

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 6 June 2016.

PRESENT

Councillor T Southerd (in the Chair)

Councillors G Birkin (substitute Member), M Ford, J Frudd (substitute Member), Julie Hill, R Mihaly (substitute Member), R A Parkinson, J Twigg, J Williams and B Wright

Apologies for absence were received from Councillors D Charles, J Dixon and R Hosker.

No Declarations of Interest were received.

43/16 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 11 April 2016 be confirmed as a correct record and signed by the Chair.

44/16 **PROPOSED LAYING OUT AND CONSTRUCTION OF A NEW MULTI-USER TRAIL (PHASE 1 – REVISED SCHEME) TO THE SOUTH OF OLD ROAD, DARLEY DALE, MATLOCK APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD3/0316/142)**

(Minute No 12/15) The application related to proposed revisions to a short stretch of Phase 1 of the White Peak Loop multi-user trail which had been approved in March 2015 and a proposed minor extension. The revisions included a minor realignment to the trail and amendments to the proposed vehicular access onto Old Road. Details of the proposals were contained in the report of the Strategic Director Economy, Transport and Communities, 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; other material considerations had also been taken into account, including the National Planning Policy Framework and National Planning Policy Guidance. The key planning considerations for the development were landscape and visual impact; flood risk, protected species, and highways. These issues were considered in the report. The Strategic Director reported that the principle of the proposed development was already largely established through the existing permission CD3/1214/19 and he was satisfied that subject to the recommended conditions the proposed development would be in accordance

with the relevant development plan policies and would not lead to any significant adverse impacts.

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

45/16 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO REMOVE CONDITION 19 OF PLANNING PERMISSION CM4/0914/77 TO ALLOW THE USE OF SCREENS TO SIZE THE ASH PRIOR TO REMOVAL AT STATION YARD, STATION ROAD, RENISHAW APPLICANT: ASH RENISHAW LIMITED (CODE NO: CM4/0116/133) The application was for removal of a restriction in a condition of an existing planning permission, CM4/0914/77, which prevented the use of screens to size excavated ash at Station Yard, Station Road, Renishaw. This was proposed to enable the use of mobile plant to size ash and to separate oversized material prior to removal from the site. Details of the proposals, the site and surroundings, the planning background, and comments received from consultees and following publicity, were contained in the report of the Strategic Director for Economy, Transport and Communities. The key points raised in the objections received were that the condition should not be removed as it was put in place because of the excessive noise levels that would be produced and because of health risks to local residents, children attending the school, and wildlife, associated with airborne particles and dust that would be caused by the screening operations. These issues were discussed 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 had also been taken into account, including the National Planning Policy Framework (NPPF). The Strategic Director had concluded that a permission without the restriction (as contained in Condition 19 of the existing permission, which prevented the use of screens on the site as part of the development) would be reasonable and would not be likely to have an adverse effect on local amenity or the environment. He was satisfied that the noise levels from the operation of screens on site would not be likely to exceed the limits set out in the NPPF and, therefore, the removal of the restriction in the existing Condition 19 would be acceptable in terms of national policy criteria for noise levels associated with minerals development. He also considered that there were sufficient existing controls in relation to emissions to air and dust and noted that the Environmental Health Officer had raised no concerns in respect of this.

Christopher Gadd addressed the Committee with his objections to the removal of Condition 19. He mentioned in his comments that nothing had

changed on site since the previous application had been approved; that he did not understand how the figure of 10% for the material which was to be retained on site for use in restoration had been determined; nor how ground level was to be set for the operation of the screen; the proximity of properties to the site in relation to noise pollution; that a high proportion of residents were at home during the week; that he felt that the calculations reported were flawed; that he was concerned that there could be contamination of water running into the River Rother, and ash blown across Hague Lane; and that the site was in an area of the Green Belt which was popular for recreation.

Chris Ballam addressed the Committee on behalf of the applicant and responded to previous comments which had been made in the meeting. He commented that the ash was not contaminated; that there was already planning permission which authorised the ash to be dug in accordance with conditions; that noise reports showed that noise levels were acceptable; that the proposal would enable the ash to be dealt with more effectively and reduce traffic to the site; that dust control by water damping was with a fine spray which due to evaporation would not generate any water run-off; that the proposal would speed up the operation; and that there were clear environmental advantages to the proposal.

The Strategic Director's representative then addressed the Committee in response to the points raised by the speakers. He explained that the 10% figure appeared to be realistic, and that the multi-user trail level was being taken as the ground level; he referred to the proximity of residential properties given in the report and confirmed that the noise figures provided from modelling for the development with the inclusion of the proposed screen working (which assumed a 'worst case' of two screens operating at the same time) were well within the existing noise level limits; that for most of the time during screening only one screen would be in operation; and that weekday background noise levels higher. He reiterated that the principle of the operation had already been approved.

Members suggested that proactive dust monitoring stations should be required at the school and on Hague Lane. The representative officer commented that the Environmental Health Officer had not had any objection to the Dust Management Plan, which ensured that action would be taken in response to any complaints about dust. The officer also explained that the site boundary would be more effective as a location for any proactive dust monitoring in order to differentiate, as far as practicable, between dust associated with the development and dust generated from other sources, eg road dust. Members concluded that for the application to be acceptable and that the conditions to which a new permission to be granted would be subject, needed to include an additional condition to require proactive dust monitoring at a location by the site boundary.

RESOLVED that planning permission for application CM4/0116/133 (development without complying with Condition 19 of Planning Permission CM4/0914/77) be authorised to be granted, subject to conditions in accordance with the recommendation in the report of the Strategic Director for Economy, Transport and Communities and an additional condition to be provided by the Strategic Director to secure proactive monitoring of dust levels at a location by the boundary of the development site, and the prior completion of an agreement under Section 106A of the Town and Country Planning Act 1990 to apply the provisions of the agreement dated 30 April 2014 referred to in the Strategic Director's report on the application to the permission to be granted.

46/16 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current Enforcement Action.

47/16 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 6 June 2016 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.

48/16 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

49/16 **DEVELOPMENT MANAGEMENT MONTHLY PERFORMANCE MANAGEMENT STATISTICS** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for April and May 2016.

50/16 **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR FOR ECONOMY, TRANSPORT AND COMMUNITIES UNDER DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director for Economy, Transport and Communities under delegated powers on:-

(a) Delegation Meeting – 14 April 2016

- 1 Non-Material Amendment to Planning Permission CD3/0615/46 – Minor Re-Alignment of the Trail for a Short Length Alongside the Existing Football Pitch and through the Agricultural Field Just Beyond the Whitworth Park on Land between Station Road, Darley Dale and Church Road, Churchtown
Applicant: Derbyshire County Council

(b) Delegation Meeting – 21 April 2016

- 1 Proposed External Two-Storey Passenger Lift Extension and the Removal of Existing Redundant External Fire Escape, with Internal Alterations to Existing Toilets and Kitchen Refurbishments and Removal of Existing Chairlift, Peak Buildings, Buxton Museum and Art Gallery, Terrace Road, Buxton
Applicant: Derbyshire County Council
Planning Application No: CD1/0216/140
- 2 Proposed Installation of Two Canopies at Brockwell Infants and Nursery School, Purbeck Avenue, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0316/141
- 3 Proposed Erection of a Canopy at Aldercar Infants and Nursery School, Godkin Drive, Langley Mill
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0316/144
- 4 Proposed External Works to Enable the Conversion of the Vacant School Building to a Pupil Support Unit with Community Facilities at the Former Bennerley School, Bennerley Avenue, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0116/128
- 5 Delegated Decision on Schemes Required by Planning Conditions:
 - SD2831

(c) Delegation Meeting – 28 April 2016

- 1 Application Submitted under Section 73 of the Town and Country Planning Act 1990 to Not Comply with Previous Planning Conditions of Planning Permission Code No CD3/0712/31, for Works Relating to Landscaping and Ecological Management at the at the Derbyshire County Council's New Community Care Facility, on Land Adjacent to Whitworth Hospital, off Bakewell Road, Matlock
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0116/134
- 2 Section 73 Application not to Comply with Condition 19 of Planning Permission CW6/1213/137 at Alfreton Materials Recycling Facility, Cotes Park Lane, Alfreton

Applicant: FCC Environment Ltd
Planning Application Code No: CW6/1015/103

- 3 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2830
 - SM2835

(d) Delegation Meeting – 5 May 2016

- 1 Proposed Erection of a Single-Storey Three Classroom Teaching Block and a Single-Storey Nursery Block with Alterations to the Car Park and Compensatory Play Areas at Longmoor Primary School, Newstead Road, Long Eaton
Applicant: Derbyshire County Council
Planning Application Code No: CD8/1116/111
- 2 Request for the Council's Prior Approval for the Construction of Additional Product Silos at Dowlow Plant, Dowlow Quarry, Buxton
Applicant: OMYA UK Ltd
Submission No: PD17/1/57
- 3 Application for Non-Material Amendment to Planning Permission CD8/1112/99 at Dallimore Primary School, Dallimore Road, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: NMA/0416/47
- 4 Delegation Decisions on Schemes Required by Planning Conditions:
 - SW2838
 - SW2839

(e) Delegation Meeting – 12 May 2016

- 1 Submission under Conditions 11 (Ecological Watching Brief) of Planning Permission CD6/0813/76 – Development of an Autism Centre at the Whitemoor Centre, John O'Gaunts Way, Belper
Applicant: Derbyshire County Council
Planning Application Code No: SD2818
- 2 Non-Material Amendment to Planning Permission CM8/0215/139 Sand and Gravel Extraction, as an Extension to Attenborough Quarry at Land at Trent Farm, Pasture Lane, Long Eaton
Applicant: Cemex UK Materials Ltd
Planning Application Code No: NMA/0416/46
- 3 Delegation Decisions on Schemes Required by Planning Conditions:

- SD2841

(f) Delegation Meeting – 19 May 2016

- 1 Delegation Decisions on Schemes Required by Planning Conditions:
 - SM2844
 - SD2834
 - SD2828.
 - SD2829

(g) Delegation Meeting – 26 May 2016

- 1 Section 73 Application to Carry Condition 6 (Clay Extracted to be used only at Phoenix Brickworks, Barrow Hill) of Planning Permission CM2/0707/77, Foxlow Tip and Adjacent Land, off Staveley Lane, Staveley
Applicant: Phoenix Brick Company Ltd
Planning Application Code No: CM2/1215/123
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2843

H:\New Democratic Arrangements\Regulatory and Appeals Committees\Planning\MINUTES\2016\2016.06.06.doc