

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 2 December 2013.

PRESENT

Councillor J Innes (in the Chair)

Councillors S Ellis (substitute Member), Julie Hill, R L Hosker, R Mihaly, P Smith (not site visits), J Twigg (not site visits), D Walton (substitute Member) and B Wright.

Apologies for absence were received from Councillors M Ford, R A Parkinson and T Southerd.

No Declarations of Interest were received.

No Significant Lobbying had been received.

89/13 **SITE VISITS** In accordance with the Code of Practice the Committee visited the sites at Belfield Street, Ilkeston (Minute No 91/13) and Manners Avenue Industrial Estate, Ilkeston (Minute No 92/13).

90/13 **MINUTES RESOLVED** to confirm the non-exempt Minutes of 11 November 2013.

91/13 **PROPOSED CHANGE OF USE OF AN INDUSTRIAL BUILDING (FROM USE CLASS B1 AND B8) TO AN END OF LIFE VEHICLE DE-POLLUTING UNIT ON LAND AT UNIT 6, BELFIELD STREET, ILKESTON (CODE NO: CW8/0813/86)** Details of the application were contained within the report of the Acting Strategic Director - Environmental Services, together with comments received from consultees and following publicity, which had resulted in a petition containing 27 signatures objecting to the proposal on the grounds of it having a detrimental effect on the nearby residential area, increase in noise and air pollution, harmful fumes and impact on future house prices.

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, including the National Planning Policy Framework, Planning Policy Statement 10 and End of Life Vehicle Directives and End of Life Vehicle Regulations. The key issues relevant to the proposal were considered to be the impact of the proposed

works on the amenity of the area and the appropriateness of the facility and its compatibility within the industrial estate and these issues were addressed in the Acting Strategic Director's report.

The Acting Strategic Director considered that the proposal achieved the identified key policy objectives and was an acceptable use of land in the location. However, following comments raised during the earlier site visit regarding potential noise as a result of the proposal, he recommended that if the application was approved then an additional condition be included requiring the applicant to submit a Noise Management Scheme for approval.

Mr Eaton attended the meeting and stated that he was extremely worried about the potential noise level at the site, that a precedent would be set for any future users of the site, and that there were better sites in the Ilkeston area more suited for heavy industry.

The Acting Strategic Director commented that a set of modern conditions would be attached to the planning permission if approved.

Councillor Walton commented that the Committee needed to consider the application presented, and whilst being sympathetic about concerns relating to noise, he was unsure whether this would increase.

Councillor Ellis also commented that 75% of the building would be used for storage and that this part of the building was the closest to residential properties and would lessen the potential for noise.

RESOLVED that planning permission be granted, subject to the imposition of conditions contained within the report of the Acting Strategic Director - Environmental Services together with an additional condition requiring the applicant to submit a Noise Management Scheme for approval.

92/13 APPLICATION FOR A CERTIFICATE OF LAWFUL USE FOR AN EXISTING USE FOR A PLASTIC RECYCLING FACILITY ON LAND AT WINSTER BUILDINGS, MANNERS AVENUE INDUSTRIAL ESTATE, ILKESTON (CODE NO: CL8/0713/73) An application had been received for a Certificate of Lawfulness of an Existing Use relating to a site for plastic recycling which the applicant claimed was a lawful use for the purposes of planning legislation. The Committee was reminded that, unlike a conventional planning application each application for a Certificate of Lawful Use 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 report contained details of supporting information and comments received following consultation with the Local Member, Erewash Borough Council and the Environment Agency.

The case analysis suggested that the two key elements to consider were the quality of the supportive evidence and proof of the continuity of the works on the site during the ten year period from submission of the application, which were examined in the report.

It was concluded that there was sufficient and precise evidence submitted by the applicant to support the lawful use of the site for the plastic processing and recycling uses.

RESOLVED to approve the grant of a Certificate of Lawful Use of the land identified in the application details for the importation, cleaning processing, sorting, shredding, separating and recycling of waste plastics.

93/13 PROPOSED SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITION 3 OF PLANNING PERMISSION CW9/1097/69 TO AMEND THE RESTORATION MASTERPLAN AT BRETBY LANDFILL SITE, MAIN STREET, NEWHALL, SWADLINCOTE (CODE NO: CW9/0913/93) The Section 73 application sought permission not to comply with Condition 3 (for restoration) of planning permission CW9/1097/69 relating to Bretby landfill site and included plans to amend the site restoration by not re-forming the two water management lagoons at the site into a single naturalistic pond.

Details of the proposal were contained in the report of the Acting Strategic Director - Environmental Services, together with comments received from consultees and following publicity, resulting in one letter of objection which was summarised 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; other material considerations had been taken in to account, including the National Planning Policy Framework. The key development plan policies relating to the application were considered to be the need for the development, ecology, landscape and public footpaths and highways and these were examined in the report.

The Acting Strategic Director showed slides of the site location, the approved lagoon design and the proposed restoration. He commented on the responses received from Natural England and Derbyshire Wildlife Trust and that they had raised no objections to the proposal. They had commented on

the strong newt population at the site and that any engineering works could disturb their habitat. He was satisfied that the proposal would not adversely affect the existing landscape character and would not have an adverse impact on local amenity. He confirmed that the proposal conformed to national and local planning policies.

Mr Brooks' property overlooked the site and was a member of the Local Liaison Committee. He addressed the Committee with his concerns. He considered the report to be incomplete and contained inaccuracies; the lagoons were dangerous (polluted) and deep, footpaths 90 and 89 were affected by the works on site and should have been re-routed, there were 3 schools adjacent to the site. He did not feel that the presence of the newt population should affect the lives of the community.

The Acting Strategic Director commented that restoration of the site was still incomplete and the County Council's Rights of Way Team would consider the safety and re-alignment of the footpaths. The original restoration scheme had covered the issue of contamination of the lagoons, and no reference or concerns about their pollution had been received from the Environmental Agency following consultation on the current issue. The Acting Strategic Director advised that the nature of the evidence on European Protected Species on this site was a significant issue and that Members should place weight on this consideration accordingly.

RESOLVED that planning permission be granted, subject to the inclusion of a set of conditions substantially based on the draft conditions contained within the report of the Acting Strategic Director - Environmental Services.

94/13 APPLICATION TO UNDERTAKE TREE WORKS AT MONTPELIER, QUARNDON The three sycamores which were the subject of the application were listed in Group 1 of Tree Preservation Order 81. The trees were growing in the footpath adjacent to 7 and 8 Montpelier. Individually the trees had limited amenity value but as a group were very prominent within the street scene. The reasons for felling the trees were that the size and proximity of the trees were causing overshadowing to both properties and moss to build up on roofs, the roots were lifting garden paving, leaf fall was blocking gutters and the cost of on-going maintenance was a real concern. Previous pruning had been undertaken in an attempt to control the height and spread of the trees but this had only been partially successful.

The applicants proposed to replant three Alder trees, which were more aesthetically pleasing to the location and in size.

Seven formal responses had been received following consultation. Four responses were from local residents in support of the application, two from local residents opposed to the application. The response from Quarndon Parish Council raised no objection, subject to replacement planting. The local Member also supported the proposal.

RESOLVED to approve the grant of a consent to the cutting down of three sycamore trees protected by TPO 81 in accordance with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, as sought by the application referred to in the report of the Acting Strategic Director - Environmental Services, subject to such conditions as the Acting Strategic Director - Environmental Services shall consider as appropriate for the purpose of securing a replacement planting of three new large standard trees within the first winter planting season after felling.

95/13 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

96/13 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 2 December 2013 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.

97/13 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

98/13 **DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for November 2013.

99/13 **MATTERS DETERMINED BY THE ACTING STRATEGIC DIRECTOR – ENVIRONMENTAL SERVICES UNDER THE DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Acting Strategic Director - Environmental Services under the Delegated Powers on:-

(a) 14 November 2013

- 1 Proposed Erection of a Single Classroom Extension and Installation of Steel Framed Canopy at The Green Infant School, New Street, South Normanton
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0713/74

- 2 Proposal to Improve the Flood Prevention Measures at Manners Balancing Ponds, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0913/96
- 3 Proposed Redevelopment of the Trim Trail Area at Firfield Primary School, Breaston, Long Eaton
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0913/101
- 4 Proposal to Build a Classroom Extension at Melbourne Junior School, Pack Horse Road, Derby
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0913/99
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2479

(b) 24 November 2013

- 1 Proposed Infilling of a Veranda and Installation of a Fire Exit and Access Ramp at Pinxton Youth Centre, Kirkstead Road, Pinxton
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0913/97
- 2 Proposal to Install a Metal Shed in the School Grounds at Kilburn Infant and Nursery School, The Flat, Kilburn
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1013/105
- 3 Proposed Installation of a Kiosk to Support the Existing Sewage Pumping Station at 93 Scropton Road, Hatton
Applicant: Severn Trent Water Limited
Planning Application Code No: CW9/1013/107
- 4 Proposed Installation Kiosk to Support the Existing Sewage Pumping Station at Applegarth, Sutton Lane, Etwall
Applicant: Derbyshire County Council
Planning Application Code No: CW9/1013/108
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
 - SW2465
 - SW2484

- SD2478
- SD2491

(c) 28 November 2013

- 1 Proposed Installation of a Timber Gazebo at Hunloke Park Primary School, Lodge Drive, Wingerworth
Applicant: Derbyshire County Council
Planning Application Code No: CD4/1013/110
- 2 Proposal to Develop a Classroom Extension at Woodville Junior School, High Street, Woodville, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/1013/113
- 3 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2494
 - SD2495
 - SD2496

100/13 **EXCLUSION OF THE PUBLIC RESOLVED** that the public, including the press, be excluded from the meeting during the Committee's consideration of the remaining items 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 Acting Strategic Director - Environmental Services on Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as Amended), Matlock Sewage Treatment Works, Lea Road, Cromford (contains information which reveals that the Authority proposes to give under any enactment a Notice under or by virtue of which requirements are imposed on a person).