

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 3 September 2018.

PRESENT

Councillor M Ford (in the Chair)

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

No Significant Lobbying had been received

58/18 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 6 August 2018 be confirmed as a correct record and signed by the Chairman.

59/18 **APPLICATION FOR THE RETROSPECTIVE REGULARISATION OF THE PLANNING STATUS FOR CONTINUATION OF WASTE RECYCLING AND WASTE PROCESSING FACILITY (INCLUDING CONSTRUCTION OF A BUILDING AND ASSOCIATED INSTALLATION AND USE OF WASTE RECYCLING EQUIPMENT AND THE RECYCLING OF WASTE) AT WARD RECYCLING, OFF NEWBRIDGE LANE, OLD WHITTINGTON, CHESTERFIELD – APPLICANT: DONALD WARD LIMITED (CODE NO: CW2/0218/90)** Details of the application, together with comments received from consultees and following publicity were contained in the report of the Strategic Director Economy, Transport and Environment. This was an application seeking retrospective permission to continue a waste recycling and processing facility, involving a range of waste materials and to regularise the unauthorised construction of a plant including a picking station, and for permission to construct a new open-sided industrial style building. The application site formed part of a 2.8 hectares area of land, owned by the applicant and occupied for waste management purposes.

The application site extended to approximately 0.65 hectare of roughly level, hard-surfaced land which formed the western part of the applicant company's 2.8 hectares total land ownership at Whittington Moor Industrial Estate, on the north-eastern outskirts of Chesterfield. The site was bounded to the north on higher ground by a separate waste recycling facility, to the south by an open area of land. To the west was the industrial estate and to the east was the remainder of the applicant's wider 2.8 hectares (which was in use for

waste management related activities). Close to, but outside of, the eastern boundary of the application site there was brick building with a permitted use for vehicle dismantling/depolluting, and adjacent to the southern boundary was an industrial style building which was used for a waste picking station (which formed part of the retrospective element of this application). Adjacent to the western boundary were a series of storage bays which were used for storage of sorted waste in respect of the development proposed in this application.

The site was not visually prominent, due in part to the low lying nature of the ground and the collection of existing buildings on the wider industrial estate, together with existing vegetation. All access to the site was to the north-east, via the way through the applicant's adjoining land, then via Newbridge Lane (adopted highway), then via the Whittington Moor Industrial Estate. The nearest residential properties were approximately 150 metres to the south-east beyond the Derby-Sheffield rail line, 200 metres to the north-west off Newbridge Lane and 400 metres directly east.

The applicant acquired the whole 2.8 hectares in 2015 and had undertaken several developments there to improve the functioning of its metal waste recycling business. These included the installation of a new metal waste processing equipment in 2016 and the erection of a replacement building in 2017 that was intended to help provide noise attenuation towards the eastern side, which was approved by the Committee subject to conditions and prior completion of a legal agreement in 2017.

As previously stated, the application was partly retrospective and partly for new development. The proposal involved the construction of a new building over the waste acceptance (tipping) area which would be used to store incoming mixed waste. The retrospective element was seeking to regularise the use of the application site for the continuation of waste recycling and processing, and the range of materials currently being processed on it, and to authorise the waste processing plant, including a covered picking station structure, already installed at the site. The proposed building would be located close to the southern boundary of the site. It would measure approximately 24 metres by 24 metres with a ridge height of 12 metres at the rear and 13 metres at the open-ended north elevation. It would have a steel-framed construction with concrete side wall panels up to 6 metres high and 40mm composite steel sheets to roof level.

The site was considered an appropriate location for a waste management facility of this type. It was considered that the management being undertaken there was capable of representing the implementation of the development plan and support the objectives of national planning policy, particularly national waste planning policy. Accordingly, it was considered that

planning permission should be granted, subject to the recommended conditions, and the prior completion of a planning obligation to require the contribution by the operator to the Council, as Highway Authority, of a sum of money for improving the highway which connected with the access way to the site through the applicant's adjoining land (Newbridge Lane).

Three written objections had been received to the proposed development, expressing concern in relation to the opening hours and potential noise from the site.

The application had been accompanied by a Noise Assessment, a Noise Monitoring Assessment, a Coal Mining Risk Assessment, a Geo-Environmental Site Assessment Phase 1 and Phase 2 full contamination report, an Ecological Appraisal and a Flood Risk Assessment.

The application had been considered to be in accordance with the development plan. Other material considerations included Government policy in the National Planning Policy Framework, National Planning Practice Guidance, National Waste Management Plan and National Planning Policy for Waste 2014. The report considered the need for the development, location of the development, and the potential impacts on amenity and the environment.

The Strategic Director had found the proposal to be acceptable, subject to certain conditions and a planning obligation, and the report accordingly recommended that planning permission subject to conditions listed in the report and planning obligation first being entered into to secure a financial contribution of £7,500 to the Council, as Local Highway Authority, for improvement of Newbridge Lane, Whittington Moor, Chesterfield.

Mr D Ward spoke for three minutes on behalf of the applicant, in which he explained that the applicant was highly confident that it would comply fully with all the requirements of the conditions proposed in the report.

There was then some discussion by Committee relating to the written representations which had been made, particularly with regard to noise. After Councillor Smith questioned whether the control on reversing vehicle noise (under draft condition 14 in the report) would be effective, Mr Ward confirmed that the applicant would have no difficulty in complying with it. The Strategic Director's representative explained that it was required for control of vehicle reversing noise emanating from the development under the application, but that since the locality was also affected by other business vehicle operations, it could not provide local residents with full relief from intrusive reversing noises.

The Committee considered that if permission was to be granted, a local liaison committee arrangement, as had been agreed in respect of the development relating to the replacement building at Newbridge Lane which was granted permission in 2017, should also cover the development under the application. The Legal Services officer present indicated that such an arrangement could also be provided by planning obligation.

RESOLVED that planning permission be granted, subject to a planning obligation first being entered into under Section 106 of the Town and Country Planning Act 1990 to secure (a) a financial contribution to the Council, as Highway Authority of £7,500, for measures to improve the construction standard of Newbridge Lane, Old Whittington, Chesterfield and/or to benefit pedestrian use of Newbridge Lane, and (b) an appropriate local liaison committee arrangement with respect to the development, and subject to conditions based on the conditions set out in the report of the Strategic Director Economy, Transport and Environment.

60/18 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

61/18 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 3 September 2018 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.

62/18 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

63/18 **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director Economy, Transport and Environment under delegated powers on:-

12 July 2018

- 1 Retrospective Application for the Renewal of Temporary Planning Permission for Two Existing Classroom Blocks, 4 Linear Metres of Security Fence and Eight Existing Car Parking Spaces at William Allitt School, Sunnyside, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0518/16

2 Delegation Decisions on Schemes Required by Planning Conditions:

- SW3143
- SW3124
- SW3131
- SW3132

19 July 2018

- 1 Section 73 Application Not to Comply with Planning Conditions 1 and 2, and to Discharge Condition 23 of Planning Permission CM3/0313/153 at Overfields Barn, Overfields Quarry, Pasture Lane, Matlock DE4 4QA
Applicant: Spencers Bros (1903) Brassington Ltd
Planning Application Code No: CM3/0418/5
- 2 Proposed Erection of a Multi-Use Games Area at Woodville Junior and Infants School, High street, Woodville, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0518/18

3 Delegation Decisions on Schemes Required by Planning Conditions:

- SW3123
- SW3128
- SD3148
- SD3147
- SD3146

26 July 2018

1 Delegation Decisions on Schemes Required by Planning Conditions:

- SD3137
- SD3138
- SD3139

2 August 2018

- 1 Remove Existing Timber Windows, Doors and Replace with Aluminium including Clerestory Windows, Timber Cladding to be Renewed with Rendered System as to Match other Areas of the School at Holmesdale Infant School, The Avenue, Dronfield S18 2LR
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0618/22

- 2 Planning Application for the Erection of a Metal Storage Unit and to retain an Existing Metal Storage Unit, St Peter's Church of England Primary School, Main Street, Netherseal
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0518/17
- 3 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD3144

9 August 2018

- 1 Construction of a Replacement Waste Transfer/Recycling Building on Land at Waterside Garage, Hadfield
Applicant: Beeson Waste Disposal Ltd
Planning Application Code No: CW1/0817/40
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SM3163
 - SM3162
 - SM3154
 - SM3155
 - SM3066
 - SM3031
 - SM3032
 - SM3033

23 August 2018

- 1 Delegation Decisions on Schemes Required by Planning Conditions:
 - SM3161
 - SM3156
 - SD3157
 - SD3158
 - SD3149
 - SD3150
 - SD3151
 - SD3152
 - SD3159