

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
held at County Hall, Matlock on 11 August 2014

PRESENT

Councillor J Innes (in the Chair)

Councillors Janet Hill (substitute Member), Julie Hill, R L Hosker, R Mihaly, R A Parkinson, T Southerd, J Twigg and B Wright.

Councillor C Bisknell attended the site visit and meeting in accordance with Standing Order 17.6 as local Member in respect of the Victory Quarry, Buxton application (Minute No 60/14).

Apologies for absence were received from Councillors M Ford and P Smith.

No Declarations of Interest were received.

No Significant Lobbying had been received.

58/14 **SITE VISIT** In accordance with the Code of Practice the Committee visited the site at Victory Quarry, Buxton (Minute No 60/14).

59/14 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 14 July 2014 be confirmed as a correct record and signed by the Chair.

60/14 **PROPOSED SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITIONS 4 (CONSTRUCTION OF SCREENING BUND) AND 22 (MOVEMENTS OF HEAVY GOODS VEHICLES) OF PLANNING PERMISSION CODE NO.CW1/0612/22 AT VICTORY QUARRY, FIELD FARM, BATHAM GATE, BUXTON APPLICANT: BARRY WOOD PLANT HIRE (CODE NO: CW1/1213/140)** The application sought permission not to comply with Conditions 4 (construction of a screen bund) and 22 (movements of heavy goods vehicles) of planning permission CW1/0612/22 at Victory Quarry. It was reported that the amendment was sought to allow the bund construction to be carried out in line with local weather conditions and to avoid needing to recycle materials in adverse weather.

Details of the proposals were contained within the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity. Concerns had been

expressed by the local Member Councillor Bisknell, High Peak Borough Council and Wormhill Parish Council in respect of traffic movements. A letter from residents of a local property objecting to the proposal had been received and was summarised in the officer's report. Additional material from the objectors was circulated at the meeting.

The report explained that the application had to be considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; and that the material considerations to be taken into account in addition to the development plan policies included statements of Government policy in the National Planning Policy Framework, the National Waste Management Plan of England 2013 and Planning Policy Statement 10.

Concerns relating to residential amenity had been noted, but the Strategic Director commented that subject to suitable conditions being imposed to control the impacts of noise, dust and traffic to acceptable levels he was satisfied that a grant of a permission under the application would accord with the National Planning Policy Framework and development plan policies.

Councillor Bisknell spoke as the local Member for the area. She reiterated her concerns regarding the size of the proposed maximum number of vehicle movements in any day; she considered that 40 movements per day would be an excessively high number, and had doubts as to whether this limit could be monitored and enforced. She also requested that the frequency of local liaison meetings for the site be increased from one per year and that adequate notification of meetings be given.

The Strategic Director's representative commented that the new condition recommended to limit of goods vehicle movements associated with the development had a limit of 40 per weekday which would include all relevant loaded vehicles and not just heavy goods vehicles (HGVs, whilst the existing weekday maximum limit for vehicle movements (of 14) was restricted to HGVs. He reminded the Committee that the access to this site was also used by a skip hire business, which had no planning restrictions on vehicle movements. He commented that the operator could be given guidance on how the liaison meetings should be operated and times of meetings notified.

Mrs Eaves was a local resident who had made representations on the application and had expressed a wish to take the opportunity to address the Committee. She stated she had no confidence that any conditions imposed on a permission under the application would be complied with since breaches of current conditions relating to HGV movements had persisted since 2012. She considered the applicant company's logging of vehicles to be inaccurate. She felt that the changes in vehicle movements would result in constant traffic

movements. She expressed concern regarding dust control and commented that current measures had failed and that she did not have any reason to believe that dust control measures would be any more successful if the development was continued under a new permission. She also referred to not having been duly notified by the applicant company of the time of a liaison meeting.

The Strategic Director's representative commented in response that reports of dust problems were taken seriously. The site was visited regularly by experienced officers for monitoring of dust and noise impacts. However, it was not always appropriate to take enforcement action after breaches of planning control were observed and in this case no enforcement action had been considered to be warranted. The generation of visible dust was not necessarily indicative of any degree of severity of impact. He had viewed video recordings of use of the access track supplied by Mr and Mrs Eaves, and considered that the generation of dust from vehicle movements which it showed to be typical for the type of operation being undertaken at the site.

He did not consider that the carrying on of the development under a permission with the recommended conditions would cause any unacceptable impacts, particularly since it would not extend the required timescale for completion of the development by 2017 which had been delineated firmly under the grant of permission in 2012.

He confirmed in response to a question that the quarry land where the waste was received was still in a depression compared to surrounding land and was not in itself the source of any particular dust generation and that the main source of dust generation in the case of this site was from the use of the access track.

Members suggested that it would be appropriate for at least three liaison meetings per year to be held and for a note to be provided to the applicant expressing the County Council's expectations for the meetings. Following discussion about the timing of last visits by vehicles in each day, it was suggested that it should be specified in the condition controlling the hours in which approved operations were able to be carried out that vehicle movements associated with the development were required to be carried out within the same hours of operation.

Members expressed concern that the applicant company might seek to continue with the development beyond the permitted period, and suggested that this would be intolerable. The Strategic Director's representative observed in response that if any application was made for a permission extending the period it would have to be duly considered on behalf of the Council. He also predicted that in such a case it would be unlikely for

permission to be granted by the Council, particularly bearing in mind that the Committee authorising the existing permission in 2012 had clearly found that the location was not suitable to remain in use for waste recycling beyond that period. He explained that the siting of waste recycling at the quarry despite its rural location had had a historic justification on a temporary basis through contributing material for use in quarry restoration but that there was no apparent justification for the co-location being permitted to continue for any additional period, particularly since modern trends in waste management were restricting the supply of waste derived material that could now be considered appropriate for use in land restoration, and modern quarry restorations often avoided replacement of land to previous contours.

RESOLVED (1) to authorise the grant of planning permission in respect of application under Code No CW1/1213/140, subject to:

- (a) the prior completion of an agreement under Section 106A of the Town and Country Planning Act 1990 to ensure that the planning obligations entered into by agreement which relate to the existing planning permission under code no CW1/0612/22 also apply in respect of the permission to be granted; and
- (b) the imposition of the conditions contained within the report of the Strategic Director for Economy, Transport and Environment, except for revision to the wording of condition 8 to specify that all activities under the permission, including all relevant vehicle movements must take place within the hours of operation set in the condition.

(2) to request that the Strategic Director when issuing a grant of permission as so authorised provides the applicant company that an informative note – emphasising the continuing requirement for the approved scheme details for establishment of local liaison meetings to be implemented as approved for the duration of the development recommending that such meetings are arranged to take place on a regular basis at least every four months , and providing guidance on appropriate methods for ensuring that all relevant parties received sufficient prior notification of such meetings.

61/14 PROPOSAL FOR THE DEMOLITION OF THE EXISTING “TERRAPIN” CLASSROOM AND THE CONSTRUCTION OF A PURPOSE BUILT SINGLE CLASSROOM AT WIRKSWORTH C OF E CONTROLLED INFANT SCHOOL, NORTH END, WIRKSWORTH APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NOS: CD3/1113/131 AND RD3/1113/132) The application proposed the demolition of a prefabricated classroom unit and the redevelopment of a purpose built classroom extension to match the existing school. The building was listed and located in the

Wirksworth Conservation Area and, therefore, listed building consent was required by the Secretary of State for Communities and Local Government.

Details of the proposal, together with comments received from consultees and following publicity, were given in the report. Two letters of objection and one letter of support for the proposal and were summarised in the report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; other material considerations including statements of Government policy in the National Planning Policy Framework had also been taken into account.

The key planning considerations for the application were need for the development, ecology, landscape and other visual impacts, built heritage, noise and highways, and these were examined in the report.

The Strategic Director concluded that subject to the recommended conditions the proposal did not conflict with the adopted national and local planning policies and the development would not have an adverse effect on the amenity of the Wirksworth Conservation Area.

RESOLVED (1) to inform the Secretary of State, via Derbyshire Dales District Council, that Derbyshire County Council has no objection to the application for relevant demolition in a Conservation Area; and

(2) that planning permission be granted, subject to the conditions contained within the report of the Strategic Director for Economy, Transport and Environment except for revision to the wording for condition 10 by changing the term “a bat emergence and dawn swarming survey” to “a bat emergence and/or dawn swarming survey”.

62/14 PROPOSED TWO BAY MODULAR CLASSROOM AT KENSINGTON JUNIOR SCHOOL, ST JOHN’S ROAD, ILKESTON
APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD8/0614/38)

Details of the proposal were contained in the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; other material considerations including statements of Government policy in the National Planning Policy Framework had also been taken into account.

The key planning considerations for the application were need for the development, and landscape and other visual impacts, and these were examined in the report. The Strategic Director concluded that the proposal was appropriate for the location and accorded with relevant national and local planning policies.

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

63/14 PROPOSED TEMPORARY DOUBLE MODULAR
CLASSROOM AT STENSON FIELDS PRIMARY COMMUNITY SCHOOL,
GOATHLAND ROAD, STENSON FIELDS, DERBY APPLICANT:
DERBYSHIRE COUNTY COUNCIL (CODE NO: CD9/0614/39) Details of the proposal were contained in the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity. Nine letters of objection to the proposal had been received and were summarised and addressed in the officer's report. The main concern related to traffic issues.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; other material considerations including statements of Government policy in the National Planning Policy Framework had also been taken into account.

The Strategic Director commented that the temporary double modular classroom was required for a two year period from September 2014 which would allow for an additional 32 pupils and 4 members of staff. The key planning considerations for the application were need for the development, landscape and other visual impacts, and highways and these were examined in the report. The Strategic Director considered that although there would be a modest increase in pupil numbers the proposal would not have an adverse impact on local amenity and that the proposal was accorded with relevant national and local planning policies.

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

64/14 CURRENT ENFORCEMENT ACTION The Strategic Director for Economy, Transport and Environment's representative at the meeting reported that following complaints regarding operations at Eckington Drift Mine he had met with the owner of an adjoining business on 29 July to discuss problems at the site.

RESOLVED to receive the report on Current Enforcement Action.

65/14 OUTSTANDING APPLICATIONS RESOLVED to receive the list on decisions outstanding on 11 August 2014 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.

66/14 CURRENT APPEALS/CALLED-IN APPLICATIONS RESOLVED to note the report on current appeals/called-in applications relating to County matters.

67/14 DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING RESOLVED to receive the Planning Services Development Management Monthly Performance Management Statistics for July 2014.

68/14 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) 24 July 2014

- 1 Section 73 Application not to Comply with Previous Planning Conditions of Planning Permission CM6/1211/128, at the Camping and Caravanning Site, Bullock Lane, Riddings
Applicant: Mr and Mrs Whiting
Planning Application Code No: CM6/0614/34
- 2 Proposal for a Change of use from Shop to Temporary Library at 3 Ray Street, Heanor
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0614/35
- 3 Proposal to Install a Kiosk at Milton Sewage Treatment Works, Meadow Lane, Milton
Applicant: Severn Trent Water Limited
Planning Application Code No: CW9/0514/16

(b) 31 July 2014

- 1 Proposed Section 73 Application not to Comply with Conditions 1 and 2 (Duration of Development) of Planning Permission Code Number CW2/0311/171 at Unit 6 and 7 Sheepbridge Industrial Estate, Chesterfield
Applicant: Ash Waste Recycling Ltd

Planning Application Code No: CW2/0514/11

- 2 Proposed Extension to Form a New Office Area at Dronfield Henry Fanshawe School, Green Lane, Dronfield
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0614/40
- 3 Application for Non-Material Amendment at Longford C of E Controlled Primary School, Longford, Ashbourne
Applicant: Derbyshire County Council
Planning Application Code No: NMA/0614/27
- 4 Delegated Decisions on Schemes Required by Planning Conditions:
 - SW2489
 - SW2490
 - SD2601
 - SW2592

(c) 7 August 2014

- 1 Proposed Installation of a Two Classroom Extension with Link Corridor Incorporating a Canopy and Soft Play Area at Harpur Hill Primary School, Trent Avenue, Harpur Hill, Buxton
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0614/41
- 2 Proposed Installation of New Cladding and Insulation System at Norbriggs Primary School, Norbriggs Road, Mastin Moor, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0314/173
- 3 Proposal to Demolish the Existing School Out Building, Install Two Metal Sheds, Extend the Play Ground Area and Reposition the Existing Flag Pole at Little Eaton Primary School, Alfreton Road, Little Eaton, Derby
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0614/43
- 4 Proposal to Replace the Existing Access Ramp at the Sure Start Childrens Centre, Beauvale Drive, Cotmanhay, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0614/44
- 5 Proposed Single-Storey Classroom Extension and Landscaping at St Georges C of E Controlled Primary School, Church Street, Swadlincote

Applicant: Derbyshire County Council
Planning Application Code No: CD9/0514/30

6 Delegated Decision on Schemes Required by Planning Conditions:

- SW2600
- SD2599
- SD2602
- SD2610
- SD2605
- SW2606
- SD2594
- SD2595
- SD2603
- SD2604

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