

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 10 April 2017.

PRESENT

Councillor T Southerd (in the Chair)

Councillors D Charles, J Dixon (not site visit), S Freeborn (substitute Member, not site visit), Janet Hill (substitute Member), R A Parkinson, J Twigg and B Wright

Apologies for absence were received from Councillors M Ford, R Hosker and J Williams

In accordance with Standing Orders Councillor J Frudd attended the meeting to speak as local Member in respect of the Larklands Infant and Nursery School, Ilkeston application (Minute No 32/17)

No Declarations of Interest were received

No Significant Lobbying had been received

26/17 **SITE VISIT** In accordance with the Code of Practice Members visited the sites at Barlborough (Minute No 29/17).

27/17 **MINUTES RESOLVED** that the Minutes of the meetings of the Committee held on 6 March and 17 March 2017 be confirmed as a correct record and signed by the Chair.

28/17 **PROPOSED ERECTION OF A SINGLE STOREY MODULAR NURSERY BLOCK INCORPORATING AN EXTERNAL PLAY AREA AND FREESTANDING CANOPY, WITH ALTERATIONS TO THE CAR PARK TO PROVIDE TWO ADDITIONAL PARKING SPACES AT SIMMONDLEY PRIMARY SCHOOL, PENNINE ROAD, SIMMONDLEY, GLOSSOP APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD1/1116/66)** The application was for planning permission for the construction of a new nursery block to provide an additional 26 places for three year olds. The development also included the creation of external play areas and two additional car parking spaces and the creation of a new pedestrian access into the school. Details of the application were contained in the report of the Strategic Director for Economy, Transport and Communities, together with comments received from consultees and following publicity.

Slides and photographs indicating the layout of the school site, including views from and into the site, were shown to the Committee.

The key planning considerations were need for development, design and appearance of the development, ecology, noise Impact and highway matters and these were examined in the report.

The Strategic Director commented that the proposed nursery building and canopy were of an appropriate design and scale, and would be positioned so as not to have an adverse impact on the school site. The development would provide the school with a nursery and associated facilities to enable it to cater for the anticipated increase in demand for nursery places with the local area, with the canopy providing a designated outdoor classroom and sheltered play area for the pupils. He considered that the nursery block and canopy were an appropriate design in the context of the school buildings and that it would not have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms. He was satisfied that the development would accord with the policies of the adopted Local Plan and the National Planning Policy Framework.

Brian Barnes lived adjacent to the site and addressed the Committee with his concerns that the proposal would take away the view from his property. He felt the playing fields were located too close to his boundary which would increase noise and also expressed concern about safety within the site. The Strategic Director's representative commented that whilst loss of a private view over someone else's land was not normally a planning consideration, visual impact could be considered. He commented that whilst noise was unavoidable from a school site the nursery children would be outside for short periods of time and would be supervised. Alternative locations for the building had been considered but because of ground levels of the site other locations were not suitable.

Councillor Freeborn expressed concern that the pedestrian access route between the nursery building and the playground would be through the car park and felt they could be separated. Councillor Twigg suggested that this might not be needed since staff cars would already be parked whilst the nursery was open. She supported that proposal as she felt that the facility was vital in the area. The Strategic Director's representative commented that whilst it was a staff car park there would also be deliveries to it. It was suggested that a condition could be attached to the planning permission to restrict movement of traffic on the pedestrian route through the site.

RESOLVED that planning permission be granted, subject to the conditions contained within the report of the Strategic Director for Economy,

Transport and Communities and a condition to restrict movement of traffic on the pedestrian route through the site.

29/17 PROPOSED CHANGE OF USE TO AN INERT WASTE RECYCLING AND WASTE TRANSFER FACILITY INCLUDING THE CONSTRUCTION OF A SITE OFFICE AND WORKSHOP AT MAGNET BUSINESS PARK, HIGH HAZELS ROAD, BARLBOROUGH APPLICANT: UNITED COMMERCIALS LTD (CODE NO: CW5/0117/84) The application was for permission for a retrospective change of use of land from industrial uses to an inert waste recycling and waste transfer facility, including a site office and workshop to produce secondary aggregates for re-use.

Details of the application, including the site planning application history, were contained in the report of the Strategic Director for Economy, Transport and Communities together with comments received from consultees and following publicity. The Strategic Director commented that Bolsover District Council's concerns appeared to be in respect of the impacts of the operation, including impacts for nearby users and future users of the business park, rather than the usage in principle of the site as a waste facility.

The application was considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; other material considerations were also taken into account, including the National Planning Policy Framework, National Waste Management Plan for England, and National Planning Policy for Waste. It was considered that the key planning considerations were the possible net-negative economic impact, whether the proposal would have an unacceptable impact on nearby land uses and users in respect of noise, dust, vibration and visual impact, and the effect of the proposed development on the character of the area and the suitability of the site to accommodate a waste use. These issues were examined in the report.

The report examined the impacts on local employment and the economy and concluded that the predicted environmental amenity impacts could be suitably controlled by planning conditions and that no disbenefits from the development for employment and economy would be significant. With regards to the impacts, the site had been operating in its current form for over a year and no complaints had been received from other users by the Environmental Health Officer.

The Strategic Director's representative commented that the recycling facilities would provide a facility which would result in the recycling of waste locally instead of it being sent to landfill or transported for recycling further afield. The recycling facility was considered an acceptable development in this employment area, subject to appropriate screening and environmental impact compliance. From weighing all the issues in the planning balance,

including economic, environmental and design, it was concluded that the benefits of delivering the recycling facilities outweighed such negative impacts as might be experienced (provided that any permission was granted with appropriate conditions for mitigation).

The proposal moved waste up the waste hierarchy thereby avoiding the need for landfill. This complied with Government policy and helped achieve the targets for landfill diversion. The proposed development accorded with policies of the Derby and Derbyshire Waste Local Plan and was supported, subject to a three year temporary permission in order that the development could be monitored to establish that the impacts could be appropriately managed so as not to cause harm to amenity of adjoining businesses and the occupiers of the nearest dwellings.

It was considered that a temporary limit on the period for the use under an initial planning permission was the most effective and appropriate way of achieving a suitable planning re-evaluation of the acceptability of the facility further into the future. Three years from the date of permission would be a suitable period for this limit. Before the end of this period, this re-valuation could be addressed via any new planning application for the facility. The applicant had reacted positively to the suggestion to use the approach of an initial temporary permission as they were confident in their ability to manage the site effectively.

Chris Fridlington, Planning Services Manager, Bolsover District Council spoke to reiterate the District Council's objections to the proposals. It considered that this type of waste activity was unacceptable in the open on this industrial estate. He referred to the parts of the report about waste handling being dirty and unsightly and the waste management facility not being well-designed and not contributing positively to the character and quality of the area. He questioned the number of jobs being available and felt that some of the proposed conditions were flawed and that the operator would have difficulty in carrying out the operations. He felt that the application should be refused on policy grounds but asked that otherwise a decision be deferred to enable more investigation to take place. The Strategic Director's representative addressed the points raised and commented on the uncertainty regarding jobs, improvements that would be made to the design of the site which would lessen the negative impact and the proposed conditions.

Chris Smith was a planning consultant and spoke on behalf of the applicant. He agreed with comments made by the Strategic Director's representative regarding the Development Plan and Waste Local Plan and that the waste treatment facility was generally acceptable on industrial land, but felt that this site complied with waste planning guidance. He commented that the District Council (Planning) had indicated it would not object to

operations being undertaken in a building but reminded the Committee that the District Council Environmental Health Officer had not objected nor had he received any complaints to current operations. He commented that a scheme of planning conditions and Environment Agency permit would control workings.

Councillor Twigg commented on the temporary length of the proposed permission and although the operations had been taking place for a year because of the costly improvements proposed the temporary permission she felt the permission should be for 3 years from the committee date. Councillor Freeborn agreed that the permission should be for a full 3 years from the committee date.

The Strategic Director's representative commented that some conditions would need to be slightly amended from the draft conditions under the recommendation and that this would take place in consultation with the Chair.

RESOLVED that temporary planning permission for 3 years be granted from the Committee date, subject to conditions based on the draft conditions contained in the report of the Strategic Director for Economy, Transport and Communities.

30/17 PROPOSED ERECTION OF A DETACHED MODULAR NURSERY BLOCK WITH ASSOCIATED PLAY AREA, NEW PEDESTRIAN ACCESS FOOTPATH, ALTERATIONS TO THE CAR PARK TO PROVIDE TWO ADDITIONAL SPACES, ALTERATION TO SECURITY FENCING AND THE RELOCATION OF THREE STORAGE CONTAINERS AT ST JOHNS C OF E PRIMARY SCHOOL, LAUND NOOK, BELPER APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD6/1116/70) The proposal was to construct a new nursery block to provide an additional 26 places for three year olds. The development would also include the creation of external play areas and two additional car parking spaces and the creation of a new pedestrian access into the school site. Details of the application were contained in the report of the Strategic Director for Economy, Transport and Communities, together with comments received from consultees and following publicity. One of the main concerns related to traffic issues.

Slides and photographs indicating the layout of the school site, including views from and into the site, and the new access were shown to the Committee.

The key planning considerations for the application were the need for development, design and visual impact, impact on the setting of the World Heritage Site and highways issues.

The Strategic Director commented that the proposed nursery building and alterations to the school site were of an appropriate design and scale and would be positioned so as not to have an adverse impact on the school site.

The development would provide the school with a nursery and associated facilities to enable it to cater for the anticipated increase in demand for nursery places within the local area.

He considered the design of the extension was appropriate for the location and did not consider that this development would have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms. He was satisfied that the proposal would accord with the saved policies of the adopted Amber Valley Borough Local Plan. Taking into account the emphasis of the National Planning Policy Framework on sustainable development, he considered that the effects of the development would be acceptable.

Mrs Critchlow, a local resident near the school site, spoke about current parking problems and concerns about traffic congestion near the school. She did not consider an extra 2 parking spaces at the school to be adequate to accommodate staff. She suggested that an alternative entrance to the school site could be off Dovedale Crescent, which she considered would alleviate existing pressures.

The Strategic Director's representative commented that through an enhanced School Travel Plan provision, traffic conditions on the highway near the school could be required to be monitored over 12 months, to enable any additional measures required for managing traffic from the site to be identified.

RESOLVED that planning permission be granted, subject to the conditions contained in the report of the Strategic Director for Economy, Transport and Communities with an additional requirement to be provided by the Strategic Director for the School Travel Plan in respect of traffic monitoring for 12 months.

31/17 RETROSPECTIVE APPLICATION (SECTION 73A)
SEEKING TO REMOVE CONDITIONS 2 OF PLANNING PERMISSION
CW8/0209/205 IN ORDER TO MAKE PERMANENT USE OF LAND FOR
INERT WASTE RECYCLING, FOURWAYS, FORD LANE, LITTLE EATON
APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CW8/0416/8)

This was a retrospective application submitted under Section 73A of the Town and Country Planning Act 1990 that sought to make an existing waste operation permanent. A temporary three year planning permission had been granted on 2 April 2012.

Members were reminded that this was an existing waste processing site that screened and crushed inert construction waste into a secondary aggregate. Details of the proposal, including a planning history of the site, together with comments received from consultees and following publicity, were contained in the report of the Strategic Director for Economy, Transport and Environment.

Slides and photographs indicating the layout of the site were shown to the Committee.

The key considerations were considered to be the need for the development, location of the development and potential impacts on amenity and on the surrounding environment. These were examined in the report.

The Strategic Director commented that he had noted that the Borough Council's Environmental Health Officer had not received complaints during operations of the temporary planning permission. The site was also controlled by an Environmental Permit issued by the Environment Agency. A Public Right of Way ran through the middle of the site and the applicant had agreed to divert the footpath away from waste operating areas for public safety reasons and had submitted an application for a Public Right of Way Diversion Order which was being processed in tandem with this planning application.

The Strategic Director commented that he was satisfied that this proposal 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 existing development. It was, therefore, considered that the development was acceptable within the context of national and local development plan policies.

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

32/17 PROPOSED CONSTRUCTION OF A NEW STAND ALONE BLOCK TO FORM 3 YEAR OLD NURSEY PROVISION AND THE PROVISION OF 4 ADDITIONAL CAR PARKING SPACES AT LARKLANDS INFANT AND NURSERY SCHOOL, PARK ROAD, ILKESTON APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD8/1016/54) The application was for the construction of a new nursery block to provide an additional 26 places for three year olds. The development included the creation of external play areas and four additional car parking spaces within the school site. Details of the application were contained in the report of the

Strategic Director for Economy, Transport and Communities, together with comments received from consultees and following publicity. Objections received were summarised in the report and addressed in the planning considerations section.

Slides and photographs indicating the layout of the school site, including views from and into the site, were shown to the Committee.

The report considered the need for the development, the location, design and appearance, impacts to amenity and highway safety.

The Strategic Director commented that the development would provide additional community facilities in the form of much needed nursery provision for three year olds in the Ilkeston area and would enhance existing nursery provision at the Larklands Infant and Nursery School site. The development was of an acceptable scale in terms of location, height, proportion and massing and had been designed to complement existing buildings at the site as well as visually tie in with the surrounding built environment. It was not considered that the development would result in adverse noise impacts to local residents and there were no objections to the proposals in respect of highway safety. He referred to a proposed condition which required the School Travel Plan to be updated to minimise inconsiderate parking, and commented that this would be monitored by the School Transport Team. Taking into account the emphasis of the National Planning Policy Framework and Policy A of the Erewash Core Strategy on sustainable development, he considered that the effects of the development would be acceptable.

The local Member, Councillor Frudd, spoke in objection to the proposal and in support of 2 local residents. He referred in particular to the location of the proposed new building which was to be located up to the boundary with 223 Park Road, which was already overlooked by other school buildings, and it was felt that this would result in a loss of light to the property. He suggested that the building be located elsewhere on the site and that a decision on the application be deferred to consider an alternative siting. The Strategic Director's representative responded to the comments made by the local Member and stated that although the site appeared from the photographs to be open playing field space could not be used for development. In addition, the location of the building elsewhere on the site would cause access problems. Regarding the loss of light to the neighbouring property, he commented that this should not be too great as the structure would be 36.m in height and have a flat roof.

Keith Spencer also spoke about the impact the proposed building would have on 223 Park Road. He felt that the application was defective since the drawings did not indicate a recent extension to the property. He felt that the

application was based on cost and convenience rather than planning considerations and that the height of the building would be 4m taking in to account ground levels, noise would increase, the siting of the building would change the street scene as being more forward than others and also spoke of parkin problems. The Strategic Director's representative addressed the points raised by Mr Spencer and referred to the School's Travel Plan. He felt that some noise impacts from such an educational site were inevitable. He did not consider that there would be a serious loss of light. He observed that the new building would not extend much beyond the original building of the adjacent property.

Councillor Parkinson was concerned regarding the possibility of loss of light at the adjacent property and suggested that consideration of the application might be deferred to investigate this further.

Councillor Freeborn commented that he saw no reason to refuse the application and thought the proposal to be an effective and efficient use of the site.

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

33/17 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current Enforcement Action.

34/17 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 10 April 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.

35/17 **CURRENT APPEALS/CALLED-IN APPLICATIONS** The Strategic Director's representative informed the Committee that the Planning Inspectorate had recently confirmed that an appeal in respect of non-determination of the Hilltop Clay Cross surface coal mining scheme application (CM4/1215/125, considered by Committee on 17 March 2017, minute 19/17) was to proceed to public inquiry.

36/17 **DEVELOPMENT MANAGEMENT MONTHLY**
PERFORMANCE MANAGEMENT STATISTICS **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for March 2017.

37/17 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 – 9 March 2017

1 Delegation Decisions on Schemes Required by Planning Conditions:

- SD2965
- SD2967

(b) Delegation Meeting – 16 March 2017

1 Delegation Decisions on Schemes Required by Planning Conditions:

- SW2930
- SW2935

(c) Delegation Meeting – 23 March 2017

1 To Construct and Operate a Short Term Operating Reserve (STOR) Power Supply, Erin Landfill Site, M1 Commerce Park, Markham Lane, Duckmanton
Applicant: Viridor Waste Management Ltd
Planning Application Code No. CW2/0117/86

2 Delegation Decisions on Schemes Required by Planning Conditions:

- SM2871
- SM2872
- SM2874
- SM2876
- SM2881
- SM2885

(d) Delegation Meeting – 6 April 2017

1 Proposed Erection of a Staff Meeting Room Extension at Somercotes Infants School, Nottingham Road, Somercotes
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0217/96

2 Application for Non-Material Amendment to Planning Permission R1/0316/26 at Dove Holes Quarry, Dale Road, Dove Holes, Buxton
Applicant: Cemex UK Materials Limited
Planning Application Code No: NMA/0416/48

3 Delegation Decisions on Schemes Required by Planning Conditions:

- SW2950
- SW2956
- SW2960
- SW2963
- SW2762
- SW2763
- SW2764
- SW2765

38/17 **ROB MURFIN** The Chair reported that Rob Murfin, Head of Planning Services, was shortly to be leaving the Authority. He thanked Rob for his services to the work of the Planning Committee and commented on the success he and his team had achieved during his time with Derbyshire County Council. The Chair and Members extended their best wishes to him for the future.

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