

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 7 December 2015.

PRESENT

Councillor T Southerd (in the Chair)

Councillors S Bambrick (substitute Member), D Charles, M Ford, R A Parkinson, D Williams (substitute Member), J Williams and B Wright.

Apologies for absence were received from Councillors J Dixon, Julie Hill and R L Hosker

No Declarations of Interest were received.

Councillor D Charles reported that she had received significant lobbying in respect of the petition listed below (Minute No 78/15).

78/15 **PETITION RESOLVED** that (1) the petition listed below be received: -

<u>LOCATION/SUBJECT</u>	<u>SIGNATURES</u>	<u>LOCAL MEMBERS</u>
Objection to Installation of 5000 tonne waste storage tank, Norwood Cottage Farm, Cinder Lane, Killamarsh (Code No: CW4/0915/81)	77	Councillors D Charles and B Ridgway

(2) the Strategic Director – Economy, Transport and Environment be asked to investigate the matters raised as part of the planning considerations.

79/15 **SITE VISIT** In accordance with the Code of Practice the Committee visited the site at Temple Normanton (Minute No 84/15).

80/15 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 9 November 2015 be confirmed as a correct record and signed by the Chair.

81/15 **PROPOSED LAYING OUT AND CONSTRUCTION OF A NEW MULTI-USER TRAIL (PHASE 2) EXTENDING FROM STATION ROAD, DARLEY DALE TO CHURCH ROAD, CHURCHTOWN APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD3/0615/46)** The

application was for permission for the development of a multi-user trail between Station Road, Darley Dale and Church Road, Churchtown, which constituted Phase 2 of the Matlock to Rowsley section of the White Peak Loop extension. The application incorporated the upgrading of an existing public right of way along with the provision of two new sections of path within and adjacent to Whitworth Park. Details of the application, together with comments received and following publicity, were contained in the report of the Strategic Director for Economy, Transport and Environment. Of 24 letters of representation received, 21 were in support of the proposal. A summary of the reasons for support and objection was given in the report and addressed in the 'Planning Considerations' section.

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 into account. It was considered that the key planning considerations for this application were the landscape and visual impact; the impact on Whitworth Park RPG; trees; flood risk; ecology; and highways and Rights of Way. These issues were examined in the report.

The Strategic Director concluded that he was satisfied that, subject to the imposition of the recommended planning conditions, the proposal would not have an adverse impact on the Whitworth Park RPG, ecology, landscape or local amenity. The proposal would provide improved access to the countryside via a sustainable transport opportunity, which would have economic benefits and promote increased physical activity in line with wider sustainability and health objectives. He considered that the proposal would be appropriate in this location and the recommended planning conditions would ensure that the development would accord with both national and local planning policies.

One of those who had made representations in support of the proposal, Mr Hinton, addressed the Committee. He supported the proposal in terms of the benefits to health, the environment and the economy, as summarised in the report, but commented that it would also add another link to the National Cycle Network. He stated that with the Tour de France and Eroica Britannica, Derbyshire was becoming a top place for cycling. He also stated that as a multi-user path it would also provide a suitable route for other types of use, and would be a safer alternative to the A6.

It was confirmed that no concerns had been raised regarding the proposed construction working hours.

RESOLVED that planning permission be granted, subject to a set of conditions substantially similar to those included in the report of the Strategic Director for Economy, Transport and Environment.

82/15 RETROSPECTIVE APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO NOT COMPLY WITH A CONDITION OF PLANNING PERMISSION CODE NO. CD3/1113/131 TO ALLOW THE RETENTION OF FIVE UPVC WINDOWS AT WIRKSWORTH CHURCH OF ENGLAND CONTROLLED INFANT SCHOOL, NORTH END, WIRKSWORTH APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD3/1015/104) This application had been withdrawn by the applicant.

83/15 APPLICATION FOR A CERTIFICATE OF LAWFUL USE OR DEVELOPMENT FOR A PROPOSED USE (FOR THE INSTALLATION OF SOLAR PANELS), AT ASHBOURNE SEWAGE TREATMENT WORKS, OFF WATERY LANE, ASHBOURNE APPLICANT: SEVERN TRENT WATER LIMITED (CODE NO: CL3/0915/80) An application had been received for a Certificate of Lawful Proposed Use or Development (CLOPUD) relating a proposed use (for the installation of solar panels) at Ashbourne Sewage Treatment Works. The Committee was informed that, unlike a conventional planning application, each application for a CLOPUD was assessed entirely on its available factual evidence about planning history, the interpretation of any relevant planning law or judicial authority and judged on 'the balance of probability'.

The Strategic Director for Economy, Transport and Environment gave details of the application in his report. He explained that the application formed part of an efficiency programme by Severn Trent Water Ltd, and proposed the installation of a series (or strings) of ground mounted solar panels (photovoltaic cells), associated cabling and transformers which would be located towards the northern boundary of the site and erected in rows. The unspecified number of solar panels would be mounted on galvanised metal frames and the maximum inclined height of the panels would be approximately 2.4 metres from ground level. The applicant contended that once operational, the solar panels would off-set approximately 26% of the energy consumption at the sewage treatment plant. The application had been submitted to establish the lawfulness of the proposed development. In addition, because the applicant was the Statutory Undertaker, it was claimed that by virtue of Part 13 Class B (development by or on behalf of a sewage undertaker and Part 13 Class B (f) of the Town and Country Planning (General Permitted Development) (England) Order 2015, the proposed use of this land in the manner proposed was permitted development. Supporting information which accompanied the application included a land registry plan which identified the site, a Deed of Conveyance dated 7 July 1946, and a supporting statement, which included a copy of 1922 Ordnance Survey showing the extent of the sewage treatment works. The applicant has

indicated that all the electricity generated would be used for the sewage works at Ashbourne.

Consultations had taken place and no objections had been received.

The case analysis suggested that the first point to be considered was the meaning of operational land and this had been confirmed by evidence submitted. The proposed solar installations would be ancillary to the operation of the sewage treatment works, as the applicant had confirmed that the energy would be used only in the power requirement for the sewage works.

The Strategic Director, therefore, concluded that that the development proposed complied with the criteria set out in Part 13 A(g) of the Town and County Planning (General Permitted Development) (England) Order 2015, and would be lawful and that a Certificate of Lawful Proposed Use or Development for use of the application site for the installation and use of solar panels, to provide solar energy generated electricity for use at the Ashbourne Sewage Treatment Works, as described in the application, should be granted.

RESOLVED to approve the granting of a Certificate of Proposed Lawful Use or Development in accordance with the application details submitted, including plan reference Ashbourne 001, dated August 2015.

84/15 PROPOSED SOLAR FARM (GROUND MOUNTED SOLAR PV INSTALLATION), ON LAND AT THE FORMER WILLIAMTHORPE COLLIERY, MANSFIELD ROAD, TEMPLE NORMANTON APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD4/0615/37) This application proposed the installation of a solar farm on farmland at the former Williamthorpe Colliery site, off Mansfield Road, Temple Normanton. This type of development was supported by national and local policy, subject to impacts on local amenity and the environment being acceptable.

The proposal was for the installation of solar panels and associated infrastructure on two agricultural fields on land at the former Williamthorpe Colliery site. The operational facility would generate for 20 to 25 years an estimated 3,738,557kWh (kilowatt hours) of electricity annually to be fed into the National Grid. Further details of the proposal were given in the report of the Strategic Director for Economy, Transport and Environment, together with comments received following consultation.

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. The Strategic Director

commented that whilst there would be limited impacts on the countryside setting, landscape character and local amenity, these impacts could be made acceptable by mitigation measures that could be secured by conditions.

The Strategic Director's representative affirmed that a draft condition in the report requiring for the installation after 25 years from first export of electricity from the site reflected the proposal under the application. He explained that this also accorded with national guidance. With such a condition any future proposal to extend the life of the facility would need to be formulated as a further application. This would ensure that any proposal for such an extension would be decided on according to whatever considerations would then be relevant, which could involve changed priorities and technological advances.

RESOLVED that planning permission be granted, subject to a set of conditions substantially based on the draft set of conditions contained within the report of the Strategic Director for Economy, Transport and Environment.

85/15 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current Enforcement Action.

86/15 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 7 December 2015 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.

87/15 **CURRENT APPEALS/CALLED-IN APPLICATIONS**
RESOLVED to note the report on current appeals/called-in applications relating to County matters.

88/15 **DEVELOPMENT MANAGEMENT MONTHLY PERFORMANCE MANAGEMENT STATISTICS** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for November 2015.

89/15 **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR FOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director for Economy, Transport and Environment under delegated powers on:-

(a) Delegation Meeting – 12 November 2015

- 1 Proposed Improvement to Multi-User Route Between Poulter Country Park and Mag Lane (Whaley) as Part of the Archaeological Way Programme
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0915/83

(b) Delegation Meeting – 19 November 2015

- 1 Proposed Positioning of a Steel Storage Container at Buxton Community School, College Road, Buxton
Applicant: Derbyshire County Council
Planning Application Code No: CD1/1015/95
- 2 Retention of Screening Plant (Trommel) and Picking Line at Existing Waste Facility, S&R Troth Ltd (Muktubs), Henry Street, Whittington Moor, Chesterfield
Applicant: S&R Troth Ltd
Planning Application Code No: CW2/0915/89
- 3 Proposed Erection of a Positive Play and Nurture Room Extension and External Works at Model Village Primary School, Central rive, Shirebrook
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1015/97
- 4 Replacement of the Existing Single Glazed Timber Windows and Doors to Block 6 and Block 9, with New Comar Double Glazed, Powder Coated Aluminium Windows and Doors at Swanwick Hall School, The Green, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0915/84
- 5 Proposed Extension to Provide New Reception and Office Area at William Allitt School, Sunnyside, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0915/88
- 6 Demolition of Existing Kitchen and Erection of replacement Single-Storey Kitchen Extension at Findern County Primary School, Buckford Lane, Findern
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0915/92

- 7 Delegated Decision on Schemes Required by Planning Conditions:
• SD2747

(c) Delegation Meeting – 26 November 2015

- 1 Proposed Erection of Security Fencing at Old Hall Junior School, Old Road, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/1015/102
- 2 Erection of a Free-Standing Steel Canopy at Codnor Community Primary School. White Gates, Ripley
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1015/96

(d) Delegation Meeting – 3 December 2015

- 1 Proposed Erection of a Single Classroom Modular Building and Alterations to the Car Park at Whitwell Primary School, Southfield Lane, Whitwell
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1015/105
- 2 Infant School and Nursery School Internal Alterations and External Works including New External Reception Play Area with New Canopy and Extension to Existing Nursery Play Area with New Canopy and New Metal Storage Shed at Aldercar Infant and Nursery School, Godkin Drive, Heanor
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0915/86
- 3 Retention of Existing Modular Building to the Rear of the School Site for Continued Use as a Classroom Block at Eureka Primary School, Dunsmore Way, Midway, Swadlincote
Applicant: Derbyshire County Council
Submission Code No: CD9/1015/100
- 4 Delegated Decision on Schemes Required by Planning Conditions:
• SW2720
• SW2721
• SW2722

90/15 **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 confirm the exempt Minutes of the meeting of the Committee held on 9 November 2015.

91/15 **MINUTES RESOLVED** that the exempt Minutes of the meeting of the Committee held on 9 November 2015 be confirmed as a correct record and signed by the Chair.

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