

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
held at County Hall, Matlock on 6 October 2014

PRESENT

Councillor B Wright (in the Chair)

Councillors M Ford, Julie Hill, R L Hosker, J Innes, R Mihaly, R A Parkinson, P Smith, T Southerd and J Twigg.

No Declarations of Interest were received.

No Significant Lobbying had been received.

81/14 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 1 September 2014 be confirmed as a correct record and signed by the Chair.

82/14 **PROPOSAL FOR THE RETENTION AND RESTORATION OF THE GROVE FARM LANDFILL SITE, OFF SOWBROOK LANE, ILKESTON APPLICANT: SAINT GOBAIN PAM (CODE NO: CW8/1112/94)**

The application proposed to retain and restore a landfill site to enable agricultural and amenity after-use. Details of the proposal, together with comments received from consultees and following publicity, and commented by Stanton-by-Dale Parish Council in objection, were contained in the report of the Strategic Director for Economy, Transport and Environment. One letter of support and one letter of objection from a local company had also been received which were summarised in the report.

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 in to account (eg Government policy in the National Planning Policy Framework). The key planning considerations relating to the application were the need for the development, landscape and other visual impacts, pollution, flooding, ecology and highways. These issues were examined in the report. The Strategic Director concluded that subject to the imposition of planning conditions, the proposal would accord with National and Local Plan policies.

The Strategic Director explained that the Environment Agency had worked closely with the applicant regarding this application and confirmed that the waste on site was non-hazardous. It was also noted that the development

proposed in the Environmental Permit, which the Environment Agency had granted to the applicant.

Several Members commented on concerns about potential impacts from the proposal, including the composition of deposited material which would be moved under the proposal and provisions for containment of any leachate, and wildlife protection and the potential for root penetration of the capping membrane. The Strategic Director's representative explained that the waste was identified as being non-hazardous, that there were no concerns relating to root penetration because of the soil depth proposed, and that planning conditions as recommended, together with the Environmental Permit could ensure that the development generally would be under effective control to protect amenity and environment.

RESOLVED that planning permission be granted, subject to conditions based on those drafted in the report of the Strategic Director for Economy, Transport and Environment.

83/14 PROPOSED ERECTION OF A BUILDING TO HOUSE A SKIP MAINTENANCE AND SKIP REPAIR FACILITY ON LAND ADJACENT TO THE ESTABLISHED DONALD WARD WASTE RECYCLING FACILITY, OFF MOIRA ROAD, WOODVILLE APPLICANT: MR D WARD (CODE NO: CW9/0314/177) The planning application sought permission to retain and complete the construction of an industrial building to be used as a repair and maintenance facility for skips in connection with the applicant's waste recycling activities on adjacent land. Although a planning permission to allow skips to be repaired on the site temporarily had been granted by the County Council in 2010 that permission had not been implemented and consequently had expired. The current application sought permission to use the application site for the same purpose but proposed the retention and completion of a building which was different in size and its location on the site from the structure approved under the previous permission. Details of the application, together with comments received from consultees and following publicity, were given in the report of the Strategic Director for Economy, Transport and Environment. Two representations of objection had been received as a result of publicity which were summarised and addressed in the report.

The key planning considerations relating to the application were considered to be the appropriateness of the proposed use of the application site in this location, the potential disturbance that could arise due to noise and vibration, and the potential loss of amenity for the residents of the locality. These issues were examined in the report.

On balance the Strategic Director concluded that the environmental impacts raised by the proposal would not be significantly detrimental to the

character of the locality if implemented in accordance with the proposed conditions and would be acceptable in the context of local plan policies and the National Planning Policy Framework. Detailed consultations had been undertaken with the Environmental Health Officer and the Environment Agency and they had concluded that subject to appropriate controls the proposal was acceptable.

Councillor Southerd had concerns relating to the proposed hours of operation in particular in respect of noise and suggested that for permission to be acceptable a three-year limit should be imposed on the use under the permission, which would enable the impact of operations to be monitored prior to any permanent permission for the use being granted. Councillor Smith agreed that such a 'temporary' permission would be appropriate.

RESOLVED that planning permission in respect of the application be granted, subject to the imposition of conditions substantially similar to those listed in the report on the application by the Strategic Director for Economy, Transport and Environment, and a further condition to limit the use permitted under the permission to a period of three years so as to prevent any extension of such a use in the absence of a review of all impacts on the amenity of the locality that might be associated with it, including any noise vibration and dust impacts

84/14 PROPOSED INSTALLATION OF PALISADE AND WELDMESH FENCING ALONG WITH VEHICLE AND PEDESTRIAN GATES AT WILLIAM ALLITT SCHOOL, SUNNYSIDE, NEWHALL
APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD9/0714/48)

The application proposed the installation of new security fencing and gates at three locations within the grounds of William Allitt School, Newhall. Details of the application, together with comments received from consultees and following publicity, were given in the report of the Strategic Director for Economy, Transport and Environment. One letter of objection had been received regarding the proposal to set the existing gates on Sunnyside back 6 metres. The representation was concerned that this would create a turning facility for vehicles using Sunnyside, loss of privacy, traffic noise, vehicle pollution and traffic congestion, and these points were addressed in the report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; the National Planning Policy Framework had also been taken in to account. The key planning considerations relating to the application were considered to be the need for the development and the design. These issues were examined in the report. The Strategic Director concluded that he was satisfied that there was a need for the development to ensure the safety of pupils attending the school and that the style and colour of fencing would complement the existing security

fencing. He confirmed that no rights of way would be affected and that there were no highway objections.

The resident who had made the representation in objection addressed the Committee. He referred to living at the property adjacent to location 'A' on the plan and commented that the proposal for the moving back of the existing gate and installation of palisade fencing would be intrusive and be visible from his kitchen window. He stated that the gate was open from 6.30 am until 9.00 pm daily with approximately 60 vehicles using the site daily. He suggested that the moving of the gates in this location to make the entrance straight would make the use of the entrance/exit easier for vehicles and that the dropped kerb and white lines should also be extended. He asked that a decision be deferred to enable the Committee to have a site visit.

Councillor Southerd commented that he was familiar with the site and asked if alternative locations for the gates had been considered by the Department. The Strategic Director's representative replied that the Department had considered the proposal to be the best solution to the situation. The main concern was the safety of the children and the proposal addressed those concerns.

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

85/14 REQUEST FOR AUTHORISATION TO ADOPT A LOCAL LIST OF REQUIREMENTS FOR FUTURE PLANNING APPLICATIONS SUBMITTED TO DERBYSHIRE COUNTY COUNCIL AND TO ENABLE SUBSEQUENT MINOR AMENDMENTS TO BE MADE TO THE ADOPTED LOCAL LIST (Minute No 23/14) Following consultations on a revised draft Local List of requirements for planning applications, a summary of the main representations was reported and a revised Local List of information requirements was attached to the report for information. The revised Local List was to be reported to the Cabinet Member – Jobs, Economy and Transport for approval and adoption. Authorisation was also to be sought to make subsequent minor amendments due to changes to relevant guidance and regulations during the two year period from its adoption to the next review date. The Strategic Director for Economy, Transport and Environment explained that being able to make such minor amendments would have benefits in that applicants would be provided with the most update guidance available at the time, which should minimise the need to request further information from applicants and avoid delays.

RESOLVED to note that the draft final Local List of requirements for planning applications has been amended in light of the consultation responses and is to be adopted from 21 October 2014.

86/14 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

87/14 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 6 October 2014 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.

88/14 **CURRENT APPEALS/CALLED-IN APPLICATIONS** The Strategic Director for Economy, Transport and Environment's representative reported that notice of two Planning Inquiries had been received from the Secretary of State since the report had been prepared; both related to the refusal of the Certificate of Lawful Use in respect of land at the Donald Ward site, Griffon Road, Ilkeston.

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

89/14 **DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for September 2014.

90/14 **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR FOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER THE DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director for Economy, Transport and Environment under the Delegated Powers on:-

(a) 4 September 2014

- 1 Proposed Section 73 Application to Extend the Temporary Period Set out under Condition 1 of Planning Permission CD1/0809/108
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0714/52
- 2 Submission of the Authority's Approval Under Part 19B of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995: the Proposed Changes to the Site Entrance Layout to Improve Health and Safety in the Quarry Complex in Relation to The

Management of Pedestrians and Heavy Goods Vehicle Traffic,
Brassington Moor Quarry, Longcliffe
Applicant: Longcliffe Ltd
Submission No: PD19/3/49

(b) 11 September 2014

- 1 Proposed Erection of a Polytunnel at Shardlow Primary School, London Road, Derby
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0614/45
- 2 Proposal for the Development of a Cycleway/ Pedestrian Link between Hipper Street South and Chesterfield Railway Station
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0814/60

(c) 18 September 2014

- 1 Proposed Section 73 Application to Not Comply with (Vary) Condition 3 (Canopy Design) of Planning Permission CD4/0113/139 for the Installation of a Freestanding Canopy at Holmesdale Infant School, The Avenue, Dronfield
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0814/59
- 2 Application for Non-Material Amendments at Florence Shipley Home, Market Place, Heanor
Applicant: Derbyshire County Council
Planning Application Code No: NMA/0814/30
- 3 Delegated Decision on Schemes Required by Planning Conditions:
 - SD2614
 - SD2608
 - SD2611
 - SD2609

(d) 25 September 2014

- 1 Proposed Erection of a Single Classroom Extension incorporating a Canopy and the Installation of Additional Car Parking Spaces at Clowne Infants and Nursery School, Ringer Lane, Clowne
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0814/55
- 2 Proposed Installation of an Outdoor Classroom at Hodthorpe Primary School, Queens Road, Hodthorpe
Applicant: Derbyshire County Council

Planning Application Code No: CD5/0814/56

- 3 Proposal to Demolish the Existing Library Building and Develop a New Single-Storey Library Building at Ilkeston Road, Heanor
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0814/58

- 4 Delegated Decision on Schemes Required by Planning Conditions:
- SD2581
 - SD2617
 - SD2588
 - SM2580

(e) 2 October 2014

- 1 Retrospective Planning Application for the Retention of Infilling of an Existing Railway Cutting Adjacent to 134 Derby Road, Ilkeston
Applicant: Mr Ryan
Planning Application Code No: CW8/0714/50
- 2 Proposed Installation of a Single Containerised Gas Engine Producing Electricity using Coal Mine Methane (CMM) and the Change of Use of the Existing CMM Fuelled Generator Engines to Stand-By Back-Up Power Response Electricity Generation Fuelled by Natural Gas at Shirebrook Energy Park, off Portland Drive, Shirebrook
Applicant: Alkane Energy Limited
Planning Application Code No: CM5/0714/46
- 3 Proposed Installation of a Multi-Use Games Area (MUGA) with 2.4 Metres High Fencing on a Section of the School's Play Area at Westhouses Primary School, Bolden Terrace, Westhouses
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0814/63
- 4 Proposed Erection of Weld Mesh Security Fencing and Gates at Hasland Junior School, The Green, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0814/62
- 5 Proposed Installation of Canopy at Brockwell Infants and Nursery School, Purbeck Avenue, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0814/57
- 6 Delegation Decisions on Schemes Required by Planning Conditions:
- SD2613

- SD2520
- SD2627

91/14 **EXCLUSION OF THE PUBLIC RESOLVED** that the public, including the press, be excluded from the meeting during the Committee's consideration of the remaining item on the Agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING

- 1 To consider the exempt Report of the Strategic Director – Economy, Transport and Environment on Breach of Planning Control at Mansfield Road, Corbriggs (contains information relating to the financial and business affairs of any particular person).

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