

Time commenced – 6.00pm

Time finished – 8.40pm

PLANNING CONTROL COMMITTEE

17 DECEMBER 2009

Present: Councillor Wood (Chair)
Councillors Baxter, Care, Carr, Grimadell, Harwood, Hickson,
Richards and Shanker

In attendance: Councillors Berry, Chera, Ingall, Poulter and Turner

91/09 Apologies for Absence

Apologies for absence were received from Councillor Bolton.

92/09 Late Items Introduced by the Chair

The Chair informed the Committee that the Government Office for the East Midlands had written to officers issuing a Directive under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 stating that the Planning Control Committee could not grant planning permission to application DER/05/09/00571 without special authorisation.

93/09 Declarations of Interest

Councillor Carr declared a personal and prejudicial in application DER/05/09/00571 because as Cabinet Member for Direct and Internal Services, he has been involved in the negotiations.

Councillor Grimadell declared a personal and prejudicial in application DER/05/09/00571 as he was previously the Vice Chair of the Climate Change Commission and visited a similar site.

Councillor Shanker declared that he would take no part in application DER/05/09/00571 as he has publically stated his opinion on the proposed waste plant and felt that this could be seen as predetermination.

94/09 Confirmation of the minutes of the meeting held on 5 November 2009

The minutes of the meetings held on 5 November 2009 were agreed as a correct record and signed by the Chair.

95/09 To receive the minutes of the meeting of the Conservation Area Advisory Committee held on 29 October 2009

The minutes of the Conservation Area Advisory Committee meeting held on 29 October 2009 were received as a correct record and noted by the Committee.

96/09 Appeals Decisions Report

The Committee considered a report from Assistant Director – Regeneration on Appeals Decision Report. The attached appendix gave details of the decisions taken.

Resolved to note the decisions on appeals taken in the last month.

97/09 Consideration of major application site visits

The Committee were advised that there were three future Major Application Site Visit to report.

Resolved to not visit the suggested sites.

98/09 Bi-monthly Report

The Committee considered a report on planning applications to be determined by the Committee, and the applications determined by the Assistant Director – Regeneration under delegated powers.

1. DER/05/09/00571

Construction and operation of a waste treatment facility, comprising of a reception, recycling hall, mechanical biological treatment facility, advanced conversion technology facility, power generation and export facility, education and office accommodation, landscaping and formation of access at land adjacent 1-5 Railway Cottages, Sinfin Lane

Councillors Carr and Grimadell left the Council Chamber during the consideration of the above item. Councillor Shanker left the Council Chamber after addressing the Committee as a ward member.

It was reported that the recommendation contained in the report needed to be amended to incorporate the representation from the Government Office for the East Midlands.

It was also reported that a petition containing 70 names from Spondon Methodist Church objecting to this proposal and the Cyclamax proposal. The petition raises concerns on the impact of the proposal on; Council's environmental policy (which is to improve air quality), the emissions from the plant, on life expectancy, cancer rates, respiratory ailments, traffic emissions and noise. A further 15 letters of representation have been received since the report was printed. They raise concerns about research showing the detrimental impact of emissions on lung tissue, the chimney filters are

ineffective, the Council is legally obliged to reduce the levels of air pollution, the proposal does not help to contribute towards targets of global warming, more evidence is required before the plant can be justified and that the Council will have to buy Carbon trading permits.

Mr Bacon and Mrs Wilson addressed the Committee in objection to the proposal. Councillors Chera, Shanker and Turner also address the Committee in objection to the proposal.

Mr Smyth addressed the Committee in support of the proposal.

Resolved to refuse the application for planning permission.

Reasons

The proposal would result in significant harm to the environment by virtue of the emissions from the plant which would result in a severe detriment to residential amenity in the area, including increasing public perception of associated health risks, and accordingly, the proposal would be contrary to the saved policies W4, W5, W6 and W8 of the Derby and Derbyshire Waste Local Plan and policies GD2, GD5, EP14 and E12 of the adopted City of Derby Local Plan Review.

Traffic generated by the proposal would exacerbate existing traffic problems in the area and would be likely to result in a severe detriment to the local Air Quality Management Area which in turn would have a knock on effect on the air quality for local residents. The proposal, would therefore, be contrary to the saved policies W2, W5, W6, W8 and W10 of the Derby and Derbyshire Waste Local Plan and GD5, GD8, EP14, E12, T1, T4, T6, T7, T8 and T10 of the adopted City of Derby Local Plan Review.

The size, bulk and design of the proposed building would rudely intrude into the outlook from the adjoining residential properties and would be out of character with the surrounding commercial/industrial buildings. As a consequence of this shortcoming, the proposal would be contrary to the saved policy W7 of the Derby and Derbyshire Waste Local Plan and GD2, GD4, GD5 and E23 of the adopted City of Derby Local Plan Review.

MINUTES END