

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 6 August 2018.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, A Griffiths, R Iliffe, R Mihaly, R A Parkinson and B Wright.

Apologies for absence were received from Councillors D Charles, L Grooby and P Smith

No Significant Lobbying had been received

52/18 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 9 July 2018 be confirmed as a correct record and signed by the Chairman, subject to Councillor R Iliffe being recorded as in the Chair up to the Committee undertaking the site visit.

53/18 **SECTION 73 APPLICATION WITH PROPOSAL TO AMEND REQUIREMENT OF CONDITION 1 (FORM OF DEVELOPMENT) AND CONDITION 3 (TONNAGE) OF PLANNING PERMISSION CW2/0515/24, UNITS 2-3 TURNOAKS BUSINESS PARK, BURLEY CLOSE, CHESTERFIELD – APPLICANT: PPX METAL MANAGEMENT LTD (CODE NO: CW2/0118/80)** The application site was in use as an established scrap metal recycling facility for which planning permission had been granted, subject to conditions in 2015 reference CW2/0515/24). It was within an industrial estate called Turnoaks Business Park in Chesterfield. The application site area is 0.37 hectares (ha) and consisted of two low rise steel framed units, surrounded by a hard surfaced yard area that was enclosed by palisade fencing and security gates. There were further industrial and business units located to the north and east of the site.

Birdholme House, a Grade 2 listed building, was located adjacent to the west of the southern portion of the application site and there were residential properties located to the north-west on Derby Road. The River Rother was located approximately 200 metres to the south-east and the Birdholme Brook was 70 metres to the south of the site. A Local Wildlife Site (Birdholme Nature Reserve) was located approximately 100 metres to the east of the site. The site had a history involving scrap metal recycling since 2012.

This proposal sought variations of the current controls on the development which were set out in conditions 1 (Form of Development) and 3 (Tonnage) of current planning permission reference CW2/0515/24. These would include changes to the layout of the site by reducing the number of containers, having an area for the temporary bulk storage of scrap metal and relocating the staff car parking spaces. An increase in the amount of scrap metal waste to be imported and processed at the site was also proposed from the current 3,000 tonnes per annum limit under the current permission to 5,000 tonnes per annum. The facility would continue to contribute towards sustainable waste management objectives and move waste up through the waste hierarchy.

Subject to the suggested conditions being imposed, it was considered that a grant of planning permission in accordance with the application would not have an adverse impact on the surrounding area and would conform with the development plan and current Government guidance. It was therefore, recommended that the application was approved accordingly.

Details of the application together with comments received from consultees and following publicity were given in the report of the Strategic Director Economy, Transport and Environment.

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 commented in his report that he considered that the proposed revisions to the site layout, the bulk storage of metal waste and the proposed increase in annual throughput of metal waste were modest but would help the facility to cater for the needs of the local area, and continue to be part of an integrated approach to waste management. It was considered that this would continue to bring benefits in the form of a contribution to more sustainable waste management, which would not give rise to other unacceptable environmental, traffic related impacts or detrimental impact on the adjacent Listed Building. The Strategic Director was satisfied that the proposal would accord with national and local planning policies, subject to conditions. The application was therefore recommended for approval, subject to conditions which were similar to those for the existing permission, except that two of them were drafted to accommodate the proposal. No objections had been received to the proposed development.

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

54/18 PROPOSED RESTORATION OF FORMER COLLIERY LAGOONS AND SETTLEMENT PONDS TO AGRICULTURE AND NATURE CONSERVATION THROUGH THE IMPORT OF INERT WASTE AT CRESWELL COLLIERY LAGOONS, FRITHWOOD LANE, CRESWELL - APPLICANT: THE WELBECK ESTATES COMPANY LIMITED (CODE NO: CW5/0218/89) The application sought planning permission for the importation of 231,000 tonnes of inert waste plus soil forming materials over three years to restore the site for agricultural and nature conservation use. The site was a former tip associated with the former Creswell Colliery that has subsequently been used for mine water treatment through the use of several lagoons. The site ceased being used for mine water treatment prior to 2012. The proposal aimed to restore the site to a beneficial after-use and remove health and safety concerns (arising from unauthorised public access) from leaving the site in its current derelict condition. Access to the site would be along Frithwood Lane, an historic single-width road which is used as a bridleway.

The current proposal sought to restore the Creswell Colliery tip(s) and lagoons area by the importation of waste materials, utilising the Frithwood Lane route as the means of access egress for vehicles between the area and the nearest main road. Restoration of the site to agriculture and nature conservation addressed the mining legacy in the area, and the current health and safety risk from unauthorised access into the site. The application could not be considered to be fully “waste recovery” rather than “waste disposal” because more than the minimum amount of waste necessary to restore the site was to be brought onto the site. As such, the application did not conform with the waste hierarchy.

The original application proposal (CW5/1116/71) for the restoration by infilling of the site was an item on the agenda of the Regulatory - Planning Committee meeting on 5 June 2017. The published report for this recommended a refusal. However, following publication of the report, the applicant requested that the application be removed from the agenda in order that it could address the areas of concern at the time. Mr D Ridout addressed the Committee on behalf of the applicant and provided Members with supporting information.

Details of the application was included in the report of the Strategic Director Economy, Transport and Environment, together with comments received from consultees and following publicity.

The application had been considered in accordance with the development plan. Other material considerations included the Adopted Erewash Core Strategy, the National Planning Policy Framework and the associated Planning Practice Guidance. The key planning considerations for the development were need for the development, design and visual impact, and heritage impacts, and these were examined in the report.

The Strategic Director was of the view that the development could be made acceptable, in the context of development plan policies, and from an environmental perspective, by imposing appropriately worded planning conditions. The site could be satisfactorily restored for the stated after-use of agriculture and nature conservation, and achieve the desired health and safety objectives, with significantly less material to than that proposed and, therefore, causing less disruption and general disturbance to residential and recreational amenity, but this did not appear to be achievable as a cost neutral reclamation development.

The promotion of Frithwood Lane as part of the route of the Archaeological Way Greenway and multi-user trail would potentially be delayed due to the development traffic having to use it as the site access until the end of the development. This was a potential dis-benefit from the proposal. However, this dis-benefit was to be considered against the other relevant considerations, including the removal of a source of danger to health and safety of trespassers and other benefits that would result from the restoration

The proposed development would be preferable to the site remaining unrestored. The overriding benefits of the proposal warranted the approval of the application subject to conditions.

The application was therefore recommended for approval to grant permission, subject to conditions substantially in accordance with the draft conditions in the officer recommendation.

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

55/18 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

56/18 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 6 August 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.

57/18 **CURRENT APPEALS/CALLED-IN APPLICATIONS**
RESOLVED to note the report on current appeals/called-in applications relating to County matters.