

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 4 September 2017.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin (not site visit), D Charles, A Griffiths, L Grooby, R Iliffe, R A Parkinson and B Wright.

Councillor Charles declared a non-pecuniary interest in the item at Minute No 71/17 as a Member of the Liaison Committee.

No Significant Lobbying had been received.

68/17 **SITE VISIT** In accordance with the Code of Practice Members visited the site at Ashbourne (Minute No 70/17).

69/17 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 7 August 2017 be confirmed as a correct record and signed by the Chairman.

70/17 **PROPOSED CHANGE OF USE OF PART OF AN AGRICULTURAL FIELD TO EDUCATIONAL USE AT MAYFIELD ROAD, ASHBOURNE APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD3/0517/14)** The application was for the change of use of land at Mayfield Road, Ashbourne from agriculture to an educational use. The proposal related to the adjacent St Oswald's Infant and Nursery School and its forthcoming change to a primary school following the approval of the reorganisation of primary education in Ashbourne. Details of the application, together with comments received from consultees and following publicity were contained in the report of the Strategic Director for Economy, Transport and Communities. Representations received were addressed in the report.

The key issues included impact on open space, the impact of the development on heritage assets including the setting of nearby listed buildings and the Ashbourne Conservation Area, impact on landscape and visual amenity, the ecological impact of the development, impact upon existing public right of way, and impact on the highway. These issues were explained in the report.

The Strategic Director's representative at the meeting affirmed that some local benefits were associated with St Oswald's becoming a primary school. He also acknowledged that the school was relatively restricted in its existing open space provision land that this might be exacerbated by the wider age range it would serve as a primary school. However, it was considered that the change of use on a permanent basis would result in harm to Ashbourne Conservation Area and the setting of a Grade 1 listed building. It was also considered that it would also not accord with the requirements of the National Planning Policy Framework and the development plan in respect of landscape, visual and open space policies. He concluded that the development would not preserve or enhance the heritage assets and that the public benefit or the development would not outweigh the harm it would have on them, even though this was assessed as being 'less than substantial' harm. Taking all of the factors into consideration the Strategic Director recommended the granting of permission subject to a conditions which would include a condition to limit the duration of the use to three years only.

An email message from Councillor A Dale, Cabinet Member for Young People, written after the report had been published was circulated at the meeting. In the message he expressed concern about aspects of the report, especially the proposed time limit by condition under its recommendation and asked the Committee to consider approving the application on a permanent basis without time limits on the permission.

The officer in attendance at the meeting on behalf of County Property, representing the Council as applicant, read out a statement which was also circulated to Members at the meeting. The statement was critical of various aspects of the report and invited the Committee to reject both the proposed time limit condition and the proposed condition for a Landscape and Ecology Management Plan that were included in its recommendation.

The Strategic Director's representative at the meeting commented that the officer's recommendation had been reached after careful consideration of the planning application and the relevant issues referred to under the representations received, and provided a sensible temporary basis for allowing the application.

The Chairman reminded the Committee that it was necessary to assess the relevant benefits and the dis-benefits associated with the proposal under the application, regardless of the Council itself being the applicant.

Councillor Parkinson pointed out that although what he had seen on the site visit had assured him that the development would be rather more compatible with the surrounding locality than he had imagined after reading the report, it had also convinced him that the steep slope of the site would

greatly restrict the types of sport it might be useful for. He was minded to follow the officer recommendation.

In further discussion other members also indicated satisfaction with the officer recommendation. It was suggested that granting permission on such a temporary basis would encourage the Council as Local Education Authority to identify alternative options for the school longer term, particularly in view of the impact on heritage assets in the sensitive location, but that if the site was nevertheless still needed by the school beyond the three year period, this could be the subject of a further application.

The Legal Services representative at the meeting then pointed out that if any such application was made in the future it would be determined having regard to whatever planning considerations were relevant at that time, and that the current application was to be determined having regard purely to the relevant planning considerations, which the report had covered and which had been addressed further during the meeting.

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

71/17 APPLICATION FOR A HAZARDOUS SUBSTANCES CONSENT SITE AT ELLISONS ROAD, NORWOOD INDUSTRIAL ESTATE, KILLAMARSH APPLICANT: VEOLIA ES (UK) LTD (HAZARDOUS SUBSTANCES APPLICATION CODE NO: CH4/0617/21) The Strategic Director Economy, Transport and Communities explained that whilst this was not an application for planning permission, the application fell to the County Council as Hazardous Substances Authority to determine.

The Strategic Director for Economy, Transport and Communities reported that the application sought to replace an existing Hazardous Substances Consent following changes introduced by the Planning (Hazardous Substances) Regulations 2015. Details were given in the Strategic Director's report of the substances for which consent was sought.

The Health and Safety Executive and Environment Agency had been consulted as the Control of Major Accident Hazards Authority, together with the local Members, North East Derbyshire District Council, Derbyshire County Council's Emergency Planning team, Rotherham Metropolitan Borough Council and the Coal Authority. The application had also been advertised.

The Strategic Director explained that the hazardous substances consent process ensured that necessary measures were taken to address the risks of major accidents and limit their consequences to people and the

environment, which was a key part of the controls for storage and use of hazardous substances. The site had a long history of successfully managing the storage of hazardous substances and other waste materials and the Council had not received any complaints about the site activities. The site was subject to strict environmental controls through the permitting regime, which complemented the hazardous substances controls. He confirmed that the Health and Safety Executive had concluded that the risks to the surrounding population arising from the proposed operation were such that there were no significant reasons, on safety grounds, for refusing the Hazardous Substances Consent.

RESOLVED to grant consent for the storage of substances of the nature and quantities set out in the hazardous substances application CH4/0617/21, subject to the conditions contained within the report of the Strategic Director for Economy, Transport and Communities.

72/17 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

73/17 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 4 September 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.

74/17 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

75/17 **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 – 3 August 2017

- 1 Proposed Steel and Polycarbonate Roofed Canopy Structure with a Roller Shutter Door to Foundation Stage Play Area at Deer Park Primary School, New Road, Wingerworth
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0617/26
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SW2989

- SW2990

Exempt Item

- 3 Proposed Variation of Enforcement Notice, Land at Poorlots Quarry, Tansley Moor, Tansley

(b) Delegation Meeting – 10 August 2017

- 1 Proposed Importation of 18,000 Tonnes of Inert Material for the Re-Engineering of the Above-Cap Restoration Soils at Staveley Landfill Site, Hall Lane, Staveley
Applicant: FCC Environment Ltd
Planning Application Code No: CW2/0617/16
- 2 The Proposed Replacement of the Existing Timber Windows and Doors with UPVC Windows and Aluminium Doors. The Scheme also involves the Removal of a Dormer Window and Reinstatement of Pitched Roof to Match the Existing at William Allitt School, Sunnyside, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0617/23
- 3 Delegation Decisions on Schemes Required by Planning Conditions:
 - SW2989

(c) Delegation Meeting – 24 August 2017

- 1 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD3016
 - SD3017
 - SW3019