an extensive site including 12 hectares (ha) of employment land and land for approximately 150 houses. Delivery of the link road was important to the delivery of both the SDDC's Economic Plan and the SDLP, providing the opportunity for business expansion, retention of local jobs and delivery of new homes. The proposal would also alleviate some of the existing traffic congestion issues at the Clock Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre.

Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions.

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

Mr J Seymour on behalf of DCC, the applicant, attended the meeting and made a brief presentation to members in support of the application.

Members asked a number of questions and made comments which were duly answered or noted.

In conclusion the Executive Director, stated that a scheme of very similar content already has extant planning permission granted by SDDC and the current planning application had been made to the County Council following legal advice to the applicant in relation to ongoing compulsory purchase procedure related to the proposal.

The development would bring significant public benefit through the provision of a new road transport link as part of the 'Woodville to Swadlincote Regeneration Route', in an area identified in the Local Plan for economic, social and environmental regeneration.

The mixed housing and employment uses identified in the SDLP required safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider Woodville Regeneration Area are of strategic significance.

The proposed link road would provide the opportunity to unlock development of the Woodville Regeneration Area; an extensive site including 12ha of employment land and land for approximately 150 houses. Delivery of the link road was a priority for the SDDC and important to the delivery of both the District Council's Economic Plan, and Local Plan, providing the opportunity for business expansion, retention of local jobs and delivery of new homes.

The proposal would also alleviate some of the existing traffic congestion issues at Clock Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre.

Disturbance to businesses and residents would, in the main, be during the construction period, and could be mitigated through the imposition of conditions. The Executive Director considered that any highways, ecological, drainage, and archaeological impacts, and even the weight to be accorded to the heritage impacts, are modest in comparison to the weight to be afforded to the benefits of development in furtherance of the adopted local plan. Where necessary, the impacts can be mitigated by way of condition, and would not

outweigh the public benefits of the proposal.

The proposal was considered to be acceptable, being in line with development plan policies identified, the NPPF, and other policy documents identified which are material considerations.

The application was therefore recommended for approval subject to the conditions (or conditions substantially similar to the effect of) listed in the Executive Director's report.

RESOLVED that planning permission be granted subject to the conditions substantially similar to the draft conditions contained in the Executive Director's report.

53/19 CURRENT ENFORCEMENT ACTION RESOLVED to receive the report on current enforcement action.

54/19 OUTSTANDING APPLICATIONS RESOLVED to receive the list on decisions outstanding on 23 September 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.

55/19 CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED to note that there were currently no appeals lodged with the Planning Inspectorate.

56/19 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:

10 July 2019

- 1 Proposed Non-Material Amendment to the Restoration of Lodge House Surface Coal Mine as Required by Planning Permission CM6/01910/94 at Lodge House Surface Coal Mine, Heanor Road, Smalley
Applicant: Harworth Estates Mines Property Limited
Planning Application Code No: NMA/0419/65
- 2 Request for the Council's Prior Approval for the Installation of a Washing and Screening Plant at Brassington Moor Quarry, Longcliffe
Applicant: Longcliffe Quarries Limited
Submission No: PD17/3/68

- 3 Delegated Decisions on Schemes Required by Planning 2 July 2019
- M3234
 - SM3215
 - SM3216
 - SM3217

18 July 2019

- 1 Delegated Decisions on Schemes Required by Planning 18 July 2019
- SM3257
 - SM3258
 - SM3259

26 July 2019

- 1 Change of Land Use for the Importation, Storage and Processing of Inert and Excavation Waste (Sui Generis) at Land on Armytage Industrial Estate (Partly in Retrospect)
Applicant: Mucktubs Skip Hire, 51 Brimington Road North, Chesterfield S41 9BE
Planning Application Code No: CW2/0119/88
- 2 Delegated Decision on Schemes Required by Planning Conditions:
- SD3225
 - SD3226
 - SD3230
 - SW3251
 - SW3252

30 July 2019

- 1 Request for Approval for the Installation of a New Minerals Washing Plant at Whitwell Quarry, Southfield Lane, Whitwell
Applicant: Tarmac
Planning Application Code No: PD17/5/69

31 July 2019

- 1 Delegated Decision on Schemes Required by Planning Conditions:
- SW3249

- SW3250

8 August 2019

- 1 Request for the Council's Prior Approval for the Construction of an Extended Railhead and Associated Works at Hindlow Quarry, Sterndale Moor, Buxton
Applicant: Tarmac
Submission No: PD17/1/70
- 2 Delegated Decision on Schemes Required by Planning Conditions:
 - SW3224
 - SD3261
 - SD3262
 - SD3263
 - SD3264
 - SM3235

14 August 2019

- 1 The Proposed Infilling of Existing Patio Area to Form a New Classroom at Woodbridge Junior School, Grange Street, Alfreton
Applicant: Derbyshire County Council
Submission No: CD6/0519/19
- 2 Delegated Decision on Schemes Required by Planning Conditions:
 - SM3244
 - SM3245
 - SM3246

21 August 2019

- 1 Proposed Erection of a Two Classroom Traditional Masonary New Build as a Replacement for an Existing Dilapidated Two Classroom Modular Building which will be demolished following Completion and an Extension of the Existing Playing Field at Ashgate Croft School, Ashgate Road, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0419/9
- 2 Submission of the Final Completion Report for the Remediation of the Former Avenue Coking Works Site at Derby Road, Wingerworth
Applicant: Homes England

Planning Application Code No: CW4/1115/112
Submission No: SW2994

3 Delegated Decision on Schemes Required by Planning Conditions:

- SD3265

5 September 2019

- 1 Proposed Erection of a Prefabricated Metal Framed Shelter Structure to Provide a Weather Protected Outdoor Space at Hilltop Primary and Nursery School, Wyaston Road, Ashbourne
Applicant: Derbyshire County Council
Planning Application Code No: No: CD3/0719/34
- 2 The Installation of a Monopitch Shelter (Canopy) with Associated U-PVC Guttering and Rainwater Pipes at Larklands Infant School, Park Road, Ilkeston, DE7 5DR
Applicant: Derbyshire County Council
Planning Application Code No: No: CD8/0619/26

3 Delegated Decision on Schemes Required by Planning Conditions:

- SM3275
- SM3276
- SM3277

12 September 2019

- 1 Proposed Erection of a PE Store Extension at Duke of Norfolk Church of England Primary School, Royal Avenue, Glossop
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0719/36
- 2 Proposed Removal of Flat Roof to be replaced with a Three Layered Felt System and Insulation, with the Replacement of Roof Lights, Rainwater Goods and Fascia at Holmesdale Infants School, The Avenue, Dronfield
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0519/13
- 3 Proposed Erection of 3 Metres High Security Fencing around Derelict Farm Buildings at Home Farm, Elvaston Castle Country Park, Borrowash Road, Elvaston
Applicant: Derbyshire County Council

Planning Application Code No: CD9/0619/23

4 Delegated Decision on Schemes Required by Planning Conditions:

- SD3278