

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 15 February 2021.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, K Athwal (substitute member) D Charles, A Griffiths, R Iliffe, R Mihaly, R A Parkinson, P J Smith and B Wright.

Apologies for absence were submitted on behalf of Councillor L Grooby.

There were no declarations of significant lobbying or declarations of interest. In connection with the application referred to under Minute 11/21, Councillor Ford made reference to his membership of South Derbyshire District Council.

08/21 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 11 January 2021 be confirmed as a correct record.

09/21 **RECEIPT OF PETITION RESOLVED** (1) to receive the under-mentioned petition:

<u>LOCATION/SUBJECT</u>	<u>SIGNATURES</u>	<u>LOCAL MEMBERS</u>
Objections to further planning permission being granted to extend the operational life of Erin Landfill Site (Code no: CW2/1020/38.	258	Councillor H Elliott

(2) that the contents of the petition would be considered and referred to by the Director – Economy, Transport and Environment when preparing a report for a future meeting of this Committee in respect of Application CW2/1020/38.

10/21 **APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT FOR PLANNING PERMISSION FOR DEVELOPMENT AT STANTON RECYCLING LTD, THE OLD IRONWORKS, CROMPTON ROAD, ILKESTON, DERBYSHIRE, DE7 4BG, WITHOUT COMPLYING WITH CONDITIONS 7 (HOURS OF OPERATION) AND 18 (NOISE MANAGEMENT) TO WHICH PLANNING PERMISSION NUMBER CW8/0819/41 WAS GRANTED APPLICANT: STANTON**

RECYCLING LTD CODE NO: CW8/0620/23 An application had been received which sought a new planning permission to authorise the development comprising the ongoing waste use of this site that was currently authorised under a planning permission granted in 2017 (code no.CW8/0819/41) but without compliance with two conditions to which the 2017 permission was subject. These conditions were conditions 7 (hours of operation) and 18 (noise management). The applicant also proposed 'substitute' conditions to which a grant of such a new permission might be subject, in respect of hours and noise, so as allow for the acceptance and processing of waste at this waste recycling site (within the buildings and outside, in the open yard) between the hours of 0400 hours to 2300 hours Monday to Friday inclusive and 0400 hours to 1900 hours Saturday, Sunday and Bank Holidays. The proposed substitute for Condition 7 also lacks the requirement in that current condition to keep the shutter doors to the processing building closed during working hours. The application was accompanied by a revised version of the noise assessment and noise management plan that had been submitted and approved as required by Condition 18 to the current, 2017 permission. The proposed substitute for Condition 18 took account of the revised version of the noise management plan which reflected the relaxation in working hours restrictions being sought by the applicant.

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 Directors report:

A number of concerns had been received from consultees and after publicity, twelve written representations had been received raising objections to the proposal.

The Executive Director had concluded that the applicant company was seeking approval for a significant extension of the operating hours of the site and to enable operations with the shutter doors open during the extended hours from 0400 hours until 2300 hours Monday to Friday and 0400 hours until 1900 hours on Saturdays, Sundays and Bank. Given that the site was set within an industrial environment, a degree of noise was to be expected. However, the unfettered cumulative impacts of this site and of those other operations on the industrial estates and environs, was likely to be detrimental to the amenity of local residents and those living in the nearby settlements of Ilkeston, Stapleford, Sandiacre and particularly, Trowell. However, this consideration must be set against the contribution of the development to the management of wastes and the role it plays in moving waste materials up the waste hierarchy in support of national recycling targets, the Waste Management Plan for England, and the potential to reduce the impacts of the development through

the use of planning conditions.

He therefore considered that granting a new permission to allow for extended opening and working hours as proposed, would be acceptable, subject to suitably worded planning conditions to which the new permission would be subject, including conditions to continue to limit site access and egress by commercial vehicles during anti-social hours, and require compliance with, and the communication of, an approved vehicle routing plan, and limiting the operating hours of the shredder, and controlling the hours during which the shutter doors may remain open. His recommendation had been made accordingly:

A Principal Planning Officer presented a series of electronic slide images which included photographic views of the site and surrounding area.

Written statements of up to 500 words had been duly received from T Benson, the agent acting on behalf of the applicant in support of the application and Councillor D Pringle, Borough and Parish Councillor for Trowell, which were read out in full by officers. The statement from Councillor Pringle raised objections mainly relating to concerns that odours and dust would be generated by processes carried out.

Certain points mentioned in the statements were then responded to by the Officer.

Councillor Smith felt that it was difficult to strike a fair balance between encouraging commercial growth in recycling and protecting the local communities from its impacts. Despite protection measures being in place prior to the application being made, there were still concerns raised from the wider community and also enquired as to whether vehicle movements had been monitored. He considered that it would be beneficial to grant a permission to the two proposed changes for a trial period of 18 months and to then assess what impacts these had on the area.

The Principal Planning Officer confirmed that monitoring of vehicle movements had taken place in the early hours and late in the morning and that traffic was very light.

Councillor Parkinson enquired as to the nature of the refuse collection vehicles needing to leave the site early in the mornings, mentioning that domestic refuse vehicles were situated at a site several hundred yards away from this site, and also queried the need for any working on Bank Holidays.

The Principal Planner clarified that the movements of refuse collection vehicles were for transport of trade waste from commercial premises and not

domestic waste.

Councillor Mihaly questioned if the actions of other companies on the site were looked at as part of the considerations as it was stated that some of the impacts in the area were caused by other businesses.

The Principal Planning Officer confirmed that there were a number of other operators on the site where there had been noise and dust issues and there could be a number of applications in relation to variation of conditions which would be considered as they were made.

The legal officer in attendance was asked to clarify whether a permission could be granted on a trial basis. In his response, he explained that it was generally possible to grant permissions on a trial basis by imposing conditions, provided that such conditions were found in the particular circumstances of each case to be necessary and reasonable. However, he was mindful of the detailed attention that officers had given to the relevant considerations in reporting on the application, and could not discern that there was any particular reason to justify such a condition.

The Chairman confirmed that applications must be looked at on their individual merits.

RESOLVED (1) that planning permission be granted subject to the conditions based on or substantively similar to the draft conditions listed in the Executive Director's report; and

(2) that the committee would after 12 months from the grant of permission receive an officer report with regard to its progress in its implementation.

11/21 DEMOLITION OF ASHLEA FARM AND RELATED BUILDINGS OFF DEEP DALE LANE AND THE DEVELOPMENT OF A NEW ALL MOVEMENT JUNCTION ON THE A50 AND CONNECTING LINK ROAD TO INFINITY PARK WAY, WITH ASSOCIATED WORKS INCLUDING: STREET LIGHTING COLUMNS, FOOTWAYS/CYCLEWAYS, CONSTRUCTION OF EARTH MOUNDS, FLOOD COMPENSATION AREAS, ACOUSTIC FENCING AND LANDSCAPING AT LAND BETWEEN DEEP DALE LANE AND INFINITY PARK WAY, SINFIN, DERBY. APPLICANT: DERBYSHIRE COUNTY COUNCIL. CODE NO: CD9/0319/110

The report related to a proposal by Derbyshire County Council for the construction of a new junction (Junction 3A) on the A50 trunk road and a new connecting link road between the new junction and Infinity Park Way in Derby. The proposal also involved ancillary works including the creation of two flood storage areas, the diversion of watercourses, safety improvements to Deep Dale Lane, and the demolition

of buildings at Ashlea Farm.

It concerned development partly in Derbyshire which the County Council intended to carry out, therefore the application for permission that was assigned code number CD9/0319/110 had been made to this authority. Because the proposed development would occupy a site straddling the respective administrative areas of (1) Derby City and (2) South Derbyshire and Derbyshire County Council, a 'twin' application for permission had been made to Derby City Council. That application had been considered and approved by the City Council's committee for regulatory planning matters on 11 February. Both applications had been accompanied by an Environmental Statement for the development.

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 Directors report:-

Following consultation a number of comments had been received from consultees, details of which were given in the report. Three representations, two objecting and one providing positive comments, had been received as a result of the publicity.

He had found that development would have substantial socio-economic benefit to the area through the provision of essential highway infrastructure, thereby enabling the development of IGV to commence by unlocking currently inaccessible land. The proposal would accord with the strategic vision set out in the SDLP, both of which included policies that assume the provision of such infrastructure, as well as the wider aspirations of the NPPF in terms of the delivery of economic growth and the delivery of new homes.

In general, he was satisfied that the proposal would not result in significant adverse environmental impacts and that it would bring environmental benefit in the form of substantial biodiversity gain through GIS, as well as providing flood capacity in excess of that required in respect of the current proposals.

The development would, however, also result in some adverse landscape and visual impacts and impacts to geology, through the loss of part of the Wet Pasture Meadows LCT and the Sinfin Moor RIGS. Viewed in cumulation with the wider IGV development, such losses would be more significant leading to both being lost almost in their entirety. However, such losses were already assumed by the allocation of the land in both the SDLP and the DCLP, and the development would clearly result in substantial socio-

economic benefit, so that he did not consider that the losses would be sufficient to outweigh that benefit or justify a recommendation of refusal.

Planning Permission sought by the application was therefore recommended to be authorised to be granted, subject to a set of conditions corresponding to a scheme of requirements for conditions, as outlined under the recommendation.

It was reported at the meeting that, following the production of the report, Derby City Council had authorised the grant of a corresponding permission subject to conditions for the corresponding application made to them.

A Principal Planning Officer, on behalf of the Head of Planning Services, presented a series of electronic slide images which included photographic views of the site.

Written statements of up to 500 words had been duly received from the Chair of Barrow on Trent Parish Council and South Derbyshire District Councillor P Watson raising concerns about increased traffic and the safety issues of using Deepdale Lane in the future, and were read out in full by officers.

Certain points mentioned in the statements were then responded to by the Officer.

Committee members then made various comments concerning the application, including the welcoming of traffic monitoring and the potential for calming measures in relation to Deepdale Lane.

Councillor Smith asked whether any particular issue had been raised, in relation to Deepdale Lane or otherwise, when Derby City Council had recently considered the application

The Principal Planning Officer confirmed that no particular further issues had been raised in Derby City Council's planning committee meeting when their decision to approve the application had been reached, and commented that the largest portion of Deepdale Lane was the northern section in South Derbyshire. Improvements were already planned for that section and there would be traffic calming associated with the wider development of the area.

RESOLVED to authorise the Director to grant a County Council planning permission for the development described in the application in respect of the County Council's administrative area, subject to conditions based on the set of outline requirements detailed in the Executive Director's report.

12/21 **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action

13/21 **OUTSTANDING APPLICATION LIST RESOLVED** to receive the list on decisions outstanding on 3 February 2021 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.

14/21 **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that the following appeal has been lodged with the Planning Inspectorate:

Appeal Reference APP/U1050/C/20/3257919

Land at Lady Lea Road, Horsley, Ilkeston

Appeal against Enforcement Notice Issues on 16 July 2020

Appeal Start Date – 8 September 2020

15/21 **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
14/01/2021	<p>Applicant: Derbyshire County Council Planning Application Code No: CD6/1020/39 Replacement of Existing Playground Chain Link Fencing with Securifor Fencing and Renewal of Main Timber Entrance Gate at Crich Carr CE Voluntary Controlled Primary School, Hindersich Lane, Whatstandwell, Matlock DE4 5EF</p>
20/01/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions: CHA/1156/23 ROMP Hindlow Quarry, Buxton: SM3503: Archaeological Observation and Recording SM3504: Soil Stripping and Storage CM1/0618/23 Mouselow Quarry, Glossop SM3500: Stabilise South-East Quarry Faces CD3/1219/65 Highfields School, Matlock SD3488: Construction Management Plan and Construction Method Statement CW9/1028/63 Willshee's Skip Hire Ltd SW3501: External Lighting Scheme</p>
27/01/2021	<p>Applicant: Chapel-en-le-Frith Primary School Planning Application Code No: CD1/0720/27 Proposed Two Classroom Extension with Associated WC</p>

	Facilities and Remedial Landscaping Works at Chapel-en-le-Frith C of E Primary School, Warmbrook Road, Chapel-en-le-Frith, Derbyshire, SK23 0NI
27/01/2021	Applicant: The Federation of Penny Acres and Wigley Primary School Planning Application Code No: CD4/1220/43 Erection of a Timber-Framed Classroom Building at Wigley Primary School, Main Road, Wigley, Derbyshire S42 7JJ