

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 16 December 2019.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, A Griffiths, R Iliffe, R Mihaly, R A Parkinson, and B Wright.

Apologies for absence were received on behalf of Councillors D Charles, L Grooby and P Smith.

76/19 DECLARATIONS OF INTEREST There were no declarations of interest

77/19 SITE VISIT In accordance with the Planning Code of Practice Members visited the site at Hollis Lane Chesterfield which was the subject of an application being reported to the Committee (see Minute No. 78/19).

78/19 LINK ROAD EXTENDING FROM THE JUNCTION OF HOLLIS LANE AND SPA LANE TO TERMINATE AT THE SOUTHERN EXTENT OF THE CHESTERFIELD TRAIN STATION CAR PARK, INCLUDING A NEW SHARED CYCLE/FOOTPATH ADJACENT TO THE PROPOSED LINK ROAD AND ANCILLARY DEVELOPMENT, CHESTERFIELD APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD2/0819/40

Details of the application together with comments received from consultees and following publicity were given in the published report to the Committee.

The report explained how the proposed development under this application was the first phase of a two-phased scheme for the construction of a link road (“the Hollis Lane Link Road”) which, in its entirety, would connect Hollis Lane, (at the junction of Spa Lane, east of the Lordsmill roundabout) to Crow Lane (located by the entrance of the Chesterfield railway station) and the Brimington Road/Brewery Street roundabout junction.

The scheme was planned to bring significant economic and public benefit through providing sustainable infrastructure links toward the Chesterfield Waterside Development area and in aspiration for future HS2 development at the station. The development under this application, in itself,

would provide a second route towards the station and would help to alleviate traffic congestion around St Mary's gate, the town centre and the existing direct access from the highway to the station.

The development would include highways, cycle and footway links and indicative landscaping. Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions.

Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions. He considered that any heritage, highways, ecological, drainage, archaeological, amenity or other impacts in their assessment were of limited weight in the 'planning balance' and, where necessary, could 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 were material considerations

The application was accordingly recommended in the report for approval subject to a set of conditions (or conditions to substantially similar effect).

Representations had been made by an individual objector, and Chesterfield Borough Council.

The individual spoke before the committee for three minutes. , She supported the broad objectives of the project but was concerned that there had been no attempt to reduce the demand for travel, the consideration of alternative options and prioritisation towards walking, cycling and public transport. She contended that:

- traffic should be restricted to the town centre to improve the public realm for the benefit of all;
- there should be improved access for walking, cycling and public transport.
- Phase 1, as designed, would not be accessible for buses and the walking and cycling path leaves users vulnerable;
- there was no evidence that traffic would be reduced on St Mary's Gate;
- the application undermined local planning policies; and
- the scheme would increase traffic and congestion. Phase 1 would lead to a small increase, with Phase 2 creating significant additional traffic.

She asked the committee to give consideration to the design for a priority bus-route to the station with an area for an interchange and turning circles; people walking and cycling along the shared path should be provided

with a safe, priority route direct to the station and that priority should be given to people crossing the road at the junction of Hollis Lane and the A632.

In response to the speaker, the planning officer stated that sustained transport was a priority and there was nothing to indicate buses would not use the route in the future.

Mr Seymour as the Principal Transportation Strategy Manager, then spoke on behalf of the County Council as the applicant. He recognised the previous speaker's concerns and confirmed that the project would allow for bus routes, in due course, between the site and the Town Centre. There was work still to be done around the Chesterfield Station Masterplan which would be led by the district council, following which there would be further availability of resources.

Alan Morley as the Strategic Planning Manager of Chesterfield Borough Council then spoke on its behalf. He confirmed its support for Phase 1 of the scheme as proposed under the application (subject to certain conditions). It was in keeping with successive local plans.

A supporting letter from the chair of Chesterfield and Staveley HS2 Delivery Board had been circulated to members at the meeting, which referred to Phase 1 as offering considerable benefits to the transport infrastructure in and around the station, and being an important step in delivering the comprehensive regeneration of the area covered by the emerging Chesterfield Station Masterplan. .

Councillor Mihaly questioned whether there was evidence to give empirical support to the claim that the proposal under the application would alleviate traffic at St Mary's Gate. The planning officer who was invited to respond explained that, without having such evidence directly, reliance could be placed on the expert opinion in this respect which had been received from the Council as highway authority. The formation of a second route towards the station as was proposed under the application was therefore in itself predicted to help to alleviate traffic congestion around St Mary's Gate.

Members expressed concerns as to whether the construction of the phase 1 road in isolation would allow bus services to operate over it. It was then proposed that an additional provision should be provided under conditions to a grant of permission to require the submission to the Council as Planning Authority for approval before commencement of a detailed highway design to ensure that the length of road to be constructed under the development would be capable of accommodating regular use by bus services, and compliance with that design.

RESOLVED that planning permission be granted subject to the conditions set out in the Report to Committee (or conditions to substantially similar effect) and the inclusion of an additional condition to require the submission to the Council as Planning Authority for approval before commencement of a detailed highway design to ensure that the length of road to be constructed under the development would be capable of accommodating regular use by bus services, and compliance with that design.

79/19 PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.162 (PART) – PARISH OF BELPER The report of the Executive Director sought authority for the Director of Legal Services to make a Public Path Diversion Order for the permanent diversion of part of Public Footpath No.162 in the Parish of Belper, in the interests of a landowner, Belper Rugby Union Football Club (under a long term lease from the Council).

. The report explained that the Club was growing and had a shortfall in capacity for changing facilities, so it intended to renovate an old pavilion near the footpath. It had concerns about the security of this building and the wider premises, particularly with regard to safeguarding the large numbers of young people who frequented the site. There had been a history of vandalism, theft and dog fouling on the Club's wider premises which led to the Club installing security fencing with locked gates across the footpath. The Club had found that these security measures had been effective in reducing such crime on the site. However, the fencing and gates obstructed the footpath. They were installed before the footpath was officially recorded in 2018 by the confirmation of a Definitive Map Modification Order which added Public Footpath No.162 to the Definitive Map and Statement. To ensure that the Club could maintain the security of the site, it was proposed to divert the public footpath.

As was described in the report with reference to an attached plan, the proposal was to divert approximately 58 metres of the existing footpath to the front of the old pavilion onto a route to the rear of the old pavilion, but still in the wider premises, approximately 73 metres long, with a surface of rolled stone and a recorded width of 2 metres, except at a point near the building where it narrowed to 1.5 metres. . The footpath was in the Derwent Valley Mills World Heritage Site, along with much of the river corridor between Cromford and Derby. It contributed to the value of the World Heritage Site because its route formed had part of the access drive to Bridgehill House (a demolished former Strutt residence). The proposed diversion would take the footpath off the line of the drive for a short distance before re-joining it.

Informal consultations on the proposal had been carried out. The Local Member, Councillor Chris Short, Belper Town Council, and Amber Valley Borough Council, had not objected to the proposal.

Two objections to the proposal had been received from members of the public which were detailed in the Executive Director's report with his comments in response.

RESOLVED (1) that The Director of Legal Services be authorised to make an order under Section 119 of the Highways Act 1980 for the permanent diversion of part of Public Footpath No. 162 in the Parish of Belper in the interests of the landowner, as outlined in the Executive Director's report; 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.

80/19 OUTSTANDING APPLICATIONS RESOLVED to receive the list on decisions outstanding on 16 December 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.

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 6 January 2020.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, A Griffiths, L Grooby, R Iliffe, R Mihaly, P Smith and B Wright.

Apologies for absence were received on behalf of Councillors D Charles and R A Parkinson.

01/20 DECLARATIONS OF INTEREST There were no declarations of interest

02/20 SECTION 73 APPLICATION SEEKING PERMISSION FOR DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 1 OF PLANNING PERMISSION CW1/0212/168, TO EXTEND THE DURATION OF THE DEVELOPMENT AT HEATHFIELD NOOK ROAD, HARPUR HILL, BUXTON SK17 9PW APPLICANT: MR WRIGHT CODE NO: CW1/0319/104

The Executive Director reported that this application related to previously granted planning permissions for the infilling of land with waste materials at Heathfield Nook Road, Harpur Hill Buxton. The development had been partly carried out but should have been completed by 4 July 2018. The application was seeking permission to extend the duration of the period allowed for development for a further two years to enable the applicant to complete the development in that time. The site forms part of a wider field parcel which was currently in agricultural use. The site was not situated within a Conservation Area (CA) and the development did not impact upon the settings of any listed buildings. The adjoining land was currently being developed as part of a housing scheme and would potentially be impacted by the proposed. However, the impacts were not considered to be significant and would be for a temporary period.

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

An objection had been made by Network Rail in relation to site drainage. However, the Executive Director was satisfied that the site drainage system

was adequate and would not have a significant impact on the Network Rail's railway land or warrant refusal of the application.

He did, however, believe technical drainage details needed to be submitted along with a management and maintenance plan to ensure that the French drain was maintained properly to avoid any impact on the railway. The recommendation therefore included a recommended condition to require this.

The Executive Director having regard to all of the relevant considerations referred to in the report, had formed the opinion that the extension to the duration of the development was acceptable. It would be beneficial to have the site restored and functioning as agricultural land. The completion of the development would not, in his opinion, generate significant amounts of traffic or pollution and related nuisances. Having taken into account the objection and comments made by Network Rail, subject to the recommended conditions, he was satisfied that the proposal would accord with the DDWLP and the adopted HPLP, and it was recommended for approval.

Councillor Grooby pointed out that whilst a latest date for completion of 6 January 2021 was projected in the report and indicated in one of the conditions set out in the recommendation, this would only allow about a year rather than 2 years. The Head of Planning confirmed that the report should have specified a latest date of 6 January 2022, to provide up to two years from the grant of a new permission for the completion of the remaining development, including restoration.

RESOLVED that planning permission be granted subject to the conditions set out in the report to the committee on the application by the Head of Planning, except for an amendment to change the latest date in the condition for duration of the completion of the development to 6 January 2022.

03/20 CONSOLIDATION OF EXISTING PLANNING PERMISSIONS, ERECTION OF NEW CANOPY BUILDING (TO ENCLOSE EXISTING STORAGE OPERATIONS) AND MODULAR WEIGHBRIDGE OFFICE BUILDING, AMENDMENT TO SITE BOUNDARY TREATMENT, RATIFICATION OF THE DEVELOPMENT BOUNDARY AND INSTALLATION OF BIOMASS BOILER AND DRYING FACILITY (PARTIALLY IN RETROSPECT), THE OLD IRONWORKS, CROMPTON ROAD, ILKESTON APPLICANT: STANTON RECYCLING LTD CODE NO: CW8/0819/41

The Executive Director reported that this matter concerned a partly retrospective application for a planning permission for development that would provide for a new canopy structure for the storage of waste at the applicant's premises at Crompton Road, Ilkeston Adjacent to the Erewash Canal; the extension of a concrete retaining wall; the waste activities in the area of the applicant's premises which forms the application site (and which

are currently regulated by a number of existing planning permissions) being brought under the control of a new overall permission subject to a single set of conditions (referred to as 'consolidation'); a consolidated site boundary that would be extended so as to include further areas of the premises which are also currently used for waste activities; the retention of a biomass boiler to be fed with waste wood including ancillary wood drying equipment and a heat exchanger; and) the retention of a modular office building.

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

In conclusion, the Executive Director considered that the proposed consolidation of the existing planning permission conditions, the ratification of the site boundary to regularise areas of the site which were currently used for waste activities, the proposed new canopy structure, the retention of a biomass boiler and associated drying skips and heat exchanger, the extension of a concrete retaining wall and retention of a modular office building is acceptable in this established industrial setting.

He had considered the objection raised by Trowell Parish Council in respect of lorries using Corporation Street and driving through the village of Trowell. HGV routeing in accordance with the details submitted with this planning application would generally avoid this. The County Council as Highway Authority had raised no objection in respect of the application and stated that the proposed development under conditions was unlikely to increase traffic generation. He considered that the issue of adherence by HGV drivers to the routeing would be resolved sufficiently and reasonably by including a suitable condition.

Therefore, subject to conditions, he did not consider that the development covered by the application conflicted with national or local planning policies. He did not consider that there were any material considerations which rendered the development unacceptable for a grant of permission as sought by the application, subject to appropriate conditions. It was therefore recommended for approval, subject to conditions.

Councillor Smith suggested requiring a sign to be provided at the site entrance that would remind HGV drivers on leaving the site to adhere to the routeing. The Head of Planning, on being invited by the Chair to respond, indicated that this could become a useful and reasonable additional requirement within a condition, which he would be able to support.

RESOLVED that planning permission be granted subject to the conditions set out in the Executive Director's report except for an amendment

to add to the condition regarding HGVs (numbered 31 as a draft condition) a requirement for the developer to erect at the site entrance and then maintain a sign to remind drivers of HGVs the highway route from the site they had to take.

04/20 **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

05/20 **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate.

06/20 **MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** Consideration of this item was deferred to the next meeting.