

PUBLIC

**MINUTES** of a meeting of **REGULATORY - PLANNING COMMITTEE** held on Monday, 6 November 2023 at Committee Room 1, County Hall, Matlock, DE4 3AG.

**PRESENT**

Councillor M Ford (in the Chair)

Councillors R Ashton, L Grooby, G Hickton, R Mihaly, D Murphy R Parkinson, D Wilson and M Yates.

Apologies for absence were submitted for Councillor P Niblock.

**25/23 DECLARATIONS OF INTEREST**

Councillor M Ford declared a personal non prejudicial interest in Agenda item 6 (Minute 29/23 refers) as local member for the area, and having attended events at the Marina and visited many times since its opening.

**26/23 DECLARATIONS OF SIGNIFICANT LOBBYING**

There were no declarations of significant lobbying.

**27/23 PETITIONS**

**RESOLVED** (1) to receive the under-mentioned petition:

LOCATION/SUBJECT	SIGNATURES	LOCAL MEMBER
Objections to application by Valencia to erect a materials Recycling Facility at the Erin Landfill Site, Markham Lane, Duckmanton, Derbyshire, S44 5HS (Code no: CW2/0623/14.	281 on paper & 71 online as part of the same petition	Councillor A Hayes

(2) that the contents of the petition would be considered and referred to by the Executive Director, Place, when preparing a report for a future meeting of this Committee in respect of Application CW2/0623/14.

**28/23 MINUTES**

**RESOLVED** that the minutes of the meeting of the Committee held on 31 July 2023 be confirmed as a correct record.

**29/23 THE PROPOSED INSTALLATION OF AN ABOVE GROUND PIPE LOCATED ON THE HIGHWAY VERGE OF THE ROAD BRIDGE, APPROXIMATELY 40M NORTH-EAST OF THE ROAD ACCESS POINT INTO MERCIA MARINA, FINDERN LANE, WILLINGTON, SOUTH DERBYSHIRE, DE65 6DW - APPLICANT: SEVERN TRENT WATER LIMITED - PLANNING APPLICATION CODE NO. CW9/0723/16**

An application had been received from Severn Trent Water Ltd for the installation of an above ground pipe crossing at Findern Lane, required as part of Severn Trent Water's operational improvements.

A report on the application by the Executive Director – Place, had been published with the agenda and included details of the site, planning history and the proposed works. The pipework was required above ground level on the highway, on a verge on the canal crossing road bridge at Findern Lane. A kiosk was also proposed, to house a valve along the pipework on the verge.

The report also included details of the consultation process, publicity, objections, observations, comments received and commentary on the planning considerations. The application was considered to be in accordance with national and local planning policy and was recommended for approval subject to conditions.

Eight written statements of concern had been received from business owners at Mercia Marina, after the Agenda and papers had been published. They had been circulated to members of the Committee to form part of their considerations for deciding on the application.

The interim leader of the Development Team gave an oral summary of the main aspects of the proposal, including a presentation of slides showing plans and views of the site.

Tom Warden, Development & Commercial Manager Mercia Marina attended the meeting and made a three minute presentation in which he claimed that the traffic management controls that the works would involve as having a devastating effect on the marina and the businesses that traded there if they were carried out in the lead up to Christmas. He mentioned, difficult trading conditions having been experienced during 2023, and how he believed the traffic management controls that would affect foot fall and trade at the Marina. He requested that any works

should be suspended until after the Christmas period.

Max Griffiths, Fisher German (Agent acting on behalf Severn Trent Water Ltd) attended the meeting and outlined their support for the officer's recommendation. He explained that Severn Trent had a statutory obligation to carry out these works as part of an overall project in a timely manner. He indicated that every effort would be made to mitigate the impact on businesses at the Marina during the Christmas period. and it was confirmed that the installation work that this application referred to was programmed to commence on 2 January 2024 and run until 22 January 2024.

Members made a number of sympathetic comments regarding the concerns of businesses at the Marina that trade over the Christmas period. would be adversely affected and asked questions which centred on exploring what measures might be required to mitigate those impacts. Some points of clarification regarding timing of the works were provided by the Agent and the representative from Severn Trent. It was confirmed that the installation work that this application referred to was programmed to commence on 2 January 2024 and run until 22 January 2024 The interim leader then indicated that he would find it justifiable in the circumstances if the Committee was to decide to approve the application subject to conditions which included an extra condition to prohibit commencement of works before 2 January 2024.

**RESOLVED** that planning permission for the development proposed under Application Code No. CW9/0723/16 be granted subject to the conditions detailed in the Executive Director's report with the addition of an extra condition to prohibit commencement of works before 2 January 2024.

### **30/23 CURRENT ENFORCEMENT ACTION**

**RESOLVED** to receive the report on current enforcement action.

### **31/23 OUTSTANDING APPLICATION LIST**

**RESOLVED** to receive the list on decisions outstanding on 25 October 2023 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.

**32/23 CURRENT APPEALS/CALLED IN APPLICATIONS**

Barden Farm, Smalley – Appeals against Enforcement Notice issued 27 June 2023.

1. APP/U1050/C/23/3325868 – Start Date – 29 August 2023 – To be considered by the Written Representations procedure.

2. APP/U1050/C/23/3326922 – Start Date – 12 September 2023 – To be considered by the Hearing procedure

**33/23 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR - ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS**

**RESOLVED** to note the applications that had been approved by the Executive Director – Place under delegated powers as detailed in the report.

**34/23 DEPARTMENTAL MANAGEMENT PERFORMANCE MONITORING**

**RESOLVED** to receive the Planning Services Development Management Performance Management Statistics for 01 July 2023– 30 September 2023.

The meeting finished at 11.00 am