

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 14 October 2013.

**PRESENT**

Councillor J Innes (in the Chair)

Councillors M Ford, Julie Hill, R L Hosker, R Mihaly, R A Parkinson, P Smith (not site visits), T Southerd (not site visits), J Twigg and B Wright.

Councillors Ford and Southerd declared a personal interest in respect of the Repton Sand and Gravel application (Minute No 74/13) as Members of the Planning Committee of South Derbyshire District Council Planning Committee.

No Significant Lobbying had been received.

**68/13**                    **PETITION RESOLVED** that (1) the petition listed below be received and noted:-

<b><u>LOCATION/SUBJECT</u></b>	<b><u>SIGNATURES</u></b>	<b><u>LOCAL MEMBER</u></b>
Land North East of Dark Lane, Calow, Chesterfield - Objection to Planning Application to Drill Exploratory Boreholes, Erect Containerised Units, Associated Plant and Equipment, Extract Natural Gas, Generate Electricity and Ancillary Operations Code NO CM4/0813/84	181	Councillor Julie Hill

(2) the Acting Strategic Director – Environmental Services be asked to investigate the matters raised as part of the planning considerations.

**69/13**                    **SITE VISITS** In accordance with the Code of Practice the Committee visited the sites at Repton Sand and Gravel site, Willington (Minute No 74/13) and Swarkestone Sand and Gravel site, Barrow-on-Trent (Minute No 73/13).

**70/13**                    **MINUTES RESOLVED** to confirm the non-exempt Minutes of 19 August 2013.

**71/13                      REQUEST FOR APPROVAL OF A SCHEME RELATING TO HIGHWAY IMPROVEMENTS AND MONITORING UNDER CONDITION 23 OF PLANNING PERMISSION CD5/0212/157 AT LAND OFF DOE HILL LANE, TIBSHELF (SUBMISSION NO: SD2454)**

The submission was for approval of a scheme for highway improvements and monitoring relating to condition 23 attached to planning permission Code No CD5/0212/157 for the construction of a new school on land at Doe Hill Lane, Tibshelf. Details of the submitted details were contained within the report of the Acting Strategic Director - Environmental Services. Comments received from consultees were also included in the report.

The Acting Strategic Director considered the details of the scheme of to be acceptable.

**RESOLVED** that the Chief Officer be authorised to approve the schemes submitted by the Director of Property in respect of Condition 23 of planning permission CD5/0212/157, as shown in the submission documents received on 24 June and subsequent email correspondence (September and October 2013), subject to provisos contained within the report of the Acting Strategic Director – Environmental Services.

**72/13                      PROPOSAL TO DEVELOP A SINGLE-STOREY CLASSROOM AT HORSLEY CHURCH OF ENGLAND PRIMARY SCHOOL, CHURCH STREET, HORSLEY (CODE NO: CD6/0613/53)**

The proposal was for a new purpose-built classroom to reduce overcrowding in existing classrooms, as well as segregating different year groups. There would be no increase in pupil numbers or teaching staff.

Details of the proposal, together with comments received from consultees and following publicity were contained within the report of the Acting Strategic Director - Environmental Services. Two letters of objection were reported following publicity which were detailed in the report and addressed by the Acting Strategic Director in the Planning Considerations section.

The application had been considered in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. The Acting Strategic Director commented that the key planning considerations for the application were need for the development, landscape and visual impact and highways and parking, which he examined in his report. He concluded that the proposal would not have an adverse impact on amenity of nearby neighbours and conformed to the national and local planning policies.

**RESOLVED** that planning permission be granted, subject to the conditions contained within the report of the Acting Strategic Director - Environmental Services.

**73/13                      APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO NOT COMPLY WITH CONDITION 4 OF PLANNING PERMISSION 9/790/450 TO ALLOW AN EXTENSION IN TIME UNTIL JULY 2020 FOR THE COMPLETION OF SAND AND GRAVEL EXTRACTION FOLLOWED BY RESTORATION TO AGRICULTURE AND NATURE CONSERVATION AT SWARKESTONE SAND AND GRAVEL QUARRY OFF TWYFORD ROAD, BARROW UPON TRENT (CODE NO: CM9/1109/166)** The Acting Strategic Director - Environmental Services informed Members that planning permission for Swarkestone Quarry had been granted in 1994 and permitted removal of the minerals, importation of inert wastes and restoration to provide part agricultural and part water based nature conservation after-use. Condition 4 required the mineral working to cease after 15 years from commencement, ie 27 July 2010. The current application was to obtain permission to continue mineral working at the site up to July 2020.

The Strategic Director's report gave details of the planning history of the site. The application set out proposals for the future working and restoration of the operational areas within the Quarry with a proposed set of modern planning conditions. The application was also accompanied by an Environmental Statement and referred to a realistic programme for the proposed mineral extraction and the restoration of areas of the site.

Details of the proposals, together with comments received from consultees and following publicity were contained within the report of the Acting Strategic Director - Environmental Services. Objections and comments received from Barrow-on-Trent Parish Council, Ingleby Parish Council, Natural England, Derbyshire Wildlife Trust, Environment Agency, and East Midlands Airport and letters of objection received from local residents were given in the report and addressed by the Acting Strategic Director.

The application had been considered against the development plan and other material considerations had also been taken into account, namely the National Planning Policy Framework and Planning Policy Statement 10. The key planning issues were considered to be whether the principle of working the site for a further period up to July 2020 was acceptable; whether the submission as a whole met the relevant development plans for the area; whether the proposed scheme caused any unacceptable impacts on local residents or the wider environment; and whether an acceptable standard of restoration could be achieved in the relevant timescale and these were examined in the report.

The Acting Strategic Director commented that this was an economically important site and the submitted proposals did not seek to significantly change the lateral extent of the previously approved mineral extraction area, nor extend the hours of operation, the operational methods nor amend the annual mineral output, but to recover the remaining mineral reserves and complete a scheme of restoration, the principle of which had been established in 1994. The Acting Strategic Director had concluded that the submitted proposals addressed the requirements and environmental parameters of the development plan policies. The schedule of conditions set out in the recommendation had been agreed in principle between the relevant parties and would bring appropriate updates and improved controls to mitigate against any significant environment impact of the proposed works. Additionally, he considered that the continuation of the mineral extraction would not only benefit the local and wider economy but also ensure successful completion of a large and extensive restoration project.

The Acting Strategic Director's representative mentioned submissions that had arisen since the report had been published, including a submission by Councillor Davison, who supported the proposal but was concerned that the County Council should take all possible steps to prevent any further working of the site after 2020. The representative explained that the County Council could not prevent the submission of further applications on any site, but that conditions under the recommendation would contain a clear requirement for the completion of the site by the specified date in 2020.

Lisa Pickford addressed the Committee on behalf of the applicant. She stated that this was a strategic site with good access and the mineral produced was of high quality and 300,000 tonnes of mineral was recovered per annum. Flooding of the site in 2007 had affected the working of the site. The Company was active in the community and attended the Local Liaison Committee. She concluded that approval of the application would regularise workings at the site.

Councillor Parkinson commented that if the site was closed the reserves would be sterilised and probably be subject to future planning applications. He found it frustrating that restoration of sand and gravel sites to dry ground had got harder to achieve but recognised that this was so since the inert material needed was less abundant.

The Acting Strategic Director's representative commented that sand and gravel sites in the past had been backfilled with construction wastes and other inert material. The encouragement of recycling had had an effect on restoration of these sites. The creation of water areas would help with to address flooding issues in the Trent Valley area. He confirmed that the

remaining working and the restoration would be phased in accordance with phases of future working and confirmed, in response to a question from Councillor Smith, that the requirement for the development to be completed by 2020 did include full restoration of the site.

Councillor Southerd commented that he also would have preferred the site to be restored back to land rather than water but understood why this could not be the case in this instance.

**RESOLVED** that planning permission be granted under Section 73 of the Town and Country Planning Act 1990 in respect of the development proposed under application Code No CM9/1109/166, subject:

- (1) the prior completion of a satisfactory deed to secure similar obligations under Section 106 of the Act, to those that were entered into with the grant of the planning permission Code No 9/790/450; and
- (2) the conditions contained within the report of the Acting Strategic Director – Environmental Services.

**74/13                      APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO NOT COMPLY WITH CONDITION 17 OF PLANNING PERMISSION CODE NO R9/1097/14, TO ALLOW A REVISED RESTORATION SCHEME AT THE REPTON PIT SAND AND GRAVEL SITE, OFF REPTON ROAD, WILLINGTON (CODE NO: CM9/0112/138)** The application sought permission to under Section 73 of the Town and Country Planning Act 1990 to enable restoration of the site without complying with Condition 17 of the previous permission. The applicant's proposal was for the restoration of part of the land to a lower final contour level than required by the existing approved scheme, so as to avoid importing significant quantities of waste materials. This would allow areas which had been disturbed by mineral workings to be restored predominantly to part flood meadows and part water-based nature conservation after-use. The Acting Strategic Director reported that the applicant had also submitted an application for outline planning permission for the construction of a group of elevated holiday chalet units within the application site, which was yet to be determined by South Derbyshire District Council.

Details of the proposals, together with comments received following consultation and publicity were addressed within the report of the Acting Strategic Director - Environmental Services. Three letters of representation (2 objecting and 1 supporting the proposals) had been received and these were addressed by the Acting Strategic Director in the Planning Considerations section.

The application had been considered with regard to the development plan and other material considerations, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The other material taken into account included the National Planning Policy Framework, Planning Policy Statement 10 and the County Council's Supplementary Planning Guidance on the After-use of Sand and Gravel Sites in the Trent, Lower Derwent and Lower Dove Valleys. The key issues were considered to relate to the appropriateness of the proposal and the impact of the proposed amendments to restoration on conservation, visual and landscape amenity and flooding and these issues were examined in the report.

The Acting Strategic Director commented that although there was an existing restoration scheme for the site he was satisfied that the current application presented an opportunity to improve on the final restoration of the land and to avoid use of demolition waste, which was suitable for recycling for productive uses. He had discussed the application in detail with officers from South Derbyshire District Council, Natural England and the Environmental Agency and in general there was agreement that a lower level restoration scheme would be beneficial both in flooding and conservation terms and a reduction in the number of heavy goods traffic visiting the site. A recent Ecological Survey had provided up-to-date information regarding the presence of great crested newts, a European protected species. Although the information from the survey had not been specified under the main report, an addendum to the report had been produced to ensure that this information could be taken into consideration. He confirmed that the three part test had been met – economical social need, alternatives and not detrimental to the population of the species. He confirmed that the application accorded with the development plan policies.

Mr Spowage addressed the Committee. He was employed by the Derbyshire Wildlife Trust, but spoke in his personal capacity. He commented that there was already a restoration plan in place for the site, from 2003. He considered that the change in restoration detail was proposed because of the proposal for chalets on the site, under the planning application to the District Council, which would take up existing designated habitat land, and affect wildlife and feeding grounds. He emphasised that the proposals required consideration in terms of their effects on the habitat relating to both this site and the surrounding area (including the Trust nature reserve, and all the associated wildlife which now included bitterns), and the value of the habitat and wildlife for encouraging tourism in the area. He did not consider that a lower level for the site would make significant difference to the current flood alleviation situation. He asked that the current application be rejected and the applicant be asked to restore the site in accordance with the original restoration proposals.

Mr Hughes addressed the Committee on behalf of the applicant. He stated that no detailed restoration scheme had been agreed in relation to the existing permission of 2003. It appeared to him that there had been some confusion regarding what parts of the site had already been restored; he confirmed that to date restoration had taken place to the south and northwest part but not the central area, which had recently been worked on. He commented that the proposed scheme did address nature conservation and habitat requirements, that flood storage was built in and that security of the site along the western boundary would be regularised. It was proposed that a management company would be set up by the owners to be responsible for long-term aftercare of the site.

Members were advised that the planning application to South Derbyshire District Council for chalets on the site should not influence their decision on this proposal. The Acting Strategic Director commented that the proposal was considered to be acceptable and would provide biodiversity and an ecological gain for the site. He also confirmed that on the basis of the new information provided and the proposed conditions to be attached the Derbyshire Wildlife Trust was not now understood to be opposed to the proposal.

**RESOLVED** that planning permission be granted for development previously authorised under Planning Permission Code No REP/1149/14 without the requirements of Condition 17 under the scheme of conditions for Repton Quarry dated 1 July 1998 (under reference No R/1097/14) and subject to the conditions contained within the report of the Acting Strategic Director – Environmental Services.

(Councillors Ford and Southerd abstained from voting on the above decision in accordance with their declaration of personal interest).

**75/13**                      **CURRENT ENFORCEMENT ACTION** The Acting Strategic Director - Environmental Services' representative informed the Committee that a Temporary Stop Notice had been issued in respect of the extraction of coal at the Golden Valley site, Riddings.

**RESOLVED** to receive the report on Current Enforcement Action.

**76/13**                      **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 15 October 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.

**77/13                      CURRENT      APPEALS/CALLED-IN      APPLICATIONS**  
**RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

**78/13                      DEVELOPMENT      MANAGEMENT      PERFORMANCE**  
**MONITORING RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for the period 1 August – 30 September 2013.

**79/13                      MATTERS DETERMINED BY THE ACTING STRATEGIC**  
**DIRECTOR – ENVIRONMENTAL SERVICES UNDER THE DELEGATED**  
**POWERS RESOLVED** to note that the following applications had been approved by the Acting Strategic Director - Environmental Services under the Delegated Powers on:-

**(a)      22 August 2013**

- 1      Proposed Removal of Existing Access Ramp to be Replaced with New Ramp Constructed over and beyond Existing Footprint to Provide a Shallower Gradient at Buxton Infant School, Hardwick Square South, Buxton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD1/0613/58
- 2      Proposal to Install Four Floodlights onto the Existing Multi-User Games Area at Howitt Primary Community School, Holmes Street, Heanor  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0613/56

**(b)      29 August 2013**

- 1      Proposed Construction of a Greenway Along a Former Railway Branch Line from Poulter Country Park to Langwith Junction  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0113/131
- 2      Proposal to Develop an External Access Ramp in the Playground at Belper Long Row Primary School, Long Row, Belper  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0713/70
- 3      Delegation Decisions on Schemes Required by Planning Conditions:
  - SW2357
  - SW2445
  - SW2446
  - SD2449



- SW2462
- SD2450

**(c) 5 September 2013**

- 1 Proposed Development of a Multi-User Games Area at Darley Dale Primary School, Greenway Lane, Matlock  
Applicant: Derbyshire County Council  
Planning Application Code No: CD3/0713/66
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
  - SD2288

**(d) 12 September 2013**

- 1 Proposed Erection of a Single Classroom Extension at the Brigg Infant School, South Street, South Normanton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0813/75
- 2 Proposed Installation of a Replacement Storage Shed at Street Lane Primary School, Denby  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0813/78
- 3 Proposed Installation of a New Wooden Building with Associated External Works including Proposed Extension to and Existing Nature Trail, Security Fencing, Access Gates and Sensory Garden at Coppice Primary School, off Roper Avenue, Heanor  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0813/82
- 4 Planning Permission for the Installation of an External Canopy at Parklands Infant and Nursery School, Derby Road, Long Eaton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD8/0713/71
- 5 Proposed Installation of a Bicycle Shelter, Vehicle Barriers and Signage at the Former Co-op Travel Building, off Mercian Close, Ilkeston  
Applicant: Derbyshire County Council  
Planning Application Code No: CD8/0813/80
- 6 Delegation Decisions on Schemes Required by Planning Conditions:
  - SD2452

**(e) 19 September 2013**

1 Delegation Decisions on Schemes Required by Planning Conditions:

- SW2463
- SD2451
- SD2461

**(f) 26 September 2013**

1 Proposed Replacement Single Modular Classroom at Bradley Church of England Primary School, off Yew Tree Lane, Bradley, Near Ashbourne  
Applicant: Derbyshire County Council  
Planning Application Code No: CD3/0813/79

2 Grange Mill Quarry, Grange Mill, Wirksworth, Derbyshire

A) Application Under Section 73 of the Town and Country Planning Act 1990 to not Comply with Condition 3a of Planning Permission CM3/1200/98 in Order to Allow an Extension of Time for the Completion of Mineral Extraction and Restoration  
Applicant: Ben Bennett Junior Limited  
Planning Application Code No: CM3/1212/121

B) Application to Extend the Quarry Workings into 3.3 Hectares of Adjacent Land South-East of the Quarry  
Applicant: Ben Bennett Junior Limited  
Planning Application Code No: CM3/1212/120

3 Proposal for the Change of Use from B8 to Sui Generis, Vehicle Depolluting at Unit 96 Norbert Dentressangle Trading Estate, Cat and Fiddle Lane, Ilkeston  
Applicant: Derby Vauxhall Spares  
Planning Application Code No: CW8/0713/64

4 Delegation Decisions on Schemes Required by Planning Conditions:

- SD2468
- SW2411
- SW2412

**(g) 3 October 2013**

1 Second Interim Quarry Development Area Submission at Ashwood Dale Quarry, Buxton  
Applicant: Omya (UK) Ltd  
Submission Numbers: SM2458 and SM2459

**(h) 10 October 2013**

- 1 Proposed Retention and Continued Use of a Portacabin Unit at the Veolia Waste Transfer Station, Sheepbridge Lane, Chesterfield  
Applicant: Veolia ES (UK) Ltd  
Planning Application Code No: CW2/0513/39
- 2 Retrospective Application for the Installation of a Canopy at Barlborough Primary School, High Street, Barlborough  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0813/90
- 3 Proposal to Develop a School Classroom Extension at Richardson Endowed Primary School, Main Road, Smalley  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0813/87
- 4 Proposed Installation of Additional Site Lighting at the Existing Household Waste Recycling Facility at Manners Avenue, Manners Industrial Estate, Ilkeston  
Applicant: HW Martin Waste  
Planning Application Code No: CW8/0613/60
- 5 Proposed Refurbishment and Redecoration including Installation of Handrails, Signage, Floor Coverings, Lighting, Doors and Associated Works to the Town Hall, Ilkeston  
Applicant: Derbyshire County Council  
Planning Application Code No: LB8/0813/89
- 6 Proposed Installation of Additional Lighting Columns and Lighting at the Bretby Household Waste Recycling Centre, Main Street, Newhall, Bretby  
Applicant: HW Martin Waste  
Planning Application Code No: CW9/0613/61
- 7 Application for Non-Material Amendments at the Fitness First Building, County Hall, Smedley Street, Matlock  
Applicant: Derbyshire County Council  
Planning Application Code No: NMA/0913/19
- 8 Delegation Decisions on Schemes Required by Planning Conditions:
  - SD2466
  - SD2467