

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 9 October 2017.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P Smith (reconvened meeting only) and B Wright (reconvened meeting only).

Councillor Grooby declared a non-pecuniary interest in the item at Minute No 80/17 as an employee of Tarmac (not in the division that the application concerned).

No Significant Lobbying had been received.

76/17 **SITE VISIT** In accordance with the Code of Practice members visited the site at Swadlincote (Minute No 82/17).

77/17 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 4 September 2017 be confirmed as a correct record and signed by the Chairman.

78/17 **APPLICATION FOR A HAZARDOUS SUBSTANCES CONSENT AT THE ENTHOVEN'S WORKS, DARLEY DALE, MATLOCK APPLICANT: HJ ENTHOVEN AND SONS HAZARDOUS SUBSTANCES CONSENT APPLICATION (CODE NO: CH3/0117/85)** The Strategic Director Economy, Transport and Communities explained in the report that whilst this was not an application for planning permission the application fell to the County Council as Hazardous Substances Authority to determine.

The application sought permission for a Hazardous Substances Consent to allow continuation of the storage of specified substances following changes introduced by the Planning (Hazardous Substances) Regulations 2015 (the Regulations). Details of the substances were given in the Strategic Director's report.

The Health and Safety Executive and Environment Agency had been consulted as the Control of Major Accident Hazards (COMAH) competent Authority, together with the local members, Derbyshire Dales District Council, and Derbyshire County Council's Emergency Planning team. The application had also been advertised.

The Strategic Director commented in the report that the COMAH competent Authority had concluded that there were no reasons to not grant consent based on safety grounds as set out in the Regulations. Having had regard to local needs and conditions, the local plan, and other material considerations, there were also no reasons not to grant consent on planning policy grounds.

RESOLVED to grant consent for the storage of substances on the nature and quantities set out in the hazardous substances application CH3/0117/85, subject to the conditions contained in the report of the Strategic Director - Economy Transport and Communities.

79/17 APPLICATION FOR A CERTIFICATE OF LAWFUL USE FOR THE EXISTING WASTE RECYCLING FACILITIES, FURNACE HILL, LOWER MARKET STREET, CLAY CROSS APPLICANT: RE-USE SALES LTD (CODE NO: CL4/0415/9) The reporting of this item had been deferred.

80/17 PROPOSED EXTRACTION OF DOLOMITE FROM FOUR EXTENSION AREAS, AN EXTENSION TO THE DURATION OF OPERATIONS AND A REVISED RESTORATION SCHEME AT WHITWELL QUARRY, SOUTHFIELD LANE, WHITWELL APPLICANT: TARMAC LTD (CODE NO: CM5/0416/4) The report related to proposals for the winning and working of a further 3.23 million tonnes of dolomitic limestone from four extension areas, and an extension to the duration of mineral extraction operations at the site from 2019 and 2025 current planning permission expiry dates until December 2040 with the completion of the whole development by the end of 2043, at Whitwell Quarry, Southfield Lane, Whitwell. The proposed extensions would affect an additional 9.8 hectares of land, the majority of which had been previously disturbed as a result of quarrying activity at the site. The application had been accompanied by an Environmental Statement. Details of the proposal, together with comments received from consultees and following publicity were contained in the report of the Strategic Director - Economy Transport and Communities. Representations received were addressed in the report.

Key points which needed to be considered were the need for the specific mineral; economic considerations; positive and negative environmental impacts; and the cumulative impact of the proposals in an area. These issues were examined in the report.

The Strategic Director commented in the report that the mineral resource at Whitwell was considered to be of national importance and there was an identified economic need resulting both from its chemical composition and its scarcity. Its continued extraction would contribute to the local

economy, both directly and indirectly as a result of employment of local people, as well as its use of local services and would assist in the safeguarding of mineral infrastructure in the form of the kilns at the adjacent Whitwell Works. Products from the site were exported to international markets and, as a consequence, the proposals would also contribute towards the wider UK economy. In this respect it was considered to meet the social and economic aspect of sustainable development as set out in the National Planning Policy Framework.

Although the proposals had the potential to result in adverse environmental impacts, including to the nearby scheduled monument Creswell Crags, the surrounding landscape and biodiversity, the Strategic Director considered that, having regard to existing controls in respect of these types of impacts in the context of the established quarry operations, they would be capable of being controlled acceptably by conditions and a legal agreement. The site was subject to a restoration masterplan, approved as a requirement of the existing planning permissions, which had been amended to take account of the proposed extensions. The ecological and landscape enhancements to be delivered by it would deliver environmental benefits to the local landscape and communities.

Network Rail had objected to the application on grounds that insufficient information had been provided in the application to enable an adequate assessment of the impact of blasting on the structure of the Whitwell Railway tunnel which bisected the site. It had also referred to its concern that although the quarrying of the part of the site containing the tunnel could only take place if the railway was first diverted, the restoration element of the proposal assumed that this quarrying would take place. Following the submission of additional information and the inclusion of additional safeguards designed to protect the railway tunnel prior to its diversion, the Strategic Director considered that the sources of potential impacts on the existing railway and tunnel from the blasting operations could be subject to acceptable controls.

He concluded that the proposal did not raise any conflicts with the policies of the development plan and was acceptable having regard to all material considerations.

David Atkinson, Estates Manager for Tarmac, addressed the Committee. He commented that Whitwell Quarry was a long established and key source of supply to the local, national and international markets and was the only current magnesian limestone quarry producing stone of a quality suitable for refractory products and was a site of national importance. He reiterated that the proposal was for an additional 4.7 million tonnes, which would extend the extraction period to 2040 and consolidate the current planning permission into a single consent. Assessments undertaken had

shown that the development at the site could continue in an environmentally acceptable manner in accordance with guidance and policy requirements. He also commented that the proposal included the creation of new public rights of way, which reflected what had been suggested in discussion at the existing local liaison committee. The company supported the local community. The quarry and the associated works supported 220 jobs and made a £6m annual contribution to the local economy.

The Strategic Director's representative reported the receipt of a late letter of support for the application from Lhoist Western Europe, the operator of the Whitwell Works.

Responding to questions from members of the Committee regarding what potential there might be for further extension of the working area in Derbyshire, the Strategic Director's representative commented that the Derbyshire surroundings of the site were quite constraining and that from his understanding of the geology, any further extension potential there might be would probably be limited to the Nottinghamshire direction. It was also confirmed that surveys were also required to be undertaken for badger and peregrine falcon to ensure that up to date survey work was available.

RESOLVED that, subject to the prior completion of a legal agreement, to include obligations under Section 106 of the Town and Country Planning Act 1990, as amended to cover the following in association with planning application CM5/0416/4:

- The continued operation of the Whitwell Quarry Liaison Committee
- The use of the stone resource
- The eventual removal of the underpass to the eastern extension area
- Traffic routeing
- Opportunities for rail freight from the site
- Monitoring and protection of the Millash Overbridge (if it has not been removed during the redevelopment of the former Whitwell Colliery Tip) during works in the eastern extension area.
- Measures to protect Creswell Crags, including the appointment of an independent specialist
- Measures to protect visitors to Creswell Crags

- Measures to protect the railway tunnel including appointment of an independent specialist for this purpose
- A scheme and programme of monitoring of the impact of bat populations in Creswell Caves and Foraging Grounds and Mitigation.
- Whitwell Works Complex: Study for Decommission or Diversification.
- Whitwell Colliery Tip 11/091 – provision to accommodate into restoration at a later date
- Monitoring of ground water levels
- Monitoring of flow rates and water quality in the Millwood Brook and the Millash Brook
- Restored site management.
- Restored nature conservation management

planning permission be granted for application CM5/0416/4, subject to conditions based substantially on the draft conditions set out in the recommendation in the report of the Strategic Director – Economy, Transport and Communities.

81/17 PROPOSED REFURBISHMENT AND EXTENSION OF THE EXISTING SINGLE STOREY BUILDING WITH THE ERECTION OF A SINGLE STOREY EXTENSION, THE DEMOLITION OF EXISTING TWO AND THREE STOREY BUILDINGS AND LANDSCAPING WORKS INCORPORATING THE PROVISION OF A NEW EXTERNAL CAR PARKING AREA, HARD AND SOFT LANDSCAPED PLAY AREAS AND INSTALLATION OF SECURITY FENCING AT BEHAVIOURAL SUPPORT CENTRE, BROOKSIDE ROAD, BREADSALL APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD8/1016/57) As reported in the report of the Strategic Director - Economy Transport and Communities, the proposal was to enable the relocation of Breadsall Primary Church of England School from its existing site to a larger site. The extended and refurbished building would provide sufficient accommodation and facilities to accommodate the anticipated increase in demand for school places with the school's normal area as a result of increased housing development with the area. There would also be community benefits from the school relocating to a new site with extensively improved facilities. Details of the proposals, together with comments received from consultees and following publicity were contained in the report of the Strategic Director - Economy Transport and Communities. Representations received were addressed in the report.

The report indicated that the key planning considerations for the application were sustainable development, need for the development, design and appearance, impact on playing fields, highway safety, and impacts on European Protected Species.

The Strategic Director commented in the report that the proposed extension and alterations to the Behavioural Support Centre site were of an appropriate design and scale and would be positioned so as not to have an adverse impact on the site. The development would provide the Breadsall C of E Primary School with a new school building with facilities to enable it to meet the anticipated increase in demand for primary places within the local area. The alterations to the site would improve the outdoor play facilities, provide improved site security and the accessibility of the site. He considered the design of the extensions and alterations to the school to be appropriate for the location and did not consider that the development would have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms. He was also satisfied that the proposal would accord with the policies of the adopted Erewash Core Strategy (2014).

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

82/17 PROPOSED CHANGE OF USE TO AN INERT WASTE AND WOOD WASTE TRANSFER STATION AND SKIP STORAGE AT THE FORMER COAL YARD OFF CADLEY HILL ROAD AND BURTON ROAD, SWADLINCOTE APPLICANT: WILSHEE'S SKIP HIRE LTD (CODE NO: CW9/0816/45) As reported in the report of the Strategic Director - Economy Transport and Communities, the proposal was for a change of use of the land from a former coal stocking yard to an inert waste and wood waste transfer and skip storage operation. The recycling facilities would provide a facility which would result in the recycling of waste locally instead of it being sent to landfill or transported for recycling further afield, which complied with Government policy and helped achieve the targets for landfill diversion. Details of the proposal, together with comments received from consultees and following publicity were contained within the report of the Strategic Director - Economy Transport and Communities.

The report identified and examined the key planning considerations relating to the application. These were need for the development, Development Plan compliance, ecological impact, and environmental impact.

Taking into account all the economic, social, environmental and planning policy factors, the recycling facility was considered an acceptable

development in this area of previously developed land, subject to being controlled by planning conditions.

The Strategic Director commented in the report that the benefits of delivering the recycling facilities were considered, on balance, to outweigh such negative impacts as might be experienced on residential, amenity, and ecology. The potential for the site to contribute to a development of a wider land area for rail freight purposes, which was promoted by the South Derbyshire District Local Plan would be supported for the longer term through the imposition of the 10 year use limit and clearance conditions which formed part of the proposed draft conditions. A condition restricting permitted development rights for other uses and buildings and structures was also considered necessary so that future rail freight needs that might come to fruition were not impeded by permanent buildings affecting the site's capacity for potential freight use needs.

The report concluded that, subject to conditions, the development would be in accordance with national and local planning policy contained in the National Planning Policy Framework, Derby and Derbyshire Waste Local Plan and the South Derbyshire District Local Plan.

David Allcock addressed the Committee on behalf of the applicant. He confirmed that the waste which would be imported would be inert material and wood and explained that the skip storage proposal would be located on a part of the site furthest away from residential properties. He commented that the benefits would be an increase in recycling in the area, increased employment, and the management and maintenance of a local wildlife site. He reported that the applicant had applied for an Environmental Permit.

Some members sought clarification regarding the reason for the proposed time limit on the use condition having a period of ten years. The Strategic Director's representative at the meeting commented that the change of use of the site would require investment and therefore having regard to South Derbyshire District Local Plan Policy INF2 Diii, a ten year period would be an appropriate time limit on the development which would preserve protection of the site for potential subsequent use for rail freight purposes.

From discussion, members considered that a grant of permission subject to conditions as recommended was appropriate, provided that an additional condition was included to provide for the establishment and operation of a local liaison committee in respect of the development under the permission to facilitate communications between the developer and local residents on any issues of concern such as hours of operation and noise.

RESOLVED that planning permission be granted subject to conditions based on the draft conditions contained within the report of the Strategic Director - Economy Transport and Communities and an additional condition to provide for the establishment and operation of a local liaison committee in respect of the development under the permission.

83/17 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

84/17 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 9 October 2017 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.

85/17 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

86/17 **DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING** **RESOLVED** to receive the Planning Services Development Management Performance Management Statistics for 11 July to 9 October 2017.

87/17 **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 – 31 August 2017

- 1 Application under Section 73 Not to Comply with Condition 15 of the Previously Approved Permission CD3/0712/31 to Allow for a Security Fence to be Erected within the Site Boundary along the A6 at Meadow View Care Centre, Bakewell Road, Matlock
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0617/24
- 2 Proposed Re-Location of an Oil Storage Tank form within the School in to a Natural Stone Enclosure Adjacent to the Boiler House at Osmaston C of E Controlled Primary School, Moor Lane, Osmaston
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0717/29

- 3 Proposed Erection of an Infill Extension within the Courtyard of the Main School Building, an Infill Extension between Two of the Detached Classroom Blocks, Demolition of a Timber Framed Classroom Block, Installation of Walkway Canopies, Installation of New Security Fencing and Realignment of Existing Fencing, Installation of a New Play Area and Alteration to Existing Hard Play Surfaces and the Installation of Two Multi Use Games Areas onto the School Field at Pottery Primary School, Kilbourne Road, Belper
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0816/42
- 4 Request for the Council's Prior Approval for the Construction of an Asphalt Plant and Relocation of a Dust Shed at Dowlow Quarry, Buxton
Applicant: Breedon Southern Ltd
Submission Code No: PD17/1/64
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD3013

(b) Delegation Meeting – 7 September 2017

- 1 Proposed Roof Replacement Works incorporating the Removal and Replacement of Roof Tiles and Installation of Insulation at Old Hall Junior School, Old Road, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0617/20
- 2 Retrospective Application to Construct a Fenced Compound to Enclose a Below Ground Sewage Pumping Station, Including Two Weather Proof Plant Enclosures and a Vent Stack to Provide a Foul Sewer Connection for the Service Diversion Works on the Markham Vale Development of Seymour Link Road, Site of Former Seymour Colliery, Woodthorpe
Applicant: Yorkshire Water Services Ltd
Planning Application Code No: CW5/0517/13
- 3 Proposed Amendments to the Environmental Method Statement for the Seismic Surveys to be undertaken within UK Onshore Petroleum Exploration Licences PEDL 299, 300, 307 and 308
Applicant: Ineso Upstream Ltd

(c) Delegation Meeting – 14 September 2017

- 1 Proposed Erection of Security Fencing and Gates and Retrospective Request for the Retention of a Two Classroom Temporary Building at Springfield County Primary School, High Street, Springfield Road, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0717/31

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