

Agenda Item No 2

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 3 June 2013.

PRESENT

Councillor J Innes (in the Chair)

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

No Declarations of Interest were received.

No Significant Lobbying had been received.

36/13 **MINUTES RESOLVED** to receive the non-exempt Minutes of the meetings of the Regulatory – Planning Committee held on 5 and 25 March 2013.

37/13 **PROPOSED EXTENSION OF TIME FOR THE SUBMISSION OF AN APPLICATION UNDER THE ENVIRONMENT ACT 1995 FOR APPROVAL OF CONDITIONS TO WHICH A PLANNING PERMISSION IS TO BE SUBJECT (PERIODIC REVIEW OF OLD MINERAL PERMISSIONS OR ‘ROMP’ APPLICATION) AT POTLOCKS HOUSE FARM, WILLINGTON (CODE NO: CM9/695/28)** Hanson UK had requested an extension of time for 12 months, until 30 June 2014, for the submission of the Environment Act 1995 Review of Mineral Permissions (‘ROMP’) application at Potlocks House Farm, Willington.

Details of the request and the planning background were contained in the report of the Strategic Director - Environmental Services. He reported that this type of request was not subject to consultation and publicity, although the local Member, Councillor Ford, had been informed of the request.

Under the analysis in the report the request was regarded as being acceptable in combination with the completion of an agreement to substitute a later date within a planning obligation, which secured temporary suspension of working of another Hanson UK sand and gravel site in the area at Willington. The officer recommendation accordingly provided for this.

The Strategic Director commented that in his view this was a relatively short extension of time.

RESOLVED to authorise the Director of Legal Services to proceed with the completion of an agreement or agreements between the Council and Hanson UK (as owner of the Potlock Farm mineral permission site referred to in the report of the Strategic Director - Environmental Services) that would:

- 1) Extend the due date for submission by Hanson UK of an application under paragraph 6 of schedule 14 of the Environment Act 1995 relating to the site (to include proposal of conditions for the mineral planning permission relating to the site, code reference CM9/695/28, to be subject to) from 30 June 2013 until 30 June 2014, in conformity with paragraph 7 of that schedule, and
- 2) Modify the planning obligation under paragraph 7.1.1 of the agreement under section 106 of the Town and Country Planning Act 1990 referred to in the report of the Strategic Director - Environmental Services by substitution of the date of 30 September 2014 in place of the date of 30 June 2013.

38/13 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

39/13 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 3 June 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.

40/13 **CURRENT APPEALS/CALLED-IN APPLICATIONS**
RESOLVED to note the report on current appeals/called-in applications relating to County matters.

41/13 **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR – ENVIRONMENTAL SERVICES UNDER THE DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved under the Delegated Powers:-

(a) Items Approved by the Strategic Director - Environmental Services under delegated powers on 28 March 2013

- 1 Proposed Section 73 Application to Not Comply with (Vary) Condition 3 (Colour Finish) of Planning Permission CD2/1112/106 for the Erection of Two Steel Sheds on the School Playground at Brimington Manor Infant and Nursery School, Manor Road, Brimington, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0213/140

- 2 Proposed Application Under Section 73 Not to Comply with Condition 2 (Approved Details) of Planning Permission CD5/0210/195 to Allow for the Provision of Additional Building Mounted Signage at Shirebrook School, Common Lane, Shirebrook
Applicant: Derbyshire County Council
Planning Application Code Number: CD5/0213/147

- 3 Delegation Decisions on Schemes Required by Planning Conditions:

- SW2375

(b) Items Approved by the Strategic Director - Environmental Services under delegated powers on 18 April 2013

- 1 Proposed to Extend Mess Building at Alfreton Sewage Treatment Works, Park Lane, Alfreton
Applicant: Severn Trent Water Limited
Planning Application Code No: CW6/0113/139

- 2 Proposed Security Fencing and Gates at Cotmanhay Junior School, Beauvale Drive, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0313/155

- 3 Delegation Decisions on Schemes Required by Planning Conditions:

- SD2390
- SD2392
- SD2320
- SM2381
- SM2382
- SM2378

(c) Items Approved by the Strategic Director - Environmental Services under delegated powers on 25 April 2013

- 1 Proposed Installation of Two Fire Doors and Associated Access Ramps at North Wingfield Primary School, Chesterfield Road, North Wingfield
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0213/146

- 2 Proposed Installation of a Freestanding Canopy at Birk Hill Infants School, Chestnut Avenue, Eckington
Applicant: Derbyshire County Council

Planning Application Code No: CD4/0313/151

- 3 Proposal Not to Comply with Previous Planning Conditions at Swanwick Hall School, Swanwick, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0313/152

(d) Items Approved by the Strategic Director - Environmental Services under delegated powers on 2 May 2013

- 1 Delegation Decisions on Schemes Required by Planning Conditions:

- SD2368
- SD2358
- SW2376
- SW2377

(e) Items Approved by the Strategic Director - Environmental Services under delegated powers on 9 May 2013

- 1 Proposed Installation of Security Fencing and Gate, Clay Cross Library, Holmgate Road, Clay Cross
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0313/149

(f) Items Approved by the Strategic Director - Environmental Services under delegated powers on 16 May 2013

- 1 Proposal for Retrospective Planning Permission for a Waste Transfer, Treatment and Recycling Facility at Leedale Limited, Lydford Road, Alfreton
Applicant: Leedale Limited
Planning Application Code No: CW6/0213/142

- 2 Delegation Decisions on Schemes Required by Planning Conditions:

- SD2401
- SD2402
- SD2405

(g) Items Approved by the Strategic Director - Environmental Services under delegated powers on 23 May 2013

- 1 Proposal for the Deposition of Pond Silt from the Middle Pond, Lumsdale, Upper Lumsdale Valley, Matlock

Applicant: The Arkwright Society
Planning Application Code No: CW3/0313/150

(h) Items Approved by the Strategic Director - Environmental Services under delegated powers on 30 May 2013

- 1 (1) Proposal for the Change of Use from a Field to a School Playground at Carsington and Hopton Voluntary Aided C of E Primary School, Carsington

(2) An Application for Listed Building Consent for the Removal of 6 Metres of Curtilage Listed Stone Wall
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0413/6
Listed Building Application Code No: LB3/0513/32
- 2 Application Not to Comply with Conditions 1 (Scope of Permission) and 2 (Duration) under Planning Permission CM3/0808/71 at Overfields Barn, Pasture Lane, Brassington
Applicant: Spencer Bros (1903) Ltd
Planning Application Code No: CM3/0313/153
- 3 Proposal for the Deposition of Pond Silt from the Middle Pond, Lumsdale, Upper Lumsdale Valley, Matlock
Applicant: The Arkwright Society
Planning Application Code No: CW3/0313/150
- 4 Proposal for the Construction of a New External Access Ramp to the Rear Playground Area at St Andrews C of E Voluntary Controlled Primary School, Station Road, Stanley, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0413/5
- 5 Proposed Application for the Installation of Booster Pump Unit, at Whitwell Energy Park, Southfield Lane, Whitwell
Applicant: Alkane Energy
Planning Application Code No: CM5/0413/7

42/13 APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR SCRAP METAL PROCESSING ON LAND AT THE CASTLE LANE INDUSTRIAL ESTATE, CASTLE LANE, MELBOURNE, AS AN EXISTING LAWFUL USE (CODE NO: CL9/0313/158) An application had been received for a Certificate of Lawfulness in respect of an existing use of a site for scrap metal processing. 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 current application related to the use of approximately 0.2 hectare of land and buildings in an industrial setting on the established Castle Lane Industrial Estate. The application states that for the preceding 10 years (from 2003) the land had been used continually for the importation, sorting and processing of scrap metals.

The report contained details of supporting information and comments received following consultation with the Local Member, South Derbyshire District Council and the Environment Agency.

The Director of Legal Services and Strategic Director - Environmental Services commented that the evidence provided by the applicant strongly suggested that the site had been used for scrap metal activities and was sufficiently precise and unambiguous. Taken all the evidence into account they were satisfied that the use of the land had subsisted for a period of 10 years or more. The County Council had no evidence to contradict the statements that had been made by the applicant.

RESOLVED to approve the grant of a Certificate of Lawfulness of Existing Use or Development for the land at the Castle Lane Industrial Estate, Castle Lane, Melbourne as identified in the application, in respect of its use for scrap metal processing (comprising sorting, separating, baling and cutting of ferrous, non-ferrous and alloy metals).