

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 6 July 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, and B Wright

Apologies for absence were received from Councillor P J Smith.

**26/20** **PETITION RESOLVED** (1) to receive the under-mentioned petition:

<b><u>LOCATION/SUBJECT</u></b>	<b><u>SIGNATURES</u></b>	<b><u>LOCAL MEMBERS</u></b>
Objections to the proposed construction of a new 4 arm roundabout junction centred on the A6 to the north of Buxton, including the initial lengths of access roads off the roundabout to the south east (Code no: CD1/0220/76)	10	Councillors L Grooby and T Kemp

(2) to note that the contents of the petition had been considered by the Executive Director – Economy, Transport and Environment and were referred to in his report being considered by the committee under an item at this meeting. (Minute 28/20 refers)

**27/20** **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 8 June 2020 be confirmed as a correct record.

**28/20** **CONSTRUCTION OF A NEW FOUR ARM ROUNDABOUT JUNCTION CENTRED ON THE A6 TO THE NORTH OF BUXTON, INCLUDING THE INITIAL LENGTHS OF ACCESS ROADS OFF THE ROUNDABOUT TO THE SOUTH-EAST APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD1/0220/76** An application had been received for the construction of a roundabout junction on the A6. The four arm roundabout junction would provide the required updated infrastructure at this junction point to safely serve both existing traffic and that generated by new

planned development for three housing sites. These sites were Land at Hogshaw, Land at Tongue Lane (both identified in the High Peak Local Plan (HPLP) and the Waterswallows development, which benefited from outline planning permission. In addition, the roundabout would support the development of a 2 hectare (ha) employment land allocation identified in the HPLP and would provide a safer and more suitable access at the industrial estate. The application site covers an area of 3.2ha on the north-eastern edge of Buxton.

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 Executives Director report:-

The application site covered an area of 3.2ha on the north-eastern side of Buxton, within the administrative area of High Peak Borough Council (HPBC). The site included existing highways; the A6, Fairfield Road, Waterswallows Road and Cherry Tree Drive, and surrounding land including open grassed land and a small area of the High Peak Golf Course. The development site area extended from the A6 junction with Waterswallows Road, approximately 500 metres (m) east along Waterswallows Road; 450m north along the A6 and the western boundary follows the alignment of North Road and the curtilage boundary of the Devonshire Arms Public House. To the south and east of the development site is the residential area of Fairfield and the Tongue Lane Industrial Estate. To the west of the site are properties on North Road, with the Church of St Peter behind. A 13.7ha housing allocation site: (Land at Hogshaw, Buxton) was located further north-west of this. To the north and east of the site is the High Peak Golf Course and the land beyond is predominantly open countryside.

The site did not include any national or local ecological designations. The site is located within the Fairfield Conservation Area and there are nine Grade II listed buildings within a 500m radius of the scheme, five to south side of Waterswallows Road and four to the northern side of the A6, including the Church of St Peter. The site lay within Flood Zone 1 and there were no waterbodies on it.

Applications had been made in the early 2000s to register the area in the Register of Common Land. A registration of the land as common land had been overturned by the High Court. The land had previously been provisionally registered as common land but the registration had never been made final. Therefore, whilst the site was known locally as Fairfield Common, the site did not have any official Common Land status.

The four arm proposal was designed to provide the required infrastructure at this junction point to safely serve both existing traffic and that which would be generated by the new planned development for three housing sites. These sites were land at Hogshaw, land at Tongue Lane (both identified in the HPLP) and land at Waterswallows (for development which benefitted from outline planning permission). In addition, the roundabout would support the development of a 2ha employment land allocation identified in the HPLP and provide a safer and more suitable access at the industrial estate.

Two rounds of public consultation had been undertaken with respect to the planning application.

DCC conservation design officers had been consulted and they were satisfied that there was less than substantial harm.

He had found that that the principle of the proposed development was clearly supported by the current allocation of a roundabout within the general locality within the HPLP. HPBC had identified the strategic importance of the roundabout as infrastructure required to bring development forward and thereby assisting in housing delivery and maintenance of a five year housing supply. There was clear support in the HPLP for the Fairfield Link Road and for the roundabout. Providing the roundabout as part of the Fairfield Link Road was crucial in delivering the policies outlined above within the HPLP. There were considerable public economic and social benefits to the County/Borough and the immediate area from facilitation of expansion to the Tongue Lane Industrial Estate, and in bringing forward additional housing at allocated sites at Hogshaw and Tongue Lane, and the approved Waterswallows site (unallocated) in combination in the order of 567 new homes.

Given the identification of the link road, including a roundabout in the HPLP; effective demonstration of compliance with the NPPF and HPLP with regard to most policies; the previous planning history to the site including a roundabout approved in the general locality of Fairfield common; the significant economic and social benefits to come forward to unlocking the development sites identified and in assistance in housing delivery; he considered that the principle of the development was established.

There would be an impact on the character of the landscape, and some conflict with policies EQ2 and EQ3 of the HPLP in regard to the requirement to "*protect, enhance and restore the landscape character*". With appropriate conditions requiring detailed landscaping to be submitted; retention of trees and tree/hedge protection; and design of lighting and signage, then these effects could be further mitigated and limited.

He considered the significant public benefits of the proposed roundabout

to outweigh the harm of likely impact upon the wider landscape that would result from its development.

With regard to heritage assets, he did not dispute that there would be 'harm' to the setting of the conservation area, the listed buildings, and non-designated heritage asset. He concurred with HPBC's assessment that this harm would be to a '*less than substantial*' scale, this does not in any way reduce the importance of the heritage assets and the weight that was given against the planning assessment. He regarded the public benefits to be delivered by this proposal (as outlined in the report), however, as being a factor of sufficient weight to justify a positive recommendation of the application, whilst having given special regard to the desirability of preservation of the setting of the listed buildings (as required by Section 66), and conservation area (Section 72) and having regard to the other impacts associated with the development as referred to in the report.

He considered that any highways, ecological, drainage, archaeological, residential and general amenity, climate change considerations 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 do not outweigh the public benefits of the proposal.

The application had therefore been recommended for approval in the Officer's Recommendation within the Executive Director's report, subject to conditions as set out in it (or conditions substantially similar).

29 Individual representations had been received from the public, as had been summarised in the Executives Director's report. Of these, 28 did not support the application. The petition which had been received as referred to in Minute 26/20 above, with 10 signatures from residents of St Peter's Road, was also in objection to the proposal, and stated that they had not been not directly consulted in writing on the proposal. The Executive Director was, however, satisfied that the correct consultation requirements had been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Borough Council member for the Corbar Ward had also written a letter. One representation supported the application.

A second round of publicity had been undertaken upon receipt of additional information, including a revised landscaping plan, addendum to the Heritage Impact Assessment and Air Quality Assessment.

Sixteen additional representations from members of the public to the application had been received. 14 of these were opposed to the application. These largely reiterated comments made in the initial consultation and had

also been summarised in the Executive Director's report.

11 written statements of up to 500 words had been received from members of the public who had made representations, including one on behalf of a local group, the Buxton Town Team. They re-iterated various points made in objection to the proposal, and each of them was read out in full by an officer.

Certain points were confirmed in comments in response by the Head of Planning Services and were noted by the Committee and taken into account as part of their considerations.

Councillor Grooby, whilst expressing general support for the application, acknowledged the case for requiring further investigatory work to be carried out in relation to the right turn into Lightwood Road, and the pedestrian walking routes around the Waterswallows Road area, as highlighted in the representations read out.

Councillor Mihaly made several comments and made particular reference as to whether alternative designs had been considered for the roundabout, and questioned whether the junction assessment based on a traffic count over a 12 hour period had been sufficient for an application of this magnitude

Councillor Charles made several comments and made particular reference to the comments of the Arboricultural Officer at HPBC in suggesting that the plans for the replacement and replenishment of trees were not sufficiently developed.

Councillor Parkinson observed that for this item Committee was concerned only with reaching a decision on the highway development proposal under the application reported to it, and that this did not extend to reviewing any matters decided on by the Borough Council as planning authority or the Borough Local Plan.

The Head of Planning Services then responded to the comments made by the members. He highlighted that the Highways Authority had been fully consulted and had not objected to the proposals, that alternative designs had been considered, that the final design of such schemes often hinged on highway safety and that this applied to this particular scheme. He also confirmed that a revised landscaping scheme which had been advanced had been part of the second round of consultation which had helped to address concerns relating to the local Heritage assets, and that further details would be settled by requirements of conditions as recommended under the Executive Director's report. It was also confirmed that the junction assessment had been in accordance with standard practice and in line with government and technical

guidance. It had been carried out on a neutral day and highways officers had been satisfied with it.

**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.

**29/20 CONSOLIDATION OF HISTORIC PLANNING PERMISSIONS AND CONTINUATION OF WASTE RECYCLING/WASTE PROCESSING TO INCLUDE: EXTENSION TO AN EXISTING RECYCLING BUILDING, INSTALLATION OF NEW WEIGHBRIDGE, IMPROVED SITE LAYOUT, AND RETROSPECTIVE USE OF SECOND VEHICULAR SITE ACCESS OFF MERLIN WAY/CROMPTON ROAD, AT THE DONALD WARD LIMITED RECYCLING FACILITY, QUARRY HILL INDUSTRIAL ESTATE, HALLAM FIELDS ROAD, ILKESTON, DERBYSHIRE APPLICANT: DONALD WARD LTD CODE NO: CW8/0220/75**

An application had been received which related to a number of previously granted planning permissions for the recycling and transfer of wastes at the application site. Elements of the application were retrospective (regularising incremental changes to the site including the use of the second site access of Merlin Way and the location/orientation of the existing recycling building and picking line) while other elements related to entirely new development (the weighbridge at the Merlin Way access point and the extension to the recycling building).

The site was situated within the large industrial complex of Quarry Hill and Hallam Fields Industrial Estates, Ilkeston. These estates had a long history of industrial use dating back to the middle of the 19<sup>th</sup> century, but more recently having been developed for a range of industrial uses in the latter half of the 20<sup>th</sup> century. Several of the businesses located within Quarry Hill and Hallam Fields industrial estates are related to waste recycling and logistics.

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 the report detailed:-

Concerns relating primarily to noise, odour, traffic, traffic safety and cumulative impacts had been raised in representations received about this proposal following the consultation process. The noise concerns related not only to noise from the operation of the site and processes carried out there, but also to noise (and vibration) arising from heavy goods vehicle movements to and from the site throughout the day and at anti-social hours.

The applicant company had sought approval through this application for

the consolidation of existing permissions and for the regularisation of incremental changes to working practices and processes, including the ongoing use of the access off Merlin Way. The application had included the proposed construction of a new extension to the waste processing building and a new gatehouse and weighbridge off Merlin Way and an extension to the hours of operation at the site, which it was considered would contribute to an integrated system of waste management, for moving waste up through the waste hierarchy in accordance with national waste management objectives. It was considered that a permission under the application would also bring the operations at the site under one planning permission with up to date conditions that would assist in its management and monitoring.

The noise impact of this activity was assessed in the ES and, despite being identified as of low impact on amenity, it was proposed to be further mitigated by the provision of a noise attenuation barrier toward the eastern end of the site to reduce the impact of the activity on residential areas to the east of the site.

The proposed extended hours would be restricted to working inside the building and to the loading of the ASR feed hopper and, given that the site was set within an industrial environment and was subject to regulation by an environmental permit monitored by the Environment Agency, the Executive Director did not consider the proposed working times to be unacceptable. The application did not propose a change in the types of waste materials currently processed nor an increase in the site throughput beyond that which was already consented by the existing environmental permit.

Five written statements of up to 500 words, from the applicant and those who had made representations, had been duly received, and were each read out in full by officers. These comprised a statement from the applicant in support of the application, and statements in objection from Councillor Pringle (Broxtowe Borough Council), Trowell Parish Council and two members of the public.

Various matters raised under the statements were addressed by the Head of Planning Services for the benefit of the Committee. He also explained that the applicant's planning consultant had very recently expressed concern regarding how limitations on the hours of operation by condition could prohibit the movement of refuse vehicles from the site prior to 6.00 a.m., because refuse collection vehicle movements from the site before 6.00 a.m. were apparently necessary in order for the company to carry out contractual obligations.

The Head of Planning Services confirmed that no such details of refuse vehicle operation had been provided with the application under consideration;

therefore it had not been possible for any additional impacts from such early morning operating to be addressed within consultations on the application or the published report. He also explained that, assuming that permission was granted subject to conditions as recommended in the report, it would be possible for a further application to be submitted for a relaxation of the restricted operating hours under that conditional permission, which would need to be assessed and determined on its own merits.

The Executive Director had been satisfied that subject to appropriate conditions, the proposal would accord with the DDWLP and the adopted ECS and saved policies of the EBLP, and it was accordingly recommended for conditional approval under the Officer's Recommendation in the report.

**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.

**30/20 PROPOSED ARTIFICIAL GRASS PITCH WITH ASSOCIATED FENCING, GATES, PITCH BARRIERS, HARD STANDING AREAS, FLOODLIGHTING AND AN EQUIPMENT STORE AND THE ADJUSTMENT OF THE EXISTING SUMMER AND WINTER PLAYING PITCHES AT HIGHFIELDS SCHOOL, UPPER LUMSDALE, MATLOCK, DERBYSHIRE APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD3/1219/65**

An application had been sought which sought planning permission to create an Artificial Grass Pitch (AGP) with associated features, which included perimeter fencing, gates, pitch barriers, hard standing areas, floodlighting, an equipment store and adjustments to the existing summer and winter playing pitches. The proposed AGP would be available for community use outside of normal school hours.

The application site was not situated within the setting of a listed building or within a Conservation Area (CA). However, the application site was located adjacent to the Lumsdale CA to the east and the Lumsdale Local Wildlife Site (LWS), which ran along part of the eastern boundary of the school.

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:-

Concerns had been raised in letters of representation received following the consultation process regarding the potential impact of the proposal on the amenity of the area and residential properties from noise, lighting, visual intrusion, as well as impacts on a nearby LWS and the local highway. The



Local member Councillor Burfoot had also made a number comments

The application had been advertised by site and press notice (Matlock Mercury) with a request for comments by 18 March 2020. Neighbouring properties were also notified by letter of this development. Fourteen representations had been received in response to this publicity. Ten of the representations received raised objections to the application.

He had concluded that the AGP and the community use associated with the proposal would be of benefit to the pupils of the school and the wider community. The development would improve the existing sporting facilities and improve the accessibility to sports facilities for groups and clubs in Matlock and the wider Derbyshire area. There was an identifiable need for the facility in the local area.

The proposed development would introduce a source of noise in the area, by introducing local community use of the facility after school hours. However, he did not consider that this would be to unacceptable levels. The development would not, in his opinion, generate significant amounts of traffic or pollution and related nuisances. He did not consider it would generate any impacts which could not be mitigated sufficiently by way of condition.

Subject to the recommended conditions, the he had been satisfied that the proposal would accord with the DDLP and the NPPF, and the application had accordingly been recommended for conditional approval.

Three written statements of up to 500 words had been duly received from amongst the members of the public who had made representations on the application, each of which was read out in full by an officer.

The matters raised under the representations were addressed by the Head of Planning Services for the benefit of the Committee.

Councillor Mihaly queried selection of the hours of opening of the proposed facility and what might need to be secured through a travel plan.

The Head of Planning Services commented in response that a 9.30pm finishing time would not be unusual in terms of other local facilities and the floodlights would go off at that point, and that the Environmental Health Officer had raised no concerns. He also drew attention to the travel plan requirement under condition 11 within the Officer's Recommendation in the report.

**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.

**31/20** **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

**32/20** **OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 6 July 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.

**33/20** **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate.

**34/20** **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:

Date	Reports
28/05/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD2/0420/2</b> Replacement of the Existing Front Elevation Timber Windows and Door with New Aluminium Windows and Door, Bishop Geoffrey Allen Church and County Centre, Winster Mews, Gamesley
03/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CM9/1215/122 Swarkestone Quarry:</b> SM3237 – Dust Monitoring Scheme
10/06/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD3/0420/1</b> Structural Refurbishment of Link Staircase at County Hall, Smedley Street, Matlock
10/06/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD6/0320/84</b> Proposed Single Pitch Canopy to Existing Nursery Building at St John's CE Voluntary Controlled Primary School, Laund Nook, Belper
10/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW8/0817/37 Johnson Aggregates and Recycling:</b> SW3344 - Details of Boundary wall

	SW3345 - Recording of noise, dust and odour complaint SW3346 - Details of Site Lighting SW3347 - Mitigation scheme for coal risk settlement SW3348 - Dust Emissions monitoring scheme SW3350 - Surface water drainage scheme SW3351 - Landscaping Scheme SW3352 - Detailed design, management and maintenance plan of surface water drainage
19/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW9/0319/109 BM Tech:</b> SW3458 - Landscaping
25/06/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD8/0420/6</b> Creation of Additional Parking Area at Front of Entrance at Brackenfield School, Bracken Road, Long Eaton
25/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD2/0419/7 Highfield Hall Primary School</b> SD3454 – Intrusive site investigation and remediation works

**35/20 DEVELOPMENT MANAGEMENT PERFORMANCE**  
**MONITORING RESOLVED** to receive the report on development performance monitoring.