

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE**  
held at County Hall, Matlock on 9 March 2015

**PRESENT**

Councillor J Innes (in the Chair)

Councillors S Freeborn (substitute Member), Janet Hill, R L Hosker, R Mihaly, R A Parkinson, J Twigg, D Walton (substitute Member) and B Wright.

Apologies for absence were received from Councillors M Ford, Julie Hill and T Southerd.

No Declarations of Interest were received.

No Significant Lobbying had been received.

**11/15**                    **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 9 February 2015 be confirmed as a correct record and signed by the Chair.

**12/15**                    **APPLICATION FOR PLANNING PERMISSION FOR THE LAYING OUT AND CONSTRUCTION OF A PROPOSED MULTI-USER TRAIL (PHASE 1) FROM THE JUNCTION OF BAKEWELL ROAD (A6) AND DERWENT WAY (A615) MATLOCK, TO OLD ROAD, DARLEY DALE**  
**APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO CD3/1214/119)**

The application was for the development of a 3.1 kilometres ‘multi-user’ trail from the junction of Bakewell Road (A6) and Derwent Way (A615), Matlock to Old Road, Darley Dale. The proposed route followed the existing permissive footpaths and public rights of way immediately adjacent to the existing heritage railway line. These paths would be resurfaced and made wider to allow for cyclists and wheelchair users. Several further multi-user trail sections running northwards from near the Darley Dale end of this proposal were also proposed, which would form a link for the recreational route known as the White Peak loop between Matlock and Monsal Trail.

Details of the proposal, together with comments received from consultees and following publicity were contained within the report of the Strategic Director for Economy, Transport and Environment. Peak Rail had objected to the application and referred to particular concerns changes to railway crossing arrangements under the proposal, which it considered would affect its responsibilities for public safety. Twenty letters of support and 2

letters of objection had been received and were summarised in the report and considered in the Planning Considerations section of the report. Several slides of photographs were presented to the Committee, which showed the current crossing places and bridges over the railway line.

Mr P Tomlinson attended the meeting to speak on behalf of Peak Rail. He reiterated the objections and concerns that Peak Rail had submitted regarding the application. He commented that it supported the overall scheme and acknowledged that there would be benefits. Peak Rail had made concessions to a number of issues but he said could not compromise on the safety factor relating to the proposed crossing re-arrangement, which would be the merger of the current two level crossings in to one. No figures had been provided regarding the possible number of additional people who could be attracted to the area and use the crossing. He reported that the location of the proposed crossing would be a stretch the trains travelled at the fastest speed permitted, 25 mph, and he spoke of the distance it would take for a train travelling at 25 mph to stop if anyone was in difficulty on the track. He asked the Committee to consider alternative ways to cross the railway at this point.

The Strategic Director's representative commented on the railway crossing safety issue which had been raised by Peak Rail and stated that the Office of Rail Regulation had been consulted on this matter. This matter had been considered very carefully and he drew attention to proposed Condition 1 in the report which stated that no part of the development should commence until the Planning Authority was satisfied that all necessary authorisations and consents were in place. He commented that a new crossing was not being created but an existing one was to be improved and he considered met all requirements and would improve safety.

Councillor Freeborn commented that it that the current boundary between the footpath and railway was post and wire. He used greenways, sometimes in a wheelchair, and commented that cyclists often rode too fast and suggested that signage should be erected requesting cyclists to be courteous to other users. He also suggested that in relation to Condition 1 the final agreement should be brought back to the Committee.

Councillor Janet Hill supported the scheme, but had safety concerns, and asked about future maintenance funding.

Councillor Walton queried whether warning signs could be erected at the crossing point to alert users to take particular care at certain times when trains were expected.

The Strategic Director's representative responded that he would not recommend such messages on warning signs because they might tempt users not to take enough care at the crossing at other times. He explained that the provision of signs with appropriate messages to promote care by cyclists toward other users could be required through a signage scheme that would be provided through the proposed conditions. Multi-user trails had been recognised as providing key benefits for public health and wellbeing so he expected that they would be priorities for maintenance funding. In respect of Condition 1, he felt that the condition was clear and that it would not be necessary to involve the Committee with its enforcement.

Councillor Mihaly asked about the surface of the trail and monitoring of parking on Old Road.

The Strategic Director's representative responded that the surface would be rolled-stone, which would be suitable for wheelchair users and that parking on Old Road would be monitored.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; the National Planning Policy Framework had also been taken into account. The key planning considerations for the application were the need for the development, landscape and visual impacts, railway crossing, ecology, and highways and rights of way. These were examined in the officer's report. The Strategic Director's representative explained that two other routes had previously been considered; one had been refused by the Planning Committee and the other had been withdrawn before consideration.

The Strategic Director considered that that the proposed development would be in accordance with the development plan policies and was satisfied it would not have any significant adverse impacts on the local amenity.

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

**13/15                      PROPOSED FREESTANDING MODULAR SINGLE CLASSROOM AND ADDITIONAL HARD SURFACED PLAY AREA, RENISHAW PRIMARY SCHOOL, HAGUE LANE, RENISHAW APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO CD4/1214/112)** A new freestanding classroom was proposed to the front of the main school building on land presently part of the childrens playground. A new hard surfaced play area was proposed to the rear of the school to offset the loss of part of the playground. The new classroom was required to address school overcrowding. 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.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; the National Planning Policy Framework and Sport England Playing Fields Policy Statement – A Sporting Future for the Playing Fields of England had also been taken in to account. The key planning considerations were the need for the development, design and visual impact, and playing field impact and these were examined in the officer's report.

The Strategic Director reported that Sport England had retained its objection to the partial loss of playing field area. He commented that the loss and alternative replacement had been balanced against overall play area provision available, upgraded and the operational requirements of the classroom provided. He noted that the new hard surfaced playground area would be used for sports activities such as football when the playing field was not available due to poor weather conditions. Overall it was not considered that the impact on the playing field outweighed the gain in the classroom and new hard surface play area proposed. Concerns over the design of the proposed new classroom had been noted, however, taking in to consideration the contemporary designs of much of the school ancillary buildings and the urgent need to deliver additional classroom accommodation on a limited budget, it was considered that the proposed classroom and the proposed play area were acceptable.

Slides of several photographs and plans were presented shown to the Committee to show the current layout of the school and the playing field area, the proposed realignment of the football pitch, and three alternative positions for the classroom which had been considered. The Strategic Director reported that the proposed site for the classroom had been selected as the best operational location.

**RESOLVED** to authorise planning permission to be granted, subject to the conditions detailed in the report of the Strategic Director for Economy, Transport and Environment, provided that the application, on being referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, is not called in for his determination.

**14/15                      PROPOSED NEW KEY STAGE 2 CLASSROOM**  
**EXTENSION TO EXISTING SOUTH-WEST BLOCK INCLUDING**  
**ASSOCIATED WC ACCOMMODATION AND CLOAK AREA, GLEBE**  
**JUNIOR SCHOOL, HAMLET LANE, SOUTH NORMANTON APPLICANT:**  
**DERBYSHIRE COUNTY COUNCIL (CODE NO CD5/1014/91)** The proposal was for a classroom extension to be attached to an existing detached annex

to the south of the main building to provide a new classroom, two toilets and a small cloak area on land currently used for car parking. A pedestrian ramp was also proposed to the west elevation of the proposed extension as one of the new toilets was for children with mobility needs. The main school building was Grade II Listed but not in a Conservation Area. Details of the proposal were contained within the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity. The Strategic Director's representative remarked about objections received from local residents complaining about traffic and parking at school times. It was reported that the current Travel Plan scheme did not reflect requirements and a condition would be attached requesting a new Travel Plan to be submitted and approved.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; the National Planning Policy Framework and National Planning Practice Guidance were also taken in to account. The key planning considerations were the need for the development, design and visual impacts, impact on Listed Building, and impact on local highway infrastructure. These were examined in the officer's report. A slide presentation was shown to the Committee indicating the current school buildings, the site and proposed location of the new extension. The site was now becoming overcrowded with buildings and it was suggested that this should be the final extension considered.

The Strategic Director commented that the design, visual impact and siting were considered acceptable. The impact on the setting of the listed main school building was a matter for special consideration, but it was mitigated by the quality of the design and materials. The limited impact on this setting that the development would cause was not considered to justify a recommendation for refusal, especially bearing in mind the clear public education need which the proposed development would meet.

It was pointed out that the local Member in the report was incorrect and Councillor Coyle should have been consulted.

Councillor Mihaly suggested that working times condition should be amended to include the movement of building materials to the site and this was agreed.

**RESOLVED** that planning permission be granted, subject to the conditions contained within the report of the Strategic Director for Economy, Transport and Environment with condition 4 being amended as follows –

- 4) No construction work **or delivery of construction materials and equipment** shall take place outside the hours of 0800 to 1800 hours

Mondays to Fridays, and 0800 to 1300 hours on Saturdays. There shall be no working on Sundays or Bank or Public Holidays.

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

**16/15**                    **OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 9 March 2015 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.

**17/15**                    **CURRENT APPEALS/CALLED-IN APPLICATIONS RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

**18/15**                    **DEVELOPMENT MANAGEMENT MONTHLY PERFORMANCE MANAGEMENT STATISTICS RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for February 2015.

**19/15**                    **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) 12 February 2015**

- 1      Proposed Installation of New Kiosk to Support Existing Sewage Pumping Station at Warwick House, 5 Philips Croft, Duffield  
Applicant: Severn Trent Water  
Planning Application Code No: CW6/1114/110
- 2      Proposed New Build In-Fill Extension at Hartshorne Church of England  
Primary School, Main Street, Hartshorne, Swadlincote  
Applicant: Derbyshire County Council  
Planning Application Code No: CD9/1214/113
- 3      Proposal to Demolish an Existing Historic Iron Pedestrian Gate and Replace it with a Modern Weldmesh Gate at South Wingfield Primary School, Church Lane, South Wingfield  
Applicant: Derbyshire County Council  
Planning Application Code No: RD6/1214/123

- 4 Section 73 Application Not To Comply with Condition 2 of Planning Permission CD6/1113/120 by Amending the Boundary Fence, at Florence Shipley Home, Market Street, Heanor  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0115/127
  - 5 Variation of an Enforcement Notice Issued Under Delegation on 27 June 2013 in respect of Waste Material on Land at Mansfield Road, Corbriggs, to Allow Further Periods for Compliance
  - 6 Authorisation for Potential Enforcement in Relation to Additional Extraction of Coal at the Lodge House Surface Mine Extension, Heanor Road, Smalley
- (b) 19 February 2015**
- 1 Proposed Installation of Fixed Sport and Play Equipment to Existing School Playground, Relocation of Existing Timber Storage Shed and Retention of Existing Timber Shed within the School Grounds, Palterton Primary School, Back Lane, Palterton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/1114/106
  - 2 Delegated Decision on Schemes Required by Planning Conditions:
    - SW2618
    - SW2626
    - SW2654
- (c) 26 February 2015**
- 1 Proposed Replacement of Existing Multi-Use Games Area with the Installation of a 3G Surfaced Multi-Use with 4.5 Metres High Perimeter Fencing, Flood Lighting and a Steel Container at Frederick Gents School, Mansfield Road, South Normanton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0115/125
  - 2 Proposed Replacement of Three Canopies, One Storage Shed and a Length of Security Fencing at Ripley Nursery School, Sandham Lane, Ripley  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/1214/118
  - 3 Application for a Non-Material Amendment at Darley Dale Specialist Care Home, Adjacent to Whitworth Hospital, 330 Bakewell Road, Matlock  
Applicant: Derbyshire County Council

Planning Application Code No: NMA/1114/33

- 4 Delegated Decision on Schemes Required by Planning Conditions:
- SD2555

**(d) 5 March 2015**

- 1 Proposed Installation of Two Flue Extraction Cows to the Roof,  
Buxworth Primary School, Station Road, Buxworth  
Applicant: Derbyshire County Council  
Planning Application Code No: CD1/1214/120
- 2 Application for Non-Material Amendment at the Whitemoor Centre, John  
O'Gaunts Way, Belper  
Applicant: Derbyshire County Council  
Planning Application Code No: NMA0215/37
- 3 Delegated Decision on Schemes Required by Planning Conditions:
- SD2687
  - SD2694
  - SD2695