

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
held at County Hall, Matlock on 9 February 2015

PRESENT

Councillor J Innes (in the Chair)

Councillors M Ford, Julie Hill, R L Hosker, R Mihaly, R A Parkinson, T Southerd, J Twigg and B Wright.

Apologies for absence were received from Councillor Janet Hill.

No Declarations of Interest were received.

No Significant Lobbying had been received.

1/15 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 10 November 2014 be confirmed as a correct record and signed by the Chair.

2/15 **SECTION 73 APPLICATION FOR PERMISSION FOR DEVELOPMENT WITHOUT COMPLYING WITH CONDITIONS 5 (DURATION) AND 23 (RESTORATION) OF PLANNING PERMISSION CODE NO. CM4/0607/45 RECYCLING OF TEMPORARY STONE TIPS AT BOLEHILL QUARRY, BOLEHILL LANE, WINGERWORTH, CHESTERFIELD APPLICANT: REALSTONE LIMITED (CODE NO: CM4/0714/53)** The application related to a planning permission granted in 2011 for the recycling of temporary stone tips at Bolehill Quarry, Wingerworth. The Section 73 application was seeking permission to carry out the development without compliance with Conditions 5 (duration) and 23 (progressive restoration scheme) of the 2011 permission. The applicant wished to extend the duration of the development as substantial quantities of waste stone, suitable for recycling, remained in the temporary tips, and to defer the submission of a scheme for the progressive restoration of the tip areas. Details of the request and background information were contained within the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and other material

considerations, including Government policy in the National Planning Policy Framework, had also been taken in to account.

The Strategic Director commented that whilst he was satisfied that the proposal was unlikely to give rise to any unacceptable environmental or amenity impacts, the proposed extension in time could result in operations on site continuing over a longer period than was previously considered. He, therefore, recommended an extension in time limited to five years. There was a need for the amounts of materials in the tips to be closely monitored so as not to prejudice the restoration of the quarry and to avoid over-tipping. He had also recommended a condition requiring the submission of annual reports on these amounts, as well as the submission of a restoration scheme towards the end of the five year period. Subject to conditions, the Strategic Director was satisfied that the proposal would accord with the provisions of the National Planning Policy Framework and development plan policies.

Councillor Julie Hill expressed concern that lorries going to and from the quarry via Bolehill Lane were being driven hurriedly. The Strategic Director's representative agreed to write to the applicant to bring this concern to its attention.

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

3/15 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 FOR PERMISSION FOR DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 9 OF PLANNING PERMISSION CM4/0212/162 AND PROPOSING AN ALTERNATIVE CONDITION TO EXTEND THE DATE FOR THE SUBMISSION OF DETAILS OF THE SLOPE STABILISATION SCHEME TO WITHIN 12 MONTHS OF THE DATE OF COMMENCEMENT OF THE DEVELOPMENT AT STATION YARD, STATION ROAD, RENISHAW
APPLICANT: ASH RENISHAW LIMITED (CODE NO: CM4/0914/77) The application was for permission for carrying out development previously permitted under planning permission CM4/0212/162 without complying with Condition 9 and proposing an alternative condition to extend the timeline for the submission of details of the slope stabilisation scheme to 12 months from the date of commencement of the development. Details of the request and background information were contained within the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and other material

considerations, including the National Planning Policy Framework, had also been taken in to account.

The Strategic Director considered that the proposed changes to the requirement in relation to the timing of the submission of the slope stability scheme was reasonable and a sensible approach and was unlikely have any adverse effect on local amenity or the environment.

The Strategic Director was satisfied that, subject to conditions, the proposal would accord with the provisions of the National Planning Policy Framework and development plan policies.

RESOLVED that, subject to the receipt of an acceptable undertaking made pursuant to the Town and Country Planning Act 1990, Section 106, as substituted by the Planning and Compensation Act 1991, to secure similar obligations to those that were entered into with the grant of the planning permission Code No CM4/0212/162, planning permission for planning application CM4/0914/77 be granted, subject to the conditions contained within the report of the Strategic Director for Economy, Transport and Environment.

4/15 PROPOSED INSTALLATION OF A 2.4 METRES HIGH WELDMESH FENCE, AUTOMATED SLIDING VEHICULAR ACCESS GATE, CCTV CAMERA POLE AND THE REBUILDING OF SITE BOUNDARY BRICK WALLS AT SWANWICK HALL SCHOOL, DERBY ROAD, SWANWICK APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD6/1014/89) The proposal was to improve site security at the school as a result of instances of trespass and vandalism. Details of the proposed development were detailed in the report of the Strategic Director for Economy, Transport and Environment. It was reported that the two grade II listed buildings on the school site would not be affected by the development.

Comments received from consultees and following publicity were included in the report. Five letters objecting to the application had been received on the grounds that the application conflicted with Amber Valley Borough Local Plan Policy LC3; the impact on the street scene along Derby Road and the individual character of the village; lack of identified need; impact on the public footpath; and removal of trees along Derby Road. These issues were addressed in the planning considerations section of the report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The key planning considerations for the development were needs for the development, design and visual impact and community access and these were examined in the report, which were examined in the report.

Mr Briggs, a local resident, who had submitted a written representation on the application and expressed a wish to speak, then addressed the Committee on his concerns. He commented that there was already an internal fence around the school building and that it could be improved to provide security. He expressed disagreement with the view in the officer report that the proposal was not contrary to Amber Valley Local Plan Policy LC3 on the basis that the school site included an area which he considered to be used by the community as an informal open space.

The Strategic Director's representative reminded the Committee that the application was not only for pupil safety reasons but also in response to vandalism at the site. He commented that the school site was recognised as subject to Policy LC3 on account of the playing field element of the site, which he was satisfied would be protected having regard to the suggested conditions. The County Council Conservation Team had commented that trees/vegetation would re-establish around key fencing locations which would soften the impact of the proposed fence.

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

5/15 AN ASSESSMENT OF THOSE MINING SITES WHICH SHOULD BE SUBJECT TO A FIRST PERIODIC REVIEW UNDER SCHEDULE 14 OF THE ENVIRONMENT ACT 1995 The Strategic Director for Economy, Transport and Environment explained that changes in legislation had been introduced in 2013 which gave Mineral Planning Authorities broad discretion as to whether to subject a site to a periodic review and its timing. However, any first periodic review still had to be no earlier than 15 years after planning permission was granted or, in the case of an old permission, 15 years of the date of the initial review.

It was reported that there were a number of sites within the County which might be required to become subject to first periodic review. These were Middle Peak Quarry, Grangemill Quarry, Bolehill Quarry and Stancliffe Quarry. In addition, the Committee had given approval in August 2012 to extend the first periodic review date for the sites at Hindlow Quarry and Hillhead Quarry until 28 April 2015; the operator for both these sites (Lafarge Tarmac) had now requested to defer submission of the first periodic review until 28 April 2028.

The Strategic Director provided the Committee with background information on all the quarries.

With respect to Middle Peak Quarry, there were seven planning permissions relating to mineral extraction and or the disposal of mineral waste at the site and all had been subject to an initial review (code no R3/0697/12) when a single schedule of conditions had been approved on 27 February 2001. The Strategic Director commented that he was satisfied that the approved schedule of conditions would continue to control, amongst other matters, the environmental effects, method of working, screening and landscaping, restoration and aftercare of the quarry. He, therefore, did not consider that it would be necessary or appropriate to notify the interested persons of the need for a periodic review at this time, but the matter would be kept under review.

With respect to Grangemill Quarry, previous permissions had been reviewed and consolidated in 2000. In 2013, following the completion of a Section 106 Agreement, two applications had been approved to extend the continued working of the existing quarry extension to 22 February 2042 and a further extension to enable the continuation of the production of high purity industrial material. The supporting information which accompanied both applications did not re-evaluate and update the environmental information originally considered during the initial review and the applicant had given an undertaking to submit the first periodic review in order to provide up-to-date information for the site, particularly in relation to the Via Gelia Site of Scientific Interest.

With respect to Bolehill Quarry, the Strategic Director was satisfied that there had been no significant change to the circumstances during the last 12 months, with little mineral extraction taking place. He, therefore, did not consider it necessary or appropriate to notify the interested persons of the need for a periodic review at this time, but the matter would be kept under review.

With respect to Stancliffe Quarry, the Strategic Director was satisfied that there had been no significant change to the circumstances during the last 12 months and he did not consider it expedient to notify the interested persons of the need for a periodic review at this time, but the matter would be kept under review.

With respect to Hindlow Quarry, the Strategic Director commented that he was satisfied that the conditions approved in 1998 relating to environmental impacts, such as noise, dust and blast vibrations, were still robust and that the current screening and processing operations at the site still required to be controlled to acceptable modern standards. The approved conditions also included a requirement for the submission and assessment of up-to-date schemes in respect of the placement of mineral waste, the phasing of future mineral extraction and the final reclamation and restoration of the site

prior to quarry operations extending into any new working area. The Strategic Director commented that mineral extraction was not taking place at the quarry and the operator had already undertaken substantial work to improve landscape and visual impacts of the site. However, he did not consider that the Mineral Planning Authority should extend the latest date for the first periodic review to the extent suggested by the operator and recommended that the date be extended by no more than a year.

With respect to Hillhead Quarry, the Strategic Director commented that he was satisfied that the conditions approved in 1998 relating to environmental impacts, such as noise, dust and blast vibrations, were still robust and would allow for the quarry to be controlled to modern standards. In addition, the approved conditions included a requirement for the submission and assessment of up-to-date schemes in respect of phasing, the deposit of waste, landscape, reclamation and restoration prior to quarry operations extending in to any new working area. However, he did not consider that the Mineral Planning Authority should extend the latest date for the first periodic review to the extent suggested by the operator and recommended that the date be extended by no more than a year.

RESOLVED (1) to approve notification of a first periodic review under Schedule 14 of the Environment Act 1995 in respect of Grangemill Quarry (planning permission code no CM3/1200/98);

(2) to authorise an agreement in writing with the operator of Hindlow Quarry and Hillhead Quarry as provided for by paragraph 7 to Schedule 14 of the Environment Act 1995, that the latest date for first periodic review application submission for these sites under Schedule 14 becomes 28 April 2016; and

(3) not to approve notification under Schedule 14 in respect of Middle Peak Quarry, Bolehill Quarry or Stancliffe Quarry at this time.

6/15 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

7/15 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 9 February 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.

8/15 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

9/15 DEVELOPMENT MANAGEMENT MONTHLY
PERFORMANCE MANAGEMENT STATISTICS RESOLVED to receive the
Planning Services Development Management Monthly Performance
Management Statistics for November 2014 – January 2015.

10/15 MATTERS DETERMINED BY THE STRATEGIC
DIRECTOR FOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER
THE DELEGATED POWERS RESOLVED to note that the following
applications had been approved by the Strategic Director for Economy,
Transport and Environment under the Delegated Powers on:-

(a) 13 November 2014

- 1 Application for Listed Building Consent to Renew the Existing School
Roof at Cromford C of E Primary School, North Street, Cromford,
Matlock
Applicant: Derbyshire County Council
Listed Building Application Code No: LB3/0914/74
- 2 Proposal for the Removal of an Existing Railway Bridge and the
Development of a Non-Vehicular Replacement Bridge at Batley Lane,
Pleasley
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0814/68
- 3 Proposed Erection of a Nursery Teaching Unit, Incorporating Teaching
Canopy, Play Area and Access Routes, with Demolition of Existing
Nursery Building on Completion at Bramley Vale Primary School, York
Crescent, Bramley Vale
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0914/71
- 4 Proposed Installation of a Kiosk and 2.33 Metres High Security Fencing
and Gates at Blackwell Sewage Pumping Station, Grove Lane,
Blackwell
Applicant: Derbyshire County Council
Planning Application Code No: CW5/0814/65

(b) 20 November 2014

- 1 Proposal for the Construction of 1.2 Kilometres Woodland Cycle Track
at the Williamthorpe Local Nature Reserve, Mansfield Road,
Holmewood
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0914/75

(c) 27 November 2014

- 1 Proposed Non-Material Amendment to Planning Permission CHA/1156/23 to Introduce a New Condition Requiring the Carrying Out of an Ecological Survey of the Phase 1 Working Area Prior to the recommencement of Quarrying in that Area at Hindlow Quarry, Sterndale Moor, Buxton
Applicant: Lafarge Tarmac Trading Limited
Planning Application Code No: NMA/1014/32
- 2 Delegated Decision on Schemes Required by Planning Conditions:
 - SM2564

(d) 4 December 2014

- 1 Proposed Erection of a Single-Storey Outdoor Shelter at Heage Primary School, School Lane, Heage
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1014/85
- 2 Proposed Establishment of an Aggregate Recycling Facility with Associated Storage and Two Weighbridges and Modular Offices, on Land at the Quarry Hill Industrial Estate, off Lows Lane, Ilkeston
Applicant: Trust Utility Management Limited
Planning Application Code No: CW8/0714/54
- 3 Application for a Non-Material Amendment at Darley Dale Specialist Care Home Adjacent to Whitworth Hospital, 330 Bakewell Road, Matlock
Applicant: Derbyshire County Council
Planning Application Code No: NMA/1114/33
- 4 Delegated Decision on Schemes Required by Planning Conditions:
 - SW2650
 - SW2652
 - SW2653

(e) 11 December 2014

- 1 Proposed Establishment of an Aggregate Recycling Facility with Associated Storage and Two Weighbridges and Modular Offices, on Land at the Quarry Hill Industrial Estate, off Lows Lane, Ilkeston
Applicant: Trust Utility Management Limited
Planning Application Code No: CW8/0714/54

- 2 Proposed Installation of New Kiosk to Support Existing Sewage Pumping Station at 22 Risborrow Close, Etwall
Applicant: Severn Trent Water Ltd
Planning Application Code No: CW9/1014/88

- 3 Delegated Decision on Schemes Required by Planning Conditions:

- SM2631
- SM2632
- SM2633
- SM2634
- SM2635
- SM2637

(f) 18 December 2014

- 1 Application under Section 73 of the Town and Country Planning Act 1990 to Vary Conditions of Planning Permission CM1/0310/24 in Order to Allow an Extension of Time for the Completion of Winning and Working of Minerals, and to Allow Changes to the Programme of Working and the Restoration Scheme, at Mouselow Quarry, Dinting Road, Glossop
Applicant: Weinerberger Limited
Planning Application Code No: CM1/0214/162
- 2 Proposal to Install Public Artwork at the Poulter Country Park, Langwith
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1114/101
- 3 Proposed Erection of Five Panels of Weldmesh Fencing to Replace Chain Link Ball Catch Fencing at Pottery Primary School, Kilbourne Road, Belper
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1114/94
- 4 Proposed Installation of Playground Equipment at the Grange Primary School, Station Road, Long Eaton
Applicant: Derbyshire County Council
Planning Application Code No: CD8/1014/87
- 5 Application for a Non-Material Amendment to Condition 10 (Site Fencing to Access Road and Quarry Production Site) and Condition 61 (Placement of Topsoil from Access Road Corridor) of the Extant Permission Code Number CM4/999/65 at CH Lamb and Sons, Moorhay Farm, Wigley, Chesterfield
Applicant: Moorhay Stone and Slate Quarry Limited

Planning Application Code No: NMA/0913/31

6 Delegated Decision on Schemes Required by Planning Conditions:

- SM2646
- SM2647
- SM2648
- SD2658
- SD2665

(g) 24 December 2014

1 Proposed Uplift of Existing Single-Storey Office/Welfare Block to Form New First Floor Accommodation for Precious Metal Storage and External Perimeter Walkway
Applicant: Norwood Metals Limited
Planning Application Code No: CW4/1014/83

2 Proposed Development of a New Hydrotherapy Pool at Alfreton Park Community Special School, Alfreton Park, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1114/99

3 Delegation Decisions on Schemes Required by Planning Conditions:

- SW2645

(h) 8 January 2015

1 Proposal to Install an Electricity Substation at Dene Quarry, The Hill, Cromford, Matlock
Applicant: Lafarge Tarmac
Planning Application Code No: CM3/1114/103

(i) 15 January 2015

1 Application for Non-Material Amendments to Planning Permission CW2/0209/203 at the Phoenix Brickworks Site, Campbell Drive, Barrow Hill, Staveley
Applicant: Tawnywood Recycling Ltd
Planning Application Code No: NMA/1114/34

2 Planning Application for the Proposed Change of Use of an Existing Industrial Building (Class B8 Storage and Distribution) to a Clinical Waste Transfer Station (Sui Generis) at 18 Manners Avenue Industrial Estate, Ilkeston
Applicant: SRCL Limited
Planning Application Code No: CW8/1114/96

(j) 22 January 2015

- 1 Proposed Installation of Double Glazed UPVC Windows, Replacing the Existing Single Glazed Timber Units at Bolsover Infant and Nursery School, Welbeck Road, Bolsover
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1014/84
- 2 Proposed Replacement of Existing Timber Shed with a Metal Storage Shed at Pinxton Nursery School, Kirkstead Road, Pinxton
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1214/116
- 3 Proposed Installation of a Canopy at Hilton Primary School, Peacroft Lane, Hilton
Applicant: Derbyshire County Council
Planning Application Code No: CD9/1114/105
- 4 Application for a Non-Material Amendment to Planning Permission CD6/0814/58 at Heanor Library, Ilkeston Road, Heanor
Applicant: Derbyshire County Council
Planning Application Code No: NMA/1214/36
- 5 Delegated Decision on Schemes Required by Planning Conditions:
 - SD2671
 - SD2672
 - SD2673
 - SD2674
 - SD2663
 - SD2667
 - SD2669
 - SM2683
 - SM2656
 - SM2657
 - SM2517
 - SD2524
 - SD2554
 - SD2555
 - SD2556
 - SD2557
 - SD2558
 - SD2559
 - SD2684

(k) 29 January 2015

- 1 Proposed Development of a 2.4 Metres High Welded Mesh Boundary Fence at Clifton C of E Controlled Primary School, Clifton Road, Ashbourne
Applicant: Derbyshire County Council
Planning Application Code No: CD3/1014/93
- 2 Proposed Installation of a Multi-Sports Game Space at Bradley Primary School, Yew Tree Lane, Bradley
Applicant: Derbyshire County Council
Planning Application Code No: CD3/1114/104
- 3 Proposed Two Classroom Extension at Clowne Junior School, King Street, Clowne
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1214/114
- 4 Delegated Decision on Schemes Required by Planning Conditions:
 - SD2675
 - SD2670

(l) 5 February 2015

- 1 Section 73 Application to not comply with Condition 3, 16, 21, 22 and 25 of Planning Permission CW4/0710/56 for the Carrying Out of Waste Treatment Operations for the Remediation of Tar Sludge/Wastes and Subsequent Restoration to Amenity Uses at Grassmoor Lagoons, Grassmoor Country Park
Applicant: Remedx Limited
Planning Application Code No: CW4/1214/115
- 2 Delegated Decision on Schemes Required by Planning Conditions:
 - SW2649
 - SM2394