

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 7 September 2020.

**PRESENT**

Councillor M Ford (in the Chair)

Councillors J Atkin, D Charles, L Grooby, R Iliffe, and R A Parkinson.

Apologies for absence were received from Councillors A Griffiths, R Mihaly, P J Smith and B Wright

**36/20** **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 6 July 2020 be confirmed as a correct record.

**37/20** **PROPOSED RETROSPECTIVE CHANGE OF USE OF LANE AND A BUILDING FROM INDUSTRIAL B2 USE TO A WASTE TRANSFER STATION, TO ALLOW THE STORAGE AND BULKING UP OF DRY RECYCLABLES COLLECTED FROM NORTH EAST DERBYSHIRE DISTRICT COUNCIL, CHESTERFIELD AND BOLSOVER KERBSIDE COLLECTIONS SITUATED ON THE EASTERN SIDE OF THE B6039 MANSFIELD ROAD, INCLUDING THE OVERNIGHT PARKING OF REFUSE COLLECTION VEHICLES, THE INSTALLATION OF A VEHICLE WEIGHBRIDGE AND TWO STORAGE CONTAINERS AND FOR THE SITING OF A PORTACABIN LAND AND BUILDINGS TO THE EAST OF MANSFIELD ROAD, CORBRIGGS INDUSTRIAL ESTATE, CORBRIGGS APPLICANT: WARD RECYCLING LIMITED CODE NO: CW4/0620/21**

A retrospective application had been received that sought permission for use of an existing building and surrounding land at Mansfield Road, Corbriggs for the storage of dry recyclable waste materials, such as glass, plastic, tin, paper and cardboard that arose from local kerbside recycling collection services provided for Chesterfield Borough, North East Derbyshire District and Bolsover District Councils. These waste streams were bulked up within the existing building and transferred by Heavy Goods Vehicles to a treatment facility for reprocessing into a product for subsequent use. The planning application also sought permission for a portable type office building, a weighbridge, and two steel storage containers for the storage of recycled clothes.

The land was in an area that was identified in the North East Derbyshire Local Plan as an Existing Employment Area.

The 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 Director report:

Objections had been received from 11 members of the public who were local residents and from Grassmoor, Hasland and Winsick Parish Council in relation to opening hours of the facility, the impact of increased numbers of HGV vehicles due to the development, noise, smell, dust, and litter, and flooding impact land pollution and environmental health issues. He had considered the points raised and had concluded that the development would accord with Local Plan policies and national planning policy and be acceptable by imposition of planning conditions. With respect to the concerns over the proposed hours of the waste operation and the impact on nearby residents, he had proposed a condition under the recommendation to limit the daily finish time (Mondays to Fridays) to 19:00 hours, in the interests of neighbouring residential amenity. He was satisfied that the polluted state some of the land due to pollutants including asbestos could be satisfactorily remediated by surface capping and that this could be required by a condition.

Following consultation, Councillor Barker (Staveley Sutton Ward) had responded expressing concerns about allowing this activity on this site given its close proximity to residential properties. Councillor Barker stated that if the County Council was minded to approve planning permission, then strict enforceable planning conditions must be applied.

The Director's Report concluded by stating that the waste transfer facility formed an important part of the delivery of the existing kerbside recycling collection service in the area, moved waste up through the waste management hierarchy and contributed to sustainable waste management objectives set out in Government policy. The waste facility had been in operation since April 2019 without the benefit of planning permission. The planning application site is within an employment area, as identified in the NEDLP, which had history of industrial type uses and is surrounded by other general industrial type uses. He was satisfied that the location is appropriate for this type of use. The concerns of local residents regarding the impact of this development on their amenity and on the local environment were acknowledged, however, he did not consider that they would be so significant as to warrant refusal of the application. This application sought to regularise the use of the site and would enable modern planning controls to be placed on the operation via planning conditions. This would enable the Waste Planning Authority to appropriately control and monitor the operation, and to ensure that any associated impacts could be effectively controlled.

The Head of Planning Services presented a series of electronic slide

images which included photographic views of the land and neighbouring premises, and an aerial view.

Six written statements of up to 500 words, from the agent representing the applicant and five members of the public who had made representations in objection, had been duly received, and were each read out in full by officers.

Certain points mentioned in the statements were then responded to by the Head of Planning Services.

Councillor Charles explained that even though this application was concerned with dry waste treatment, she shared some of the concern expressed by residents in respect of the legacy of pollution of the site and the unauthorised development history of the adjacent former MXG site and the potential for vibration from heavy HGV traffic to affect adjacent houses.

The Head of Planning Services emphasised that the land had been accepted in the NEDDC Local Plan as suitable for employment use, and that following consultation, Environmental Health officers had accepted that whilst there was some contamination on site that this could be remediated with a suitable capping scheme which was included within the conditions. He also explained that whilst there were HGVs moving in and out of the site, the road was used extensively by much HGV traffic apart from the application site traffic, including traffic associated with other business operating from the same employment area. He also drew attention to the limits on the permitted hours of vehicle movements and on tonnages that were provided under the draft conditions in the officer's recommendation under the report.

Councillor Ford suggested that a condition should be included to require a Local Liaison Committee to be established by the developer as a means of dialogue with the local community. The Head of Planning Services affirmed that, if the Committee considered that it was needed, a condition to this effect could be included.

**RESOLVED** that planning permission be granted subject to the conditions based on or substantively similar to draft conditions listed in the Director's report and a condition requiring a local liaison committee to be established.

**38/20 PROPOSED CONSTRUCTION OF A NEW PRIMARY SCHOOL, ASSOCIATED LANDSCAPING WORKS, THE PROVISION OF A NEW EXTERNAL CAR PARKING AREA, AND INSTALLATION OF SECURITY FENCING AT THE FORMER PUPIL REFERRAL UNIT, BROOKSIDE ROAD, BREADSALL**  
**APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD8/0120/72** An application had been received that sought permission

for the construction of a new primary school to accommodate 120 pupils. The proposed new school building would be situated on the site of the former Behavioural Support Centre in Breadsall, within which the former Pupil Referral Unit was located. The proposed development also included the redesign of the existing car parking area to accommodate the development and provide 17 car parking spaces and 1 disabled person's parking space, a new 45 metres (m) x 25m playing field with 3m high weldmesh ball stop fencing. The existing courts would be retained and resurfaced with new pathways connecting to the rest of the site. The proposal also included the erection of a 2.4m high fencing along the site perimeter to secure the site

The 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 Director's report:

Breadsall Parish Council had objected to the proposal and seven representations had also been received from members of the public, which raised concerns about the proposal relating to the reduction of on-site parking spaces, highway safety, the design of the proposed building and substation. It had also raised concerns in respect of the lack of consent to use neighbouring parking facilities at the Memorial Hall, and the 'cart track', a narrow maintenance access track, to the east of the site.

He had been satisfied that the proposed new school building was of a good design and would be situated in a discrete location that would not result in any significant visual impacts on the amenity of the area. The applicant had stated that the existing school site on Moor Road in Breadsall was not fit for that purpose because it did not meet modern guidelines set by the Department for Education. The proposed development would provide improved facilities for pupils of the existing school which would comply with the modern guidelines.

The Report had concluded that the works as described in the application it had a justified need to take place and would accord with local and national planning policy. If permission was granted subject to conditions. The officer recommendation in the report was accordingly for approval to grant permission subject to conditions.

Four written statements of up to 500 words, had been duly received, and were each read out in full by officers. One was from Breadsall Parish Council in respect of its objection, the other three were from members of the public who had also made representations in objection.

Various issues raised under the statements were addressed by the

Head of Planning Services for the benefit of the Committee, including particular concern that had been expressed regarding the location of a new electricity substation proposed under the application. He explained that the applicant whilst exploring several options had entered into dialogue with Western Power who had confirmed that they needed 24 hour access to their substations and this could not be achieved it was located within school grounds. A landscaping/planting scheme had been submitted with the application to soften the visual impact.

Several Councillors made comments about the limited parking at the proposed new site

The Head of Planning Services responded to the comments made by the members by saying that this was a very constrained site and that parking had had to be limited to staff and visitors only. This was however seen as a positive as some schools did not have any parking facility. The school had submitted an amended travel plan and in this respect any options for off-site car parking would be further investigated.

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

**39/20** **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

**40/20** **OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 7 September 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.

**41/20** **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate.

**42/20** **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
30/06/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CM1/0320/80</b> Continued Operation of Existing Cement Bagging Plant and Associated Infrastructure, Tunstead Quarry, Waterswallows, Wormhill, Buxton
30/06/2020	<b>Applicant: Mr Morley</b> <b>Planning Application Code No: CW9/0420/4</b> Section 73 Application to Vary Condition 3 of CW9/0319/109, BM Tech, Unit 2, Uttoxeter Road, Foston
30/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW5/1117/69 Oxcroft Disposal Point:</b> SW3342 – Surface Water Drainage Scheme SW3453 – Site Compound Layout Plan SW3247 – Land Contamination Assessment SW3248 – Scheme Controlling the Importation of Soil
01/07/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: NMA/0520/69</b> Non-Material Amendment to List of Approved Plans Associated with Condition 3, Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston
10/07/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD2/0520/11</b> Steel Weldmesh Security Fence at The Green, Hasland Junior School, Broomfield Avenue, Hasland
10/07/2020	<b>Applicant: Severn Trent Water Limited</b> <b>Planning Application Code No: CD3/0320/83</b> New Odour Control and Temporary Works, Matlock Sewage Treatment Works, Lea Road, Matlock
10/07/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW8/0817/37 Saint-Gobain Small Valves Building and Yard</b> SW3349 – Submission of a health and safety risk assessment/method statement.
14/07/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD1/0620/17</b> Retrospective Change of Use to Children’s Care Facility, Grinlow Cottage Hostel, Grinlow Road, Harpur Hill, Buxton
14/07/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CW3/0620/18</b> Installation of Kiosk, Ashbourne Sewage Treatment Works, Watery Lane, Ashbourne
14/07/2020	<b>Exempt Item</b> – Enforcement Notice, Lady Lea Road, Horsley
24/07/2020	<b>Applicant: Steetley Dolomite Limited</b> <b>Planning Application Code No: CM5/1119/57</b> Retention, Continued Operation and Restoration of Existing Lime Works, Crags Road, Whitwell

24/07/2020	<p><b>Applicant: NORSE</b>  <b>Application Code No: NMA/0620/70</b>  Non-Material Amendment to Amend Condition 6, Alfreton Recycling Facility, Cotes Park Lane, Somercotes, Alfreton</p>
24/07/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions:  <b>CM9/1215/122 Swarkestone Quarry</b>  SM3256 – Submission of a Written Scheme of Investigation</p> <p><b>CD9/0119/87 Willington County Primary School</b>  SD3455 – Submission of details for the temporary access  SD3456 - Submission of details for space provided on site to accommodate storage, parking, manoeuvring, loading and unloading</p>
29/07/2020	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No: CD9/0520/8</b>  Section 73 to Not Comply with Conditions 3,4 and 24 of CD9/0519/20, Roundabout Spur, Occupation Lane, Woodville, A514 Derby Road, Swadlincote</p>
05/08/2020	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No: CD2/0420/3</b>  Renew Flat Roof and Associated Rainwater Goods, Brimington Hostel, Victoria Street, Brimington</p>
05/08/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions:  <b>CM6/0910/94 Lodge House Surface Coal Mine</b>  SM3343 – Landscaping Drainage Scheme  <b>CD6/0619/22 Land at Alfreton Park</b>  SD3329 - Submission of a scheme for the surface water retention pond including design, planting and maintenance retention pond</p> <p><b>CD9/0119/87 Willington County Primary School</b>  SD3457 – Submission of an up to date bat survey</p>
12/08/2020	<p><b>Applicant: Messrs. Gawrych and Wisniewski</b>  <b>Planning Application Code No: CW2/0520/16</b>  Change of Use from B2 to End of Life Vehicle Processing, Whittington Engineering Complex, South Street North, New Whittington, Chesterfield</p>
12/08/2020	<p><b>Applicant: Welbeck Estates Company Ltd</b>  <b>Application Cod No: NMA/0620/71</b>  Non-Material Amendment to CW5/0218/89, to Approved Routeing Pattern at Crewswell Colliery Lagoons, Frithwood Lane, Creswell</p>
12/08/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions:  <b>CM9/0805/73 Elvaston</b>  SM3260 - Archaeological Written Scheme of Investigation</p>
20/08/2020	<p><b>Applicant: CPJ Environmental Services Ltd</b>  <b>Application Code No: CL3/0520/12</b></p>

	Application for a CLUED at the Existing Waste Management Facility and Agricultural Contractors Business, Moor Farm Road West, Airfield Industrial Estate, Ashbourne
25/08/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD9/0520/15</b> The Installation of 4NR Sheds at Aston-On-Trent Primary School, Long Croft, Aston-on-Trent
25/08/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD4/0520/9</b> Retrospective Temporary Permission for Timber Fencing and Gates at 125C Market Street, Clay Cross
25/08/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD4/0520/10</b> The Erection of Timber Post and Rail Fencing (Part Retrospective) at 125C Market Street, Clay Cross