

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
held at County Hall, Matlock on 10 March 2014

PRESENT

Councillor J Innes (in the Chair)

Councillors K Buttery (substitute Member), S Ellis (substitute Member), Janet Hill (substitute Member), R L Hosker, R Mihaly, T Southerd, J Twigg, and B Wright.

Apologies for absence were received from Councillors M Ford, Julie Hill and R A Parkinson

No Declarations of Interest were received.

No Significant Lobbying had been received.

11/14 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 27 January 2014 be confirmed as a correct record and signed by the Chair.

12/14 **PROPOSED ERECTION OF WELD MESH SECURITY FENCING AND GATES AT HOLMESDALE INFANT SCHOOL, THE AVENUE, DRONFIELD (CODE NO: CD4/1213/136)** The proposed fencing was required to improve site security and to prevent further unauthorised access on to the school site and to improve child protection by preventing pupils from leaving the site unattended. Details of the application were contained within the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees. The Strategic Director commented that 5 letters of objection had been received following publicity relating to the loss of visual amenity and lack of access to maintain a mature boundary hedge.

The Committee were advised that the key planning considerations for the application were the need for the development, design and appearance of the development, impact on the local amenity and impact on recreational facilities. The Strategic Director commented on these points in his report. He concluded that the development would not have a significant impact on the visual amenity and accorded with relevant policies. He also considered that the impact on residents caused by the fence's design and location would not cause any unacceptable detriment to residential amenity.

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

13/14 SUBMISSION UNDER CONDITION 9 OF PLANNING PERMISSION CM5/0206/178 AND CONDITION 8 OF THE ENVIRONMENT ACT 1995 INITIAL REVIEW OF SCHEDULE OF CONDITIONS (R5/0705/13) TO ENABLE THE EXPORT OF AGGREGATES FROM SITE DURING NIGHT-TIME HOURS AT WHITWELL QUARRY, SOUTHFIELD LANE, WHITWELL (SUBMISSION CODE NOS: SM2513 AND SM2551) Details of previous planning permissions for the site were contained within the report of the Strategic Director for Economy, Transport and Environment. A request had been received from Lafarge Tarmac for a temporary variation to the hours of operation relating to drilling, mineral extraction, stockpiling and conveyance, kiln waste cell construction and disposal of mineral (other than colliery and kiln) to allow for the export of up to 30,000 tonnes of Ministry of Transport (MOT) type 1 limestone from stockpiles located within the quarry void for use in the M1 Junction 28 to 332 Managed Motorway Upgrade works.

The Strategic Director explained that although there had not been a requirement to carry out formal consultations in respect of this request the Local Member, Bolsover District Council and Hodthorpe and Belpy Parish Council had been informed. The Parish Council had objected to the proposals on the grounds that it would bring unwanted noise pollution at night-time. The Strategic Director had addressed these concerns in his report and reported that he did not consider that the potential impacts associated with the current proposals, viewed singly or in cumulation with existing night-time activities at the site, would be so significant as to adversely affect the amenity of nearby communities as a result of night-time noise. He would not, however, wish to see night-time working and the export of materials becoming a permanent feature of operations at Whitwell.

RESOLVED (1) to authorise acceptance by the Council as Mineral Planning Authority for temporary relaxation of the working hours restrictions in conditions of the planning permissions relating to Whitwell Quarry to allow night-time working there in accordance with the request by Lafarge Tarmac by email dated 18 November 2013, provided that (i) the working under the extra hours of working allowed by the relaxation is only for the purposes specified in the request, and (ii) that the acceptance applies to the period up to 31 December 2014 only, and shall be subject to immediate termination if the contract referred to in the request is terminated within that period; and

(2) to approve the sending of a message from Mineral Planning Authority to the operator of Whitwell Quarry to (i) remind it of the other

requirements of the planning permissions relating to Whitwell Quarry, particularly with regard to the conditions relating to noise control, vehicle reversing alarms, and heavy goods vehicle routeing, and (ii) advise it that any permanent relaxation of working hours for the site would represent a material change for which planning permission would be required, and that any application for any such permission would be considered on its own merits.

14/14 AN ASSESSMENT OF THOSE MINING SITES WHICH SHOULD BE SUBJECT TO FIRST PERIODIC REVIEW UNDER SCHEDULE 14 OF THE ENVIRONMENT ACT 1995 DURING 2015

The Strategic Director for Economy, Transport and Environment explained that all post-war mining sites, including any extensions to sites granted after the initial minerals planning permission, were subject to periodic reviews of planning permissions. This was to ensure that quarries were subject to up-to-date environmental controls. 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 as to 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.

There were a number of sites within the County that, under the pre-2013 legislative amendments, would have been subject to first periodic review in 2015. These were Ashwood Dale Quarry, Bolehill Quarry and Stancliffe Quarry. The Strategic Director provided the Committee with background information on the three quarries, including any outstanding issues, current operations and conditions.

With respect to Ashwood Dale Quarry there were two main issues which affected the continued operation of the site. The first related to the relative quantities of light and dark stone being extracted and the need to get the balance of limestone right to ensure that the reserves of lighter stone were not exhausted. It was considered that this would only be achieved via a new working which covered the entire site. The second issue related to the lack of a detailed restoration plan for the site. The Mineral Planning Authority was also aware of some over tipping on one of the approved waste tips abutting the northern site boundary as well as some small areas of tipped material within the quarry that need regularising. It was, therefore, considered that there was an urgent need to subject the site to a first periodic review in order to approve appropriate working and restoration schemes for the site.

With respect to Bolehill Quarry, whilst there were a number of outstanding issues relating to the site, these were minor and controllable under the existing conditions. It was not considered that it was necessary or appropriate for the time being to notify the interested persons of a date for

periodic review. The Mineral Planning Authority would, however, review this situation on annual basis.

With respect to Stancliffe Quarry there had been no substantial quarry activity since 2010 and it was subject to an extensive set of conditions. As provided by one of the conditions a scheme to make good damage relating to a landslip at the north east face (which occurred in 2010) had been required to be submitted. A Breach of Condition Notice regarding this issue had been served in 2013 and it was not considered that notification of a review period would help to resolve the issue. It was not, therefore, considered necessary or appropriate for the time being to notify the interested persons of a date. The Council as Mineral Planning Authority would, however, review this situation on an annual basis.

In response to a question about the gap that had been formed in the boundary wall adjacent to the A6 main road, it was explained that this had been tolerated by the District Council only as a temporary measure to enable access to the site for carrying out of preliminary work to satisfy pre-commencement requirements of the planning permission that it had granted for leisure holiday accommodation and that the District Council had subsequently taken action against any other use of the gap for access.

RESOLVED that (1) notifications of forthcoming first periodic review be sent to all interested persons in respect of the mining permissions at Ashwood Dale Quarry; and

(2) in respect of Bolehill Quarry and Stancliffe Quarry, the interested persons be informed that no notification will be sent requiring the submission of a first periodic review in 2015 but that the Mineral Planning Authority will annually review operations at the sites to assess whether a first periodic review has become necessary.

15/14 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

16/14 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 10 March 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.

17/14 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

18/14 DEVELOPMENT MANAGEMENT PERFORMANCE
MONITORING RESOLVED to receive the Planning Services Development Management Monthly Performance Management Statistics for 1 January to 28 February 2014.

19/14 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) 30 January 2014

- 1 Proposed installation of a multi-use games area (MUGA) with 3 metre high perimeter fencing on a section of the schools play area at Blackwell Primary School, Primrose Hill, Blackwell.
Applicant: Derbyshire County Council
Planning Application Code No: CDS/1213/135
- 2 Proposed Installation of a fire exit and access ramp at Bolsover Infant and Nursery School, Welbeck Road, Bolsover.
Applicant: Derbyshire County Council
Planning Application Code No: CDS/1213/139

(b) 6 February 2014

- 1 Proposal for the Installation of Two Entrance Lobbies at Brooklands Primary School, Clumber Street, Long Eaton
Applicant: Derbyshire County Council
Planning Application Code No: CDB/1113/123
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2521
 - SW2518
 - SW2519

(c) 13 February 2014

- 1 Proposal to Develop an Autism Centre at the Whitemoor Centre, John O'Gaunts Way, Belper
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0813/76
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SM2423
 - SM2424

- SM2425
- SM2426
- SM2427
- SM2428
- SW2492

(d) 20 February 2014

- 1 Application for Non-Material Amendments at Kilburn Sewage Treatment Works, Derby Road, Lower Kilburn
Applicant: Severn Trent Water
Planning Application Code No: NMA/0114/23
- 2 Application for proposed change of use to a waste transfer station at Stainsby Close, Holmewood Industrial Estate, Holmewood, Chesterfield
Applicant: Caldic UK Limited
Application Code Number: CW4/1 013/117
- 3 Proposed retrospective planning application for the refurbishment of existing leachate storage infrastructure incorporating the construction of tanks, pipework, control cabin and security fencing and gates at Erin Landfill Site, M1 Commerce Park, Markham Lane, Chesterfield
Applicant: Viridor Waste Management Ltd
Planning Application Code No: CW2/1113/121

Not for Publication: Contains information relating to the proposed service of a Notice imposing requirements on a person and proposed Legal Proceedings by the Authority (Schedule 12A Part 1 Paragraphs 5 and 6 Local Government Act 1972)

- 4 Proposed Enforcement action in relation to a breach of planning control

(e) 27 February 2014

- 1 Proposal to Store Tyre Chips on Land to the Rear of the Former Power Station, Walton Road, Drakelow
Applicant: Drakelow Site Services
Planning Application Code No: CW9/1213/138
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2539

(f) 6 March 2014

- 1 Proposed Section 73 Application Not to Comply with Conditions 3(b) (Approved Drawings), 7(ii) (Landscaping Scheme) and 7(iii) (Relocation of the Sutton Hall Sluice) of Planning Permission Conde Number

CW4/0609/77 in Order to Allow Minor Material Amendments to the Development Originally Proposed and to Allow for other Circumstantial Changes at Arkwright Opencast Colliery, Deepsick Lane, Arkwright
Applicant: SITA UK Limited
Planning Application Code No: CW4/0114/141

- 2 Proposal to Install Security Fencing and Security Gates at Street Lane Primary School, Denby, Ripley
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0114/143
- 3 Proposal to Install Boundary Security Fencing and Gates at Parkwood Centre, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0114/146
- 4 Proposal to Install a Free-Standing Canopy at Somercotes Infant School, Nottingham Road, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0114/147
- 5 Proposal Not to Comply with a Previous Planning Condition at Alfreton Materials Recycling Facility, Cotes Park West Industrial Estate, Somercotes
Applicant: FCC Environment
Planning Application Code No: CW6/1213/137
- 6 Proposal for the Installation of Additional Security Fencing at Dallimore Primary School, Dallimore Road, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0114/148
- 7 Proposed Development of a Covered Walkway at Egginton Primary School, Church Road, Egginton, Derby
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0114/145
- 8 Submission for the Authority's Approval under Part 19B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995: The Proposed Erection of a Dust Storage Shed for Surplus Aggregates Less than 40mm in Size to be Stored Prior to ReProcessing into Fine Industrial Powders, at Grange Mill Quarry, Nr Wirksworth
Applicant: Ben Bennett Jnr Ltd
Submission Number: PD19/3/46

9 Delegation Decisions on Schemes Required by Planning Conditions:

- SM2523

20/14 DIRECTION UNDER ARTICLE 4 OF THE TOWN AND COUNTRY PLANNING ACT (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED), MATLOCK SEWAGE TREATMENT WORKS, LEA ROAD, CROMFORD (Minute No 101/13) On 2 December 2013 the Committee had authorised the Director of Legal Services to make a direction under Article 4 of the 1995 Order to remove Permitted Development Rights from Matlock Sewage Treatment Works at Cromford. The direction had been made on 5 December 2013 and published and circulated.

The Strategic Director for Economy, Transport and Environment and the Director of Legal Services reported jointly that Severn Trent Water had objected to the direction on the grounds that:

- Derbyshire County Council had not clearly identified the potential harm that the direction was intended to address that would justify the removal of all Permitted Development Rights conferred on the company as sewerage undertaker
- The removal of rights to maintain the pedestrian and vehicular bridge to the site was equally excessive and unnecessary, particularly in relation to the potential impact arising from the activities these rights would allow
- The removal of all the above rights would impact on the operational efficiency of the sewage treatment works which, in itself, could have a significant impact on the River Derwent and its environs

Severn Trent argued that the direction as made was excessive and unnecessary to protect the local amenity and wellbeing of the area, with reference to background information about the site, including a “package” of small scale projects which it had implemented at the site under Permitted Development Rights since 2001, and that it was unaware of any change in circumstances as to why the Council had recently considered it expedient to introduce this direction. The direction was regarded by Severn Trent as placing an unreasonable constraint upon it as a statutory undertaker delivering essential services.

The Strategic Director commented that the Council considered that the direction provided a proportionate restriction on the General Permitted Development Order in line with the site’s position in the World Heritage Site. The Council had to balance an additional burden and inconvenience to Severn

Trent against the potential impact on the environment and on amenity which the carrying on of further incremental unconditional development (which would otherwise have with deemed planning permission) could have. The Council recognised that the direction could on occasion result in slight delay to the implementation of particular operational development relating to the sewage treatment works but did not consider that such delay would be unreasonable.

The Strategic Director further commented that an article 4 direction was permanent once it had been confirmed. However, it was recommended that it should be reviewed at regular intervals and it would be appropriate to adopt a review timetable in this instance that coincided with Severn Trent's asset management period. It was, therefore, proposed that the first review should take place in 2020 and that the direction should be reviewed at five year intervals thereafter. In addition, it might become appropriate to reconsider the provisions of the direction at other times according to circumstances.

James Glynn addressed the Committee on behalf of Severn Trent Water. He commented that Severn Trent recognised the importance and sensitivity of the World Heritage Site but asked that the Committee revise the Article 4 Direction to exclude some of the restrictions it contained and focus on those types of development which could harm the World Heritage Site.

The Strategic Director's representative commented that Permitted Development rights provided a national approach to development, which was not appropriate in every situation. Article 4 Directions provided a safeguard to development in such sensitive areas as within a World Heritage Site. He hoped that the County Council would have a good working relationship with Severn Trent Water with regards to this site. Regarding the concerns of Severn Trent Water, he did not consider that it was appropriate for the Direction to be less restrictive, but pointed out that in some circumstances, such as in an emergency situation, there could still be flexibility to avoid the need for a formal application to be submitted.

RESOLVED (1) that the Director of Legal Services be authorised to confirm the direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) dated 5 December 2013; and

(2) that the direction be reviewed in 2020 and at five yearly intervals thereafter.