

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

PRESENT

Councillor T Southerd (in the Chair)

Councillors D Charles, J Dixon, Julie Hill, R L Hosker, R A Parkinson, J A Twigg, J G Williams and B Wright.

Apologies for absence were received from Councillor M Ford.

In attendance - Councillor E Atkins in respect of Minute No 55/15.

No Declarations of Interest were received.

No Significant Lobbying had been received.

54/15 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 10 August 2015 be confirmed as a correct record and signed by the Chair.

55/15 **RETROSPECTIVE APPLICATION FOR A WASTE TRANSFER STATION, INCLUDING A LOADING PLATFORM AND HOPPER UNIT, UNIT 4, WATFORD BRIDGE INDUSTRIAL ESTATE, WATFORD BRIDGE ROAD, NEW MILLS APPLICANT: ENVIRON CONSULTANTS LTD (CODE NO: CW1/0515/19)** (Minute No 61/12) This application was for permission to continue with an unauthorised development being carried out at the planning application site, in which spent carbon pellets from landfill gas filters were imported via heavy goods vehicle (HGV) tankers, transferred into a steel hopper, bagged and sealed, and the bags stored on a HGV curtain-sided trailer for bulk delivery to a processing facility off-site. Planning permission for a generally similar use at the location had been granted in 2012.

Details of the application were contained in the report of the Strategic Director for Economy, Transport and Environment. The Committee was reminded that this was not an opportunity to re-consider the previously approved development on site. It was reported that the maximum volume and type of material for importing, bagging and storing on site was not to change and the number of goods vehicle movements and the hours of operations were also to remain the same.

Comments received from consultees and following publicity were summarised in the report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; the development plan and other material considerations had also to be taken in to account, including the National Planning Policy Framework, National Planning Practice Guidance, the National Waste Management Plan for England and National Planning Policy for Waste. The key planning considerations for the application were the need for the development, location of the development, and potential impacts on amenity and on the surrounding environment; these issues were examined in the report.

The Strategic Director acknowledged that there had been considerable objection to this planning application from local people who had previously experienced dust emanating from the application site and settling on residential properties in the locality. There had also been concerns expressed by local people that the dust from the spent pellets was harmful. He reported that the Environment Agency had confirmed that the operations were in accordance with the updated Environmental Permit. Whilst there had been previous problems on this site resulting in the District Council's Environmental Health Officer receiving complaints about dust, he had confirmed that the last recorded complaint had been July 2014. He reported that this was prior to the implementation of the revised design of the operational system for which permission to continue with was currently sought.

Concerns had been also raised by local people about increases in HGV movements. The applicant had clarified that there had been no increase in incoming or outgoing HGV movements. The adjacent unit, renting yard space, was understood to have created increased vehicle movements, which objectors might have experienced. The Strategic Director reported that the operational hours permitted under the existing planning permission were Mondays to Fridays 0800 hours to 1700 hours and local people had referred to witnessed operations on this site outside these hours. Whilst these reports were noted, a condition that would apply these times on any new permission would provide an enforceable means of limiting the hours of working under it to these periods. It was reported at the meeting that not all the other businesses on the industrial state were covered by working hours conditions.

The Strategic Director had concluded that the development would not have any significant environmental or amenity impacts, and that there would not be any significant effect on the environment in relation to either an accumulation of the potential impacts discussed in the report, or any of those potential impacts together with other development. It was, therefore,

considered that the development was acceptable within the context of national and local development plan policies. Although there had been problems of dust nuisance associated with the unauthorised operation of the site the current planning application had to be determined on its merits.

He commented that the Environment Agency had approved the current process, subject to controls in an up-to-date Environmental Permit, which the site was being operated in accordance with. There was already a planning permission in place for a waste transfer station to handle spent carbon pellets; it was the different reception, handling and storage of the material now being carried out that required a new planning permission. It was considered that the waste carbon pellets transfer facility had benefits in terms of the role it played in enabling waste to be processed higher up the waste hierarchy and its contribution towards sustainable waste management objectives. It was not considered that the use gave rise to unacceptable or amenity impacts. He concluded that the proposal did not conflict with national or local planning policies.

Slides of the site location, use of the hopper and tankers on site were shown to the Committee to illustrate the development.

Councillor Atkins, local Member, attended the meeting and spoke of her objections to the application. She expressed concern regarding the location of the operation and its closeness to residential and leisure areas; problems with smells emanating from the site; and serious road accidents in the locality. She also commented that she understood that the site was associated with Arden Quarry and a number of complaints had been made relating to smells from this use. The Chair commented that the suitability of the site for such a type of use had been established previously, and that the Committee had to examine the acceptability of the proposed changes.

Four local residents who had made written representations in objection attended the Committee to speak.

Mary Robinson spoke of the Company breaching of conditions attached to the initial permission; operations taking place outside approved working hours; and concerns for the environment, the safety of the process as regards possible leakage of substances into the atmosphere. She felt that the operations should take place within a building; that locations for dust monitoring should be extended away from the site boundary; and that site workers wearing protective clothing and masks were unsettling for local residents. She urged the Committee to reject the proposal.

Gill Christian spoke of her concerns relating to hazardous waste transfer; the scale of the operation; the Company having previously

contravened the planning permission and release of pollution into the environment; and transportation of the pellets off site. The area had a history of flash flooding; she questioned how contamination of water would be avoided if dust was to be sprayed with water.

Barbara Cochrane was concerned that any plans for the operation to expand; and safety at the site and what plans were in place for fire or explosion.

Neville Topham commented on the time and location of the meeting; he was sure that many more residents would have attended the meeting if it had taken place much nearer to the site or at a later time of day. He acknowledged that the site was designated for industrial purposes but felt strongly that the processes involved in the transfer operation should not be carried out in a populated area. The transportation of the material to Belgium and the potential for human error in operating machinery, and malfunctioning of equipment, were also of great concern.

Peter Rowbottom, on behalf of the applicant, spoke in response to several comments made by the previous speakers. He confirmed that the site did not have any connection with Arden Quarry; that following the changing of the pellets transfer process to a sealed system there were no dust issues at the site which were still causing a problem; and that another operator at the site had a road transport business. He suggested that the increased vehicle movements might be arising from this business. Workers on site wore dust masks to comply with Health and Safety Regulations. Mr Rowbottom commented that local residents had been shown around the site after a dust incident to view operations. The Company was willing to work with the community to discuss and resolve any other issues which might arise.

The Strategic Director's representative at the meeting addressed the Committee regarding the issues raised and commented that the relevance of each issue had been considered and that the conditions recommended for inclusion on a permission under the application were refined from the existing conditions to address the concerns. He also confirmed that the County Council as well as the Environment Agency carried out unannounced checks to monitor the site and that officers also worked closely with Environmental Health Officers.

Members discussed the application. As regards the potential for the establishment of a local liaison committee, it was felt that it was not necessary or practical to require this because of the limited scale of the use and operations. The applicant's representative indicated that as operator it would encourage any local residents who noticed any problems relating to the site to report them to the operator immediately.

It was suggested that the site's emergency plan should be made available to residents.

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

56/15 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current Enforcement Action.

57/15 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 7 September 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.

58/15 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

59/15 **DEVELOPMENT MANAGEMENT MONTHLY PERFORMANCE MANAGEMENT STATISTICS** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for August 2015.

60/15 **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 – 13 August 2015

- 1 Retrospective Planning Application for a Scrap Metal Recycling Facility at Units 2-3, Burley Close, Chesterfield
Applicant: PPX Metal Management Limited
Planning Application Code No: CW2/0515/24
- 2 Proposed Installation of Security Fencing at Woodthorpe C of E Primary School, Seymour Lane, Woodthorpe
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0715/52

- 3 Proposed Installation of a Shipping Container at Parkside Community School, Boythorpe Avenue, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0715/55
- 4 Proposed Installation of a Concrete Storage Shed at Brockwell Junior School, Purbeck Avenue, Chesterfield
Applicant: Derbyshire County Council
Application Code No: CD2/0715/56
- 5 Proposed Installation of a Canopy, Three Storage Units and Replacement of Trim Trail at Doveridge Primary School, Chapel Green, Doveridge
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0615/44
- 6 Proposed Extension to the Existing Nursery Building to Provide Twenty Places for Two Year Old Children at Dallimore Primary School, Dallimore Road, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0515/26
- 7 Proposed Installation of a Multi-Use Games Area at Morley Primary School, Main Road, Morley
Applicant: Derbyshire County Council
Planning Application Code No: CD8/615/38
- 8 Proposed Demolition of Garage and Installation of New Steel Shed at Etwall Primary School, Egginton Road, Etwall
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0615/42

(b) Delegation Meeting – 20 August 2015

- 1 Proposed Installation of New/Replacement Pedestrian Gate to the Front Boundary, New Mills Public Library, Hall Street, New Mills
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0615/47
- 2 Proposed Installation of a Multi-Use Games Area to Existing Playground, including New Rubber/Artificial Play Surfaces, Thornsett Primary School, Aspenshaw Road, Birch Vale
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0715/58

- 3 Proposed Installation of a Single Motor Control Kiosk at Alferton Sewage Treatment Works, Park Lane, Alferton
Applicant: Severn Trent Water Ltd
Planning Application Code No: CW6/0615/45
- 4 Proposed Installation of a Sports Wall at Kensington Junior School, St Johns Road, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0615/13
- 5 Delegated Decision on Schemes Required by Planning Conditions:
 - SM2766

(c) Delegation Meeting – 27 August 2015

- 1 Application for a Non-Material Amendment to Conditions 9 (Scheme of Improvements to Hardybarn Lane), 10 (Great Crested Newt Survey) and 11 (Design and Construction of the Passing Bays) of the Extant Permission Code Number CM1/0309/240 at Tunstead Quarry, Buxton
Applicant: Lafarge Tarmac Limited
Planning Application Code No: NMA/0715/42
- 2 Submission under Part 17B of the Town and Country Planning (General Permitted Development) Order 2015: Proposed Extension of Rail Maintenance Shed at Tunstead Quarry, Buxton
Applicant: Lafarge Tarmac Limited
Planning Application Code No: PD17/1/55
- 3 Delegated Decision on Schemes Required by Planning Conditions:
 - SD2749
 - SD2750
 - SD2768
 - SW2759
 - SW2760
 - SW2761