

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 6 March 2017.

PRESENT

Councillor B Wright (in the Chair)

Councillors D Charles, J Dixon, M Ford, R A Parkinson, S Freeborn (substitute Member) and J Twigg.

Apologies for absence were received from Councillors Julie Hill, R Hosker and T Southerd.

In accordance with Standing Orders Councillor T Gilby attended the meeting to speak as local Member in respect of the Ward Recycling Facility, Newbridge Lane, Old Whittington, Chesterfield application (Minute No 12/17)

No Declarations of Interest were received

No Significant Lobbying had been received

10/17 **SITE VISITS** In accordance with the Code of Practice Members visited the sites at Old Whittington, Chesterfield (Minute No 12/17) and Hilltop Farm, Clay Cross (application to be considered at the meeting on 17 March 2017).

11/17 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 9 January 2017 be confirmed as a correct record and signed by the Chair.

12/17 **PROPOSED CONSTRUCTION OF A REPLACEMENT BUILDING FOR NOISE ATTENUATION, OFFICE ACCOMMODATION AND REGULARISATION OF THE PROCESSING OF METAL WASTE TO INCLUDE END OF LIFE VEHICLE PROCESSING, ASSORTED METALS, MIXED WASTE, PAPER, CARDBOARD AND PLASTIC, TOGETHER WITH THE INSTALLATION OF WEIGHBRIDGES AT THE WARD RECYCLING FACILITY, OFF NEWBRIDGE LANE, OLD WHITTINGTON, CHESTERFIELD APPLICANT: DONALD WARD LIMITED (CODE NO: CW2/0816/43)** The application sought permission to demolish two buildings and to erect two replacement buildings comprising a two-storey, pitched-roof industrial building to be used for waste recycling, together with office accommodation and a smaller single-storey, rectangular flat-roof building,

which would be used for a weighbridge office. The application also sought permission for the installation of replacement weighbridges and for the use of the application site for the recycling of wastes other than metals. Details of the planning history of the site and the proposals, together with comments received from consultees, were contained in the report of the Strategic Director for Economy, Transport and Communities.

The Strategic Director reported that the application had given rise to a significant number of objections from local residents and these were summarised in the report. The objections predominantly related to the perceived intensification of the existing waste use of the land, increased noise, general disturbance and extended working hours.

In view of the concerns that had been expressed regarding the site, the applicant company had established a working group which involved representatives from the local residents, the applicant company, Chesterfield Borough Council and the County Council.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; other material considerations had also been taken into account, including the National Planning Policy Framework, the National Planning Policy for Waste and the National Planning Practice Guidance. The Strategic Director commented that the demolition of old and dilapidated structures on an established industrial area, and their subsequent replacement with modern buildings, would not normally be considered contentious. In this case, however, the application had given rise to a significant number of objections from local residents, whereby concerns were raised which he considered related primarily to the intensification of the use of the site, the resultant (experienced and documented) noise levels, and general disturbance, together with the working hours proposed. The key issues to be considered, therefore, were regarded by the Strategic Director as being whether the impact of the introduction of the new buildings (and use of the proposed equipment) would impact detrimentally on the amenity of the area, in particular emissions to air (i.e. noise), whether the proposed hours of operation were acceptable in terms of likely disturbance to the both local and other residents of this area and whether the import and recycling of other types of waste was acceptable and these were examined in the report. It was considered that the application was open-ended about what other types of waste stream the “metal/waste” terminology could extend to. The application indicated that the larger building would be used for processing and recycling to produce waste stream materials such as plastic, cardboard, paper and wood. Although the relevant Environmental Permit covered a wide range of waste types, the planning permissions previously granted for development at this site were specific in that they restricted the use/s to metal processing and recycling. It was

considered, therefore, that if the applicant wished to carry on a broader range of waste recycling activity at the site, the case for this could be considered on its merits through a separate application.

Following detailed consultation with the Environmental Health Officer at Chesterfield Borough Council and the Environment Agency, the Strategic Director was satisfied that the construction of the structures proposed would not only assist in reducing the noise emissions at this site, but also ensure that the waste processing elements were enclosed. Therefore, whilst he had given due consideration to the objections that had been raised, he felt that the impacts associated with the proposal could be controlled effectively by condition in conjunction with the control provided by the Environmental Permit. In addition it was recommended that a local Liaison Group be established to meet at regular intervals and involve nominated members of the community, the applicant company, representatives of the relevant parish/town councils and the regulatory authorities.

Councillor Gilby was the local Member for the area where many residents who had raised objections lived. She informed the Committee that the current operator had been on site for about 2 years and that there had been no complaints about the site prior to this. She welcomed the construction of buildings to contain operations and clarification in the report regarding the working hours. She supported the officer's recommendation to grant the application but commented that the applicant needed to regain the trust of the local residents and welcomed the establishment of a Local Liaison Committee to resolved issues.

Craig Bradburn spoke of the mistrust the local residents had with the operator. He had no objections to the construction of the buildings but asked that the current working hours not be changed until there were no complaints about the site. He commented on stockpiles of material being visual above the noise barriers, working noise and that the main metal operations were being carried out under a Certificate of Lawfulness. He would welcome the whole of the site being under one permission.

John Bennett lived ½ mile from the site and spoke of his concern regarding the hours of operation. Prior to the current operator the site was a scrap yard but had now developed into a huge re-cycling centre. He spoke of complaints about operations being made to the Environment Agency, Environmental Health Officer and Derbyshire County Council.

The applicant, Mr Ward, felt that the officer's report was balanced. He stated that they had acquired the site 2 years ago with planning permissions. He commented that complaints had started about 1 year ago and that a meeting regarding the noise issues had been arranged and noise monitoring

locations agreed with the Environmental Agency to try and alleviate the problems. He had originally considered erecting a noise barrier but following discussions had decided on a building. Work carried out inside the building would be inaudible outside. Permits from the Environmental Agency relating to dust, noise and odours waste categories had been issued in 2011 for the site and he asked that this be considered appropriate for controlling these impacts rather than through planning conditions. He planned to make another application to regularise the rest of the site.

The Strategic Director's representative commented the terms of the Environment Agency permit were not considered to overcome the need for conditions in this case, and that an application for planning permission covering the whole of the Company's area would enable it to be controlled with a single set of planning conditions and controls. The Environmental Health Officer for Chesterfield Borough Council commented on the noise problems on site.

Councillor Freeborn commented that he would welcome one application for the whole of the site. He asked that the condition relating to the hours of operation be worded to include reference to Bank Holidays.

Clarification on 'emergency' deliveries within the conditions was also requested. The recommended resolution provided scope for various minor amendments to be made to the final wording for the conditions.

RESOLVED to approve the grant of planning permission for the development in accordance with the application, subject to (1) a planning obligation being entered into under Section 106 of the Town and Country Planning Act 1990 with the applicant company to secure the establishment of a Local Liaison Committee; and £2,500 towards any remedial works required for maintenance of the length of Newbridge Lane to be affected by traffic travelling in connection with the development under the permission to be granted; and

(2) conditions substantially in accordance with the conditions as contained in the report of the Strategic Director for Economy, Transport and Communities.

13/17 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 FOR PERMISSION TO NOT COMPLY WITH CONDITIONS 12, 18 AND 20 OF PLANNING PERMISSION CM4/1112/103 AT ECKINGTON DRIFT MINE, ROTHERSIDE ROAD, ECKINGTON APPLICANT: EUROPEAN COAL PRODUCTS LTD (CODE NO: CM4/0315/161) The application, now partially retrospective, was to not comply with the terms of three conditions of an existing planning permission

which currently regulated the operation of Eckington Coal Mine. The applicant proposed changes that would enable the creation of external bays for the storage of processed coal prior to transport from the site, an increase in the number of HGV movements to and from the site, and a revision to the layout of the site to accommodate a revised traffic management scheme. The operator claimed the changes were required to maintain the viability of the business. The planning history of the site and details of the current proposals were contained in the report of the Strategic Director for Economy, Transport and Communities, together with comments received from consultees and following publicity.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; other material considerations had been taken in to account, including the National Planning Policy Framework and the National Planning Practice Guidance. The report examined the justification of the proposals, changes to the layout of the site, increase in vehicle movements and traffic management. The Strategic Director had concluded that the operational changes encompassed within the proposed variation from the current conditions could be implemented without any unacceptable increase or change in the impacts of the mine on the surrounding area. It was considered that the overall change to the layout of the site would enable some operational efficiencies which could help reduce impacts if fully implemented and adhered to, which would help to address problems identified at the site by the County Council. Accordingly, they would not conflict with the provisions of the development or national planning policy.

Councillor Charles was a local Member for the area and spoke of the nuisance issues relating to dust and traffic movement and hoped that the proposal would solve the traffic problem and that the operator would comply with the conditions.

The Strategic Director's representative commented that the application should address the traffic movement problems and that the dust issues should be addressed by the modern condition.

RESOLVED that planning permission be granted, subject to the conditions contained in the report of the Strategic Director for Economy, Transport and Communities.

14/17 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current Enforcement Action.

15/17 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 6 March 2017 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.

16/17 CURRENT APPEALS/CALLED-IN APPLICATIONS

RESOLVED to note the report on current appeals/called-in applications relating to County matters.

17/17 DEVELOPMENT MANAGEMENT MONTHLY
PERFORMANCE MANAGEMENT STATISTICS RESOLVED

to receive the Planning Services Development Management Monthly Performance Management Statistics for 1 January to 28 February 2017.

18/17 MATTERS DETERMINED BY THE STRATEGIC
DIRECTOR FOR ECONOMY, TRANSPORT AND COMMUNITIES UNDER
DELEGATED POWERS RESOLVED

to note that the following applications had been approved by the Strategic Director for Economy, Transport and Communities under delegated powers on:-

(a) Delegation Meeting – 5 January 2017

- 1 Application to Not Comply with Conditions 6 and 14 of Planning Permission CW4/0399/147 Relating to Waste Recycling Centre on Land at the Former Doe Lea Colliery Site, Mansfield Road, Doe Lea
Applicant: NT Killingley Ltd
Planning Application Code No: CW4/0516/12
- 2 Proposed Application under Section 73 Application to Amend Condition 5 (Hours of Operation) and Remove Condition 6 (Highways Construction Details) of Planning Permission CW6/0416/7 at Milford Sewage Pumping Station, Derby Road, Milford
Applicant: Severn Trent Water Limited
Planning Application Code No: CW6/1116/68
- 3 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2941

(b) Delegation Meeting – 12 January 2017

- 1 Application for Listed Building Consent to Replace the Existing Gutters and Downpipes with Three Dormer Windows to be Refurbished and Repaired at Barlborough Primary School, High Street, Barlborough
Applicant: Derbyshire County Council
Listed Building Consent Code No: LB5/0816/40

- 2 Proposed Replacement of Timber Cladding, Windows and Doors with Vulcan Cladding System and Aluminium Windows and Door Units at Woodbridge Junior School, Grange Street, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1116/63
- 3 Request for the Council's Prior Approval for the Establishment of a Product Stocking and Rail Loading Area at Hillhead Quarry, Buxton
Applicant: Tarmac
Submission No: PD17/1/59

(c) Delegation Meeting – 19 January 2017

- 1 The Proposed Development Constitutes the Erection of a 6000 x 6000 x 3000mm Steel Free Standing Canopy at Corfield Church of England Infant School, Thorpes Road, Heanor, DE78 7GQ
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1216/76
- 2 Proposed Demolition of the Existing Kitchen to be replaced with an Extension Incorporating a New Kitchen and Special Educational Needs Room at Elmsleigh Infants School, Queens Drive, Midway, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/1116/69
- 3 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2855
 - SD2938

(d) Delegation Meeting – 26 January 2017

- 1 Delegation Decisions on Schemes Required by Planning Conditions:
 - SM2574
 - SD2924
 - SD2925

(e) Delegation Meeting – 2 February 2017

- 1 Proposed Replacement of Timber Windows and Doors with Aluminium Units at Hague Bar Primary School, Lower Hague, New Mills
Applicant: Derbyshire County Council
Planning Application Code No: CD1/1216/75

- 2 Extension of Existing 2.4m Weldmesh Site Boundary Fencing with New 2.4m High Securifor 3D Weldmesh Fencing to Enclose the Whole of the Perimeter of the School Site at Alfreton Park Community Special School, Alfreton Park, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1016/59
- 3 Proposed Single Classroom Extension at Aston on Trent Primary School. Long Croft, Derby, DE72 2UH
Applicant: Derbyshire County Council
Planning Application Code No: CD9/1216/77

(f) Delegation Meeting – 9 February 2017

- 1 Proposed Installation of a Free-Standing, Galvanised and Powder Coated Steel Framed Canopy with Multi-Wall PVC Sheet Roof Covering at Thornsett Community Primary School, Aspenshaw Road, Birch Vake, SK22 1AT
Applicant: Derbyshire County Council
Planning Application Code No: CD1/1116/62
- 2 The Retention of an Existing Modular Classroom for a further 10 Years at Thornsett Community Primary School, Aspenshaw Road, Birch Vale, SK22 1AT
Applicant: Derbyshire County Council
Planning Application Code No: CD1/1216/79
- 3 Proposed Erection of a Polytunnel at Howitt Primary Community School, Holmes Street, Heanor
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1216/81
- 4 Proposal to Replace Existing Timber Windows and Doors with New Double Glazed Aluminium Frames at Stanton Vale School, Thoresby Road, Long Eaton
Applicant: Derbyshire County Council
Planning Application No: CD8/1216/80
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
 - SM2573
 - SM2575
 - SD2937

(g) Delegation Meeting – 16 February 2017

- 1 Section 73 Not to Comply with Planning Condition 10 (Additional Car Parking) of Planning Permission CD5//1115/116 at Creswell C of E Infant School, Gypsy Lane, Creswell, S80 4HY
Applicant: Derbyshire County Council
Listed Building Consent Code No: CD5/1216/74
- 2 Proposed Erection of a Rotunda at Alfreton Nursery School, Grange Street, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0916/50
- 3 Proposed Erection Single Classroom Extension to the Detached Two Classroom Block incorporating an External Play Area Freestanding Canopy at Woodville Infants School, High Street, Woodville, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/1216/82
- 4 Delegation Decisions on Schemes Required by Planning Conditions:
 - SW2927
 - SW2929
 - SM2944
 - SM2945
 - SM2946
 - SM2947
 - SM2630

(h) Delegation Meeting – 23 February 2017

- 1 Installation and Operation of a Combined Heat and Power Plant which would Generate both Electrical and Thermal Energy through the Combustion of Natural Gas at Hindlow Works, Brierlow Quarry, Buxton
Applicant: LHoist UK Ltd
Planning Application Code No: CM1/1016/58
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SW2964