

### **Agenda Item No 3**

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 29 July 2013.

#### **PRESENT**

Councillor J Innes (in the Chair)

Councillors M Ford, S Freeborn (substitute Member for items Minute No 51/13 onwards), R L Hosker, R Mihaly, R A Parkinson, P Smith (for items Minute No 51/13 onwards), T Southerd, J Twigg and B Wright.

Councillor B Lewis attended the meeting in accordance with Standing Order 16.6 as local Member in respect of the Oakerthorpe application (Minute No 52/13).

Apologies for absence were received from Councillor Julie Hill.

No Declarations of Interest were received.

No Significant Lobbying had been received.

**49/13** **SITE VISIT** In accordance with the Code of Practice the Committee visited the site at Oakerthorpe (Minute No 52/13).

**50/13** **MINUTES RESOLVED** to confirm the non-exempt Minutes of the meeting of the Regulatory – Planning Committee held on 1 July 2013.

**51/13** **PROPOSED INSTALLATION OF SECURITY FENCING AT MARSTON MONTGOMERY PRIMARY SCHOOL, THURVASTON ROAD, ASHBOURNE (CODE NO: CD3/0713/62)** The application was for the installation of high security fencing along the rear of the school which would require the removal of the existing timber fencing and a Wild Cherry Tree. Details of the proposal, together with comments received from consultees and following publicity were contained in the report of the Acting Strategic Director - Environmental Services. An objection to the proposal had been received from Councillor Lewer, local Member, concerning the proposed height of the security fencing, which the Acting Strategic Director addressed in his report. He explained that the fencing proposed was the standard fencing used at schools throughout the County, which was coloured green to blend in with the surrounds.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and other material

considerations had been taken in to account, including the National Planning Policy Framework.

The Acting Strategic Director reported that he considered the key planning considerations were need for the development, ecology, and landscape and visual impact and these had been examined in his report. He concluded that there were no significant impacts on the visual amenity and that the proposed development was acceptable.

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

**52/13                      PROPOSED SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITIONS 2 AND 5 OF PLANNING PERMISSION CODE NUMBER CW4/0211/157 TO CHANGE THE DESIGN OF THE ANAEROBIC DIGESTER AND ASSOCIATED ANCILLARY PLANT AND EQUIPMENT AT BROOM HOUSE FARM, TOADHOLE FURNACE, OAKERTHORPE (CODE NO: CW4/0513/34)** The application related to a previously granted planning permission for an on-farm anaerobic digester and associated structures to replace an open air slurry lagoon. This application was seeking permission to carry on the development without compliance with conditions 2 and 5 of that permission. This would allow the design of the anaerobic digester and associated ancillary plant and equipment to be changed. 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. Whilst not objecting to the proposal, the Environmental Health Officer had raised concerns regarding noise. The Acting Strategic Director had, therefore, recommended that if the application was approved a condition be attached requiring separate planning permission to be granted for the erection of noise attenuation fencing of 4 metres in length and 4 metres in height to protect the amenity of residents.

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 in to account, including the National Planning Policy Framework and Planning Policy Statement 10. The Acting Strategic Director considered that the main issues for consideration were the visual impact of the proposal and the effect of the proposal on local amenity, in particular odours and noise, and he examined these in his report. He concluded that the proposed amendment to the design of the anaerobic digester was acceptable. He commented that the development would contribute towards sustainable waste management objectives, support the delivery of renewable energy and the amended design would have benefits by improving the efficiency of the unit. He did not consider that the proposal

would give rise to other unacceptable environmental or amenity impacts and was satisfied that it would accord with development plan policies.

Councillor Lewis attended the meeting and expressed his support for the application.

Members agreed that the principle for the development had already been established with the earlier permission and considered that the proposed process would be better than the currently operational open slurry tank.

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

**53/13                      PROPOSED      REPORTING      OF      DEVELOPMENT**  
**MANAGEMENT PERFORMANCE MONITORING TO THE REGULATORY –**  
**PLANNING COMMITTEE** The Acting Strategic Director - Environmental Services reported that local planning authorities were required to provide quarterly statistics to the Department for Communities and Local Government on the speed of planning decisions. The target set for the determination of minor applications was 8 weeks, for major applications was 13 weeks and Environmental Impact Assessment applications was 16 weeks. Over the last three years there had been significant improvements on the speed of applications determined by the County Council.

The Acting Strategic Director explained that the Growth and Infrastructure Act 2013 had introduced a set of provisions designed to tackle perceived poor performance of local planning authorities in determining applications. The local authority performance was proposed to be assessed on the extent that major applications were determined, averaged over a two year period but made once a year. The assessments of local planning authority decision making would address both speed and quality. Good reporting of monitoring data was a key component of understanding and improving performance, and a review of Derbyshire County Council's Planning Services performance monitoring had been undertaken and it was proposed that informative reports would be presented regularly to the Regulatory – Planning Committee. There would be monthly reports, quarterly reports and annual reports.

Annual reports would bring together all the quarterly data and analyse the planning performance over a 12-month period, evaluating trends in comparison with other County Councils and also include a detailed assessment of the applications received and determined.

Councillor Smith requested that information on enforcement activity be included in the reports.

Councillor Ford requested that thanks be passed on to Planning Service staff for the significant improvements in application determination speed over recent years.

The Acting Strategic Director commented that the importance of planning decisions to delivery of desirable outcomes would be given renewed focus when the new Derby and Derbyshire Joint Minerals and Waste Plans were adopted, together with on-going monitoring to gauge the effectiveness of the delivery of the Plans policies/vision.

His representative at the meeting explained that the County Council had a low rate of planning application refusals, which was thought to reflect the attention officers paid to giving guidance to applicants and intending applicants, so that entirely unacceptable schemes were less likely to be brought forward for determination, particularly with respect to major applications. Consideration was also being given to possible changes to the delegated powers of the Strategic Director - Environmental Services and a report would be presented to Committee in due course.

**RESOLVED** to endorse the proposals of the Acting Strategic Director - Environmental Services contained in his report for providing regular informative reports of performance monitoring and associated details to the Committee.

**54/13**                    **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

**55/13**                    **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 29 July 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.

**56/13**                    **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

**57/13**                    **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 4 July 2013**

- 1 Proposed Section 73 Application Not to Comply with Condition 3 (Duration of Development) of Planning Permission CW1/0105/176 for the Improvements to Agricultural Land by Infilling with Inert Materials to restore Derelict Land Back into Agricultural Use, on Land off Heathfield Nook Road, Harpur Hill, Buxton  
Applicant: Mr W S Wright  
Planning Application Code No: CW1/0212/168
- 2 Proposed Removal of Existing Single Glazed Timber Framed Windows and Bottom Panels to Veranda Area and Replacement with Double Glazed PVCU Frames and Insulated Bottom Infill Panels, Killamarsh Junior School, Sheffield Road, Killamarsh  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/0513/27
- 3 Delegation Decisions on Schemes Required by Planning Conditions
  - SD2389
  - SD2413
  - SD2414
  - SD2404
  - SW2420
  - SD2415

**(b) Items Approved by the Strategic Director - Environmental Services under delegated powers on 11 July 2013**

- 1 Proposed Extension to Car Park Area to Provide 18 Additional Spaces (Retrospective Planning Application) at Parkside Community School, Boythorpe Avenue, Chesterfield  
Applicant: Derbyshire County Council  
Planning Application Code No: CD2/0513/35
- 2 Proposed Infill of the Glass Store at Derbyshire County Council Head Offices, County Hall, Matlock  
Applicant: Derbyshire County Council  
Planning Application Code No: LB3/0513/44
- 3 Proposed Footpath Widening Between Sookholme Close and King Edwards Street at Sookholme Close, Shirebrook  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0513/28

- 4 Proposed Widening and Improvements to Footway through Langwith Junction Recreation Ground, Recreation Road, Langwith Junction.  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0513/30
- 5 Proposal to Construct a Boundary Footpath to a New External Access Door in the Existing Library at Alfreton Park Community Special School  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0513/40
- 6 Retrospective Planning Application for the Construction of a Poly Tunnel Greenhouse at Ladywood Primary School, Oliver Road, Ilkeston  
Applicant: Derbyshire County Council  
Planning Application Code No: CD8/0513/41
- 7 Proposal to Develop a Parents' Waiting Shelter outside the Nursery at Howitt Primary Community School, Holmes Street, Heanor  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0513/42
- 8 Proposal to Extend the Existing Modular Classroom with an Additional Two Classroom Modular Block and an Associated Link Corridor at Hilton Primary School, Peacroft Lane, Hilton  
Applicant: Derbyshire county council  
Planning Application Code No: CD9/0513/43

**(c) Items Approved by the Strategic Director - Environmental Services under delegated powers on 18 July 2013**

- 1 Proposed Replacement of Existing Roof Covering and Roof Windows at Buxton Junior School, Mosley Road, Buxton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD1/0613/46
- 2 Proposed Single-Storey Library Extension at The Dronfield Henry Fanshaw School, Chesterfield Road, Dronfield  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/0513/31
- 3 Proposed Installation of Concrete Outbuilding at Mickley Infants School, Milton Avenue, Mickley  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/0613/45

- 4 Proposed Development of a Disabled Persons Play Area at Lea Green Development and Conference Centre, Main Road, Lea  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0413/12
- 5 Application for a Non-Material Amendment at Kilburn Sewage Treatment Works, Derby Road, Lower Kilburn  
Applicant: Severn Trent Water Limited  
Planning Application Code No: NMA/0513/17
- 6 Application for a Non-Material Amendment at Swanwick School and Sports Centre, Hayes Lane, Swanwick  
Applicant: Derbyshire County Council  
Planning Application Code No: NMA/0613/18
- 7 Proposed Repairs to the External Timber Stairwell at Milford Community Primary School, Chevin Road, Belper  
Applicant: Derbyshire County Council  
Planning Application Code No: LB6/0613/48
- 8 Delegation Decisions on Schemes Required by Planning Conditions
  - SW2397
  - SW2398
  - SW2396
  - SW2400
  - SM2447
  - SW2448

**(d) Items Approved by the Strategic Director - Environmental Services under delegated powers on 25 July 2013**

- 1 Proposed Widening and Improvement Works to Paths through Shirebrook Town Park, Shirebrook  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0513/29
- 2 Proposal to Build Two Extensions onto the Existing School Block at John Flamsteed Community School, Denby  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0613/49
- 3 Proposal to Install Three Nursery Advertising Signs at Ripley Nursery School, Sandham Lane, Ripley  
Applicant: Derbyshire County Council

## Planning Application Code No: CD6/0613/52

H:\New Democratic Arrangements\New Democratic Arrangements\Regulatory and Appeals  
Committees\Planning\MINUTES\2013 after election\2013.07.29.doc