

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 8 June 2020.

PRESENT

Councillor M Ford (in the Chair)

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

15/20 **DECLARATIONS OF INTEREST** Councillor J Atkin declared a non-pecuniary interest in relation to Agenda Item 3 (1) (Minute 18/20 below refers), as a member of Derbyshire Dales District Council and the PDNPA, who had been consulted in relation to this application.

16/20 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 3 February 2020 be confirmed as a correct record and signed by the Chairman subject to Councillor Wright's attendance at the meeting being recorded.

17/20 **MATTERS ARISING** (Minute 10/20 refers) In answer to a question raised by Councillor Mihaly, the Head of Planning Services confirmed that following the recent provision of a section 106 obligation, permission had been issued for the care home bungalow apartment complex at the former Ormiston Academy at Ilkeston as the committee had authorised (under the resolution recorded in Minute 10/20), and therefore a liaison group for that development would be established. It was also confirmed that the Public Transport Unit was to be asked to investigate the possibility of bus service re-routeing in relation to the complex. .

18/20 **SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITION 4 OF CW3/0818/37 TO INCREASE THROUGHPUT OF WASTE TO 100,000 TONNES PER ANNUM AT PEAK WASTE RECYCLING LIMITED, WOOD LANE, KNIVETON, ASHBOURNE APPLICANT: PEAK WASTE RECYCLING LTD CODE NO: CW3/0220/77**

An application had been submitted under Section 73 of the Town and Country Planning Act 1990 for a planning permission t without a condition requiring the amount of waste imported annually to this application site not to exceed 25,000 tonnes per year (as was required by a condition to which the relevant existing permission was subject).

The Executive Director had provided a detailed report published with the agenda, which included details of the application together with comments

received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions. The recommended requirements for conditions included a new annual limit requirement of 100,000 tonnes. The application site contained an existing waste recycling facility within open countryside. The Peak District National Park (PDNP) boundary was located 500 metres (m) to the west and the Kniveton Conservation Area is 425m to the east.

As was detailed in the report, this was a retrospective application, in that the annual throughput of waste at this site had been officially restricted by an existing planning condition to 25,000 tonnes per annum, but the current throughput had been reported by the applicant as being at 100,000 tonnes per year. The applicant had proposed that a new permission would be subject to a condition to restrict the annual throughput to 100,000 tonnes.

The applicant had indicated that no change in operational hours was needed and that maximum numbers of daily heavy goods vehicle (HGV) movements in and out of the site at this throughput should still not exceed 95 in each direction (i.e. 190 overall). No new structures or alterations to existing structures had been proposed.

The principle of a waste facility in this location had been established and the Executive Director was satisfied that such a new conditional permission would not result in any significant environmental or amenity impacts from the development that could be controlled through the existing nuisance emission plans, monitoring and complaint procedures in place via planning conditions, and through the waste permitting regime. The continuation of the development under such a new permission would not conflict with the development plan policies.

The Executive Director had addressed what other conditions might be applied to a grant of permission as sought in this case, having regard to those contained in the previous planning permissions for the site and the current circumstances.

He had considered that at a new annual throughput limit of 100,000 tonnes the development would accord with NPPW guidance provided in Section 4: Identifying Suitable Sites and Areas of the, advice provided in NPPF Chapter 15: Conserving and enhancing the natural environment of the, DDWLP policies W6: Pollution and Related Nuisances, W7: Landscape and Other Visual Impacts, W8: Impact of the Transport of Waste, W9: Protection of Other Interests and W10: Cumulative Impact. In respect of policies of the DDLP, I consider that the development at this tonnage accords with the requirements of policies PD5: Landscape Character, PD9: Pollution Control

and Unstable Land and HC19.

The Executive Director had concluded that there was an evident market being served by an increased throughput tonnage from 25,000 tonnes to 100,000 tonnes annually. The site had been operating at this increased throughput for several years without any apparent particular harm to local amenity and neither the District Council's Environmental Health Officer nor the Environment Agency nor the Council as Highway Authority had objected. The Highway Authority was satisfied with the reconfigured car parking layout submitted on the revised site layout plan and a planning condition requirement in respect of permanently blocking the southern access had been included in the recommended resolution.

With noise and dust management plans in place at the site and the environmental permitting regime in force, he had been satisfied that the development would not result in any significant environmental or amenity impacts. He had found the development to be acceptable within the context of national and local development plan policies.

.Some points of concern detailed in the report which had been raised by Councillor Ratcliffe were addressed by the Head of Planning Services.

Due to the meeting having been arranged to take place electronically from remote locations it had not been practicable in this case to offer to those who had made representations on the application any opportunity to speak at the meeting for up to three minutes, but they had instead been invited to provide statements in writing of up to 500 words. A statement therefore had been received from a local resident who had made a representation in objections, which was read out by an officer. The points of concern referred to in it were then addressed by the Head of Planning Services.

Councillor Smith expressed disappointment over the retrospective nature of the application and commented that there should not be a further increase in HGV movements only because the increase in activity had already taken place without permission. He enquired as to whether there might be a need for HGV routing to and from the site to alleviate their impacts on the community of Kniveton.

The Head of Planning Services explained that HGV routing was not considered to be suitable because vehicles needed to travel to the site both from the northerly and southerly directions.

Councillor Mihaly enquired as to the potential for speed cameras in Kniveton and whether there had been any progress with the installation of a bio-mass boiler.

The Head of Planning Services, agreed to consult Highways colleagues in relation to the issue of speed cameras in the area. He confirmed that the applicant had not yet installed the biomass boiler, and that the planning permission for it was still in place. It was also mentioned that the tonnage of wood waste per annum that related to the bio-mass boiler was two and a half thousand tonnes, which was seen as a relatively small amount of the waste that came into site.

RESOLVED that planning permission be granted subject to the conditions based on or substantively similar to draft conditions listed in the Executive Director's report.

19/20 RETENTION OF WORKSHOP/STORES BUILDING AT JOHNSONS RECYCLING CENTRE, CROMPTON ROAD, ILKESTON
APPLICANT: JOHNSONS AGGREGATES AND RECYCLING LTD
CODE NO: CW8/0819/43 An application had been received which sought planning permission in retrospect for the erection of a building to accommodate non-waste storage, machinery, and for vehicle repair and servicing activities associated with an established Incinerator Bottom Ash (IBA) recycling facility.

The Executive Director had provided a detailed report published with the agenda, which included details of the application together with comments received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions.

As detailed in the report, the building was within a well enclosed yard area which was surrounded by industrial buildings of a similar or larger scale and similar finish. The application site was within Flood Zone 2 and the supporting Flood Risk Assessment concluded that the new building would not result in the impedance of surface water or fluvial flow, and would be at an acceptable level of flood risk. The building was located on land identified in the Erewash Core Strategy (ECS) as the Stanton Regeneration Area.

The Executive Director had reported that the building was needed for a use associated with an existing waste use of a wider site. He had not found that any significant landscape, visual or amenity impacts from the building on the locality were to unacceptable detrimental levels given the pre-existing industrial character and setting of its site. He had considered the objections raised by members of the public. Three representations included an expression of concern that the submitted planning application was potentially misleading. He had found that that the details of a large workshop/stores building and the uses for the building had been explained clearly and that the application was not misleading in any way. Erewash Borough Council would

address whether the use of concrete blocks in the construction of the building was structurally permissible, through its Building Regulations function. No increase in HGV movements had been proposed. He did not find that the storage and servicing/maintenance activities within the building would generate significant amounts of dust. He recognised that certain activities associated with the servicing and repair of machinery and vehicles could generate noise but there was a noise management plan in place in respect of the wider recycling facility. He had not found that the presence and use of the new building in itself contributed to nuisance emissions and detriment to amenity from HGV movements. .

The Executive Director had concluded that the continued presence of the completed building and its use as a workshop/stores for vehicle and plant repair maintenance and servicing was acceptable in its industrial setting. He had not found that the substantial scale and massing of the structure was incongruous. He had considered the location, scale, massing, design and finish of the building to be acceptable. He had not found that there would be any impediment or endangerment to the social or economic activities or interests of the local community.

The Head of Planning referred to an additional response that had been received following the publication of the report from Trowell Parish Council, which expressed points of concern over construction design and noise in the wider area extending beyond Ilkeston.

In answer to questions from members, the Head of Planning Services confirmed that the other current applications regarding this site, under section 73 were currently being assessed. Determination of the Section 73 applications would give the Council the opportunity to review the relevance and adequacy of the requirements contained in conditions to which the current permission was subject.

RESOLVED that planning permission be granted subject to the conditions based on or substantively similar to draft conditions listed in the Executive Director's report.

20/20 **PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.17 (PART) - PARISH OF HORSLEY** The Executive Director had provided a detailed report published with the agenda, which included details of an application that had been received for the permanent diversion of part of Public Footpath No.17, in the Parish of Horsley, in the interests of the landowners. The length of path proposed for diversion ran through a field, and dogs were being let off their leads from the path. The report contained a recommendation for making of an order to divert approximately 48 metres of the public footpath No.17, shown on a plan appended to the report, as a solid bold line between

points onto a new path approximately 64 metres long with a recorded width of 2 metres and a crushed stone surface. The path would be fenced on its southern and eastern sides with a post and rail fence and the 2 metres width would begin 2 metres from the centre line of the hedge bordering its northern and western sides.

Amber Valley Borough Council and Horsley Parish Council had been consulted and had offered no objections to the proposal. The Local Member, Councillor Buttery, had not commented on the proposal.

Objections had been made by one party on the grounds that the diverted section of path, by being fenced off next to a hedge, would be less enjoyable and might become unusable through eventual overgrowth of the hedge and growth of weeds. These objections had been taken into account during consideration of the application.

Further comments from the same party had questioned how diverting the path would be in the landowners' interests, and why a gate could not be installed to control the movement of animals in the field. As reported, a gate could assist with control of animals in, but there would be potential for it to be left open, and a gate would be a limitation on the footpath which would not be required if the path was diverted and fenced as proposed.

RESOLVED (1) that the Director of Legal Services be authorised to make the order described in the Executive Director's report to divert Public Footpath No.17 (Part), in the Parish of Horsley, 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 cannot be resolved, then the matter be forwarded to the Secretary of State for determination.

21/20 **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

22/20 **OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 8 June 2020 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.

23/20 **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate.

24/20 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS RESOLVED to note that the following applications had been approved by the Executive Director Economy, Transport and Environment under delegated powers on:

03/02/20	<p>Applicant: Derbyshire County Council Planning Application Code No: CD1/1219/64 Proposed Installation of 2.4 Metres High Fencing at the Front of the School, with Automated Vehicle and Pedestrian Gates Linked to the School Office at Harpur Hill Primary School, Trent Avenue, Harpur Hill, Buxton</p>
14/02/20	<p>Delegation Decisions on Schemes Required by Planning Conditions: CW5/0218089 Creswell Colliery Lagoons: SW3293 SW3294 SW3296 SW3297 SW3300 SW3301</p>
18/02/20	<p>Applicant: Derbyshire County Council Planning Application Code No: CD2/1219/68 Proposed Extension of a Reception Office and Secure Lobby with Internal Alterations to Form a Group Room at Brockwell Junior School, Purbeck Avenue, Chesterfield</p> <hr/> <p>Applicant: Tarmac Limited Request to Postpone the Submission of an Application under the Environment Act 1995 (Schedule 14) for Approval of Conditions to Which a Planning Permission is to be Subject (First Periodic Review of Mineral Planning Permissions or 'RoMP' Application) at Hillhead Quarry, Buxton</p> <hr/> <p>Applicant: Tarmac Limited Request to Postpone the Submission of an Application under the Environment Act 1995 (Schedule 14) for Approval of Conditions to Which a Planning Permission is to be Subject (First Periodic Review of Mineral Planning Permissions or 'RoMP' Application) at Hindlow Quarry, Buxton</p> <hr/> <p>Delegation Decisions on Schemes Required by Planning Conditions: CD2/0419/7 Highfield Hall Primary School: SD3325 CM9/0805/73 Elvaston Quarry: SM3307 SM3308 SM3309</p>

	SM3310 SM3311 SM3312 SM3313
28/02/20	<p>Applicant: Derbyshire County Council Planning Application Code No: CD3/1219/66 Section 73 Application Seeking Planning Permission for Development without Complying with Conditions 3 and 10 of Planning Consent CD3/0718/28 at St Oswalds C of E Infant School, Mayfield Road, Ashbourne DE6 1AS</p> <p>Applicant: Vital Energi Planning Application Code No: NMA/0120/68 Application for Non-Material Amendment to Planning Permission CW9/0319/108 at Former Drakelow C Power Station Site, Walton Road, Drakelow</p> <p>Delegation Decisions on Schemes Required by Planning Conditions: CD3/0819/38 Lady Hole Lane SD3318 SD3319 SD3322 SD3323</p>
06/03/2020	<p>Applicant: Tarmac Submission No: PD17/1/74 Request for the Council's Prior Approval for a Replacement Bag Filter within the Cement Plant Operation at Tunstead Quarry, Waterswallows Road, Buxton SK17 8TG</p>
13/03/2020	<p>Applicant: Mr M Mann, Clay Cross Biomass Limited Planning Application Code No: CW4/0120/069 Section 73 Application to Not Comply with Planning Conditions 1a, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 22, 23, 25, and 33 of Planning Permission Reference CW4/1114/98 at Land off Bridge Street, Clay Cross</p>
19/03/20	<p>Applicant: AR Recycling Ltd Planning Application Code No: CW6/1119/56 Planning Application Seeking to Vary Condition 1 of Planning Permission Reference CW6/0516/11 to Continue the Waste Operation for a further Ten Years, Adjacent 1 Quarry Road, Somercotes</p>
06/04/20	<p>Delegation Decisions on Schemes Required by Planning Conditions: CD8/0317/104 Wilsthorpe Community School SD3326 CD3/0819/38 Lady Hole Lane SD3317</p>
09/04/20	<p>Applicant: Derbyshire County Council Planning Application Code No: CD1/1219/62 Proposed Erection of a Detached, Single Storey Teaching Block, incorporating Two Classrooms, a Dance Studio, Ancillary Spaces</p>

	and an Entrance Canopy at Harpur Hill Primary School, Trent Avenue, Harpur Hill, Nr Buxton
23/04/20	<p>Applicant: Derbyshire County Council Planning Application Code No: CD3/0120/73 Removal of Existing Timber Doors and Door Frames to Outbuilding and Replacement with Powder Coated Aluminium Doors and Door Frames, Brassington Primary School, School Hill, Brassington, DE4 4HB</p> <p>Applicant: Derbyshire County Council Planning application Code No: CD9/0220/78 Two Classroom Extension, Landscaping Works with Perimeter Paths, Security Fencing and Additional Car Parking at Etwall Primary School, Egginton Road, Etwall, Derby DE65 6NB</p> <p>Delegated Decisions on Schemes Required by Planning Conditions: CW3/0818/37 Peak Waste Recycling Ltd SW3330 SW3332</p>
28/04/20	<p>Applicant: Breedon Southern Ltd Submission No: PD17/1/75 Request for Prior Approval for Changes to the Layout, Design and External Cladding of an Asphalt Plant, previously approved under Part 17B of the General Permitted Development Order 2015, at Dowlow Quarry, Buxton</p> <p>Applicant: Tarmac Limited Request to Postpone the Submission of an Application Under the Environment Act 1995 (Schedule 14) for Approval of Conditions to which a Planning Permission is to be Subject (First Periodic Review of Mineral Planning Permissions or 'ROMP' Application) at Dene Quarry</p>
15/05/20	<p>Delegated Decisions on Schemes Required by Planning Conditions: CW3/0818/37 Peak Waste Recycling Ltd SW3331</p>

25/20 DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING RESOLVED to receive the Planning Services Development Management Performance Management Statistics for 1 January 2020 to 31 March 2020.