

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 5 March 2018.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, J Frudd (substitute Member), A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P Smith (not site visit) and B Wright.

Councillor S Marshall-Clarke attended the meeting as local Member in respect of the Petition item (Minute No 17/18)

Apologies for absence were received from Councillor D Charles.

Councillor Ford declared an interest in respect of the proposed Revocation Order relating to planning permission at Potlocks House Farm, Twyford Road, Willington (Minute No 20/18) having expressed support for the proposed Order.

No Significant Lobbying had been received

16/18 **SITE VISIT** In accordance with the Code of Practice Members visited the site at Ilkeston (Minute No 19/18).

17/18 **PETITION RESOLVED** that (1) the petition listed below be received: -

<u>LOCATION/SUBJECT</u>	<u>SIGNATURES</u>	<u>LOCAL MEMBERS</u>
Objections to proposed erection of new secure boundary fence 2.4m high weldmesh, with 2no matching single gates and the removal and relocation of existing steel palisade fence with new matching double gate – at Leys Junior School, Flowery Leys Lane, Alfreton (Code No: CD6/1117/68)	48	Councillors S Marshall-Clarke and P Smith

(2) the Strategic Director – Economy, Transport and Environment be asked to investigate the matters raised as part of the planning considerations.

18/18 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 29 January 2018 be confirmed as a correct record and signed by the Chairman.

19/18 **PROPOSED EXTENSION OF STORAGE FACILITIES AT JOHNSON AGGREGATES AND RECYCLING, AT THE FORMER SAINT-GOBAIN SMALL VALVES BUILDING AND YARD, QUARRY HILL INDUSTRIAL ESTATE, OFF MERLIN WAY, ILKESTON APPELLANT: JOHNSON AGGREGATES AND RECYCLING LIMITED (CODE NO: CW8/0817/37)**

The application, which was in part retrospective, sought permission to extend in area an established waste management facility to provide a yard for storage facilities on land within the Quarry Hill Industrial Estate at Ilkeston. The application sought permission to utilise approximately 1 hectare

(ha) of part derelict industrial land to provide storage facilities for waste ash derived from the applicant company's adjoining approved and established Incineration Bottom Ash (IBA) recycling facility.

Details of the application, together with comments received from consultees and following publicity were contained in the report of the Strategic Director - Economy, Transport and Environment. The application had been accompanied by a Flood Risk Assessment, a Contaminated Land Assessment, a Noise Assessment, a Dust Management Plan, a Coal Mining Report and a Preliminary Ecological Appraisal.

The report referred to planning policy considerations, including development plan policies and the National Planning Policy.

The application site lay within an area allocated in the Erewash Core Strategy (ECS) for the Stanton Ironworks Redevelopment site. In view of this, a key consideration in the determination of this application was whether the proposed use was appropriate, in the context of the proximity of the proposed (and now designated), Stanton Regeneration Project (SRP), together with the potential impacts that the proposed storage of the IBA would have on this area. The Strategic Director commented in the report that visually and operationally the site would be a natural extension to the established IBA recycling facility; the land was not prominent in this landscape; was not close to residential areas of the town; was served by a good access and, other than boundary walls, no permanent structures were proposed to be erected. Having given due consideration to this and, on balance, he satisfied that the

proposed development would not bring detrimental impacts to, or prejudice the future development of the SRP and considered that the potential environmental impacts could be controlled by condition.

Concern had been raised regarding the proposed long term suitability of the land for the use, having regard to the SRP. Under the report, the Strategic Director had found that the aspiration of the SRP was a relevant consideration but was not of such significance to merit refusal of the application, provided that permission to be granted was subject to condition, including one to limit use of the development under the permission to 10 years.

The Strategic Director's representative at the meeting drew attention to a letter to the Council from the applicant's agent, Bond Planning Consultants, after the report had been published. The letter referred to the difficulties that a condition limiting use under the planning permission to 10 years (draft condition 4) would cause for the deliverability of the proposed development. The Strategic Director's representative commented that if this letter had been received before the report had been prepared this might have affected the officer's recommendation with regard to that draft condition.

Mr Johnson addressed the Committee on behalf of the applicant for the proposal. He commented on the cost of investment the Company had made on the site and the increase in people employed there. The company wanted to invest and expand and the current proposal would require a further substantial investment, which could not be justified if permission was limited to a 10 year period. He also confirmed that the height of the proposed wall, which the Borough Council had expressed concern over in its response, was to a height of 5m above ground, not 8m as 3m was to be its depth below ground level. The scheme to be approved for proposed landscaping area would restrict the visibility of the site from outside.

Mr Bond was the applicant's agent and commented that the company was happy to comply with 37 of the 38 proposed conditions, the exception being condition 4, which related to the duration of the permission for 10 years only. He also referred to the comments expressed by Erewash Borough Council. He stated that the proposed area of the application was within an area recognised for industrial use, and confirmed that the proposed wall would only be 5m high.

Councillor Frudd commented that the objections submitted by Erewash Borough Council could be overcome by the proposed landscaping and that the proposal would create more jobs in the area. Whilst supporting the officer's recommendation he suggested that draft condition 4 should be removed from the draft conditions for the proposed planning permission.

Councillor Smith was also concerned regarding the 10 years limitation. He considered that the additional information supplied by the applicant and the officer's comments on this provided satisfactory clarification for him to support the removal of draft condition 4.

Councillor Mihaly also considered that the proposed 10 years duration condition should not be supported and suggested that any limitation of the permission to less than 25 years could unduly hinder the development.

RESOLVED that planning permission for the development under the above application be approved, subject to a set of conditions substantially in the form of the draft conditions contained in the report of the Strategic Director - Economy, Transport and Environment, without the fourth numbered draft condition 4.

Councillor Ford having declared an interest in respect of the following item vacated the chair and left the meeting room whilst the proposal was considered.

Councillor Iliffe (in the Chair)

20/18 REVOCATION ORDER RELATING TO PLANNING PERMISSION AT POTLOCKS HOUSE FARM, TWYFORD ROAD, WILLINGTON Approval was sought to enable the Authority to make a Revocation Order in respect of planning permission CM9/695/28 for Potlocks House Farm, Twyford Road, Willington.

The Strategic Director - Economy, Transport and Environment explained in his report that the site was bounded by the former Willington Power Station to the west, to the north by Buckford Lane, which continued as Frizams Lane along the eastern site boundary and by the A5132 to the south. The site was used as grazing land. Land to the east of Frizams Lane was a Scheduled Monument which contained the remains of a Neolithic feature, known as a cursus, which was of national significance. The cursus spanned the site at Potlocks House Farm, which was the subject of this permission. A direct consequence of concentrated sand and gravel extraction at Potlocks House Farm would be the almost total loss of the cursus from this largely undeveloped site, as well as other archaeological features associated with it.

Planning permission code no CM9/695/28 had been granted for the winning and working of 2.2 million tonnes of sand and gravel at Potlocks House Farm. The permission, which had been granted in 1995, had replaced one dating from the 1970s which had never been implemented. Planning permission CM9/695/28 had been implemented by the operator in November 2010 following the approval of a number of pre-commencement submissions.

The implementation of the planning permission took the form of some limited (approximately 400 tonnes) extraction of sand and gravel. No quarrying operations had taken place at the site since November 2010.

Due to the archaeological sensitivity of the site and concerns regarding the prospect of the permanent loss of the archaeological resource through the working of the site, Hanson, the operator, had entered into a legal agreement with Derbyshire County Council under Section 106 of the Town and Country Planning Act 1990. The agreement had included a provision at paragraph that 'in the event that planning permission is granted to enable further commercially exploitable reserves of sand and gravel extraction in Derbyshire of not less than equivalent tonnage to that in or under the Land on land under the ownership or control of Hanson Quarry Products Europe Limited: (1) not to carry out the development beyond the Minerals Implementation Works (2) not to object to any revocation of the Planning Permission and (3) to not claim compensation arising from any revocation of the Planning Permission'.

The Regulatory – Planning Committee in September 2014 had resolved to grant planning permission (code no CM9/0811/53) for an extension to the sand and gravel workings at Shardlow Quarry, Acre Lane, Shardlow known as the 'Weston extension' (Minute No. 72/14 referred), which was under the ownership and control of the company, and planning permission for the Weston extension had been issued on 3 November 2015.

The Strategic Director - Economy, Transport and Environment considered that a Revocation Order in relation to planning permission CM9/695/28 would provide additional protection against any reactivation of this Potlocks Farm development. Whilst the legal agreement did provide good protection in itself, hypothetically it could be varied in the future, just as any planning obligation under Section 106 could be.

He further considered that, in this case, any further development at the site would be likely to damage or destroy the nationally significant cursus. In this instance, making the Revocation Order to extinguish the permission was also considered an appropriate course of action as it would provide the public with total certainty of the Mineral Planning Authority's commitment to ensuring the protection of the cursus.

A Revocation Order was, therefore, considered to be expedient in respect of the planning permission using powers under Section 97 of the Town and Country Planning Act 1990. Planning permission CM9/695/28 was subject to two planning conditions (conditions 27 [restoration] and 32 [aftercare]) relating to the restoration and aftercare of the site following mineral extraction operations, it was recommended that any Revocation Order should also be subject to these conditions.

RESOLVED to authorise (1) the making of a Revocation Order under Section 97 of the Town and Country Planning Act 1990 to revoke planning permission CM9/695/28 dated 23 November 1995 for winning and working sand and gravel from land at Potlocks House Farm, Twyford Road, Willington subject to restoration and aftercare conditions; and

(2) confirmation of the Order so made in the event of no objections being received from anyone with an interest in the land.

Councillor Ford (in the Chair)

21/18 REQUEST FOR AUTHORISATION TO ADOPT A LOCAL LIST OF REQUIREMENTS FOR FUTURE PLANNING APPLICATIONS SUBMITTED TO DERBYSHIRE COUNTY COUNCIL In accordance with guidance issued by the Ministry of Housing, Communities and Local Government (MHCLG), a draft revised list of County Council requirements for planning applications had been prepared for adoption and implementation by the Council. An extensive consultation had been undertaken with statutory consultees and a range of other interested parties, including minerals and waste companies operating in the County, planning consultants and other groups and individuals which had asked to be consulted on future planning issues.

Details of the specific observations and comments on them and recommendations from them were provided in the table in Appendix A to the report of the Strategic Director - Economy, Transport and Environment. These fell into three categories, namely those expressing support for the inclusion of a specific topic or topics, those suggesting amendments to the detailed requirements of topics already included on the draft list and, those suggesting the inclusion of other topics and or guidance in the Local List.

Another purpose of the exercise was to establish a set of local requirements for planning applications. The contents and responses to the representations, which made relevant suggestions to the form and content of the Local List, were provided in the table in Appendix A. An amended draft final Local List of requirements for planning applications was provided in Appendix B to the report.

RESOLVED to note that the draft final Local List of requirements for planning applications has been amended in light of the consultation responses and is to be adopted from 16 March 2018.

22/18 CURRENT ENFORCEMENT ACTION **RESOLVED to receive the report on Current Enforcement Action.**

23/18 **OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 5 March 2018 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.

24/18 **CURRENT APPEALS/CALLED-IN APPLICATIONS** It was noted that further to the information under the report of the Strategic Director - Economy, Transport and Environment on current appeals, the appeal decision had just been received in respect of the non-determination of the application for Hilltop Farm, Derby Road, Clay Cross (reference APP/U1050/W/16/3166227). The inspector had dismissed the appeal and planning permission had been refused on the grounds of unacceptable visual impact and noise impact. The associated economic benefits had been found to be too modest to outweigh the grounds for refusal.

RESOLVED to note the report on current appeals/called-in applications relating to County matters.

25/18 **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR FOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director for Economy, Transport and Environment under delegated powers on:-

1 February 2018

1 Retention and Refurbishment of Main Children's Home Building, Demolition of Two Storey Wing and Erection of New Two Storey Wing at Linden House, Church Street, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0317/107

2 Delegation Decision in Schemes Required by Planning Conditions:

- SD3094

8 February 2018

1 Delegation Decision in Schemes Required by Planning Conditions:

- SM3048

15 February 2018

- 1 Proposed Erection of an Additional Teaching Area for Key Stage 2 Children with an Approximate Area 69M2 and Internal Remodelling and Refurbishment of the Adjacent Toilet Block to Create Dedicated Male and Female Toilet Facilities for Key Stage 2 Children at Newhall Pupil Referral Unit, Memorial Hall School, Main Street, Newhall, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/1117/66

22 February 2018

- 1 The Erection of a Free-Standing, Steel Framed Canopy with Multi-Wall Polycarbonate Mono-Pitch Roof off the East Elevation of the School at Hadfield Infant School, Mersey Bank Road, Hadfield, Glossop
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0118/76
- 2 Replacement of Existing Single-Glazed Timber Windows and Doors with New Aluminium Double-Glazed Windows and Doors at Kilburn Infant and Nursey School, The Flat, Kilburn, Belper DE56 0LA
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0118/78
- 3 Erection of Two Classroom Detached Building, Dismantling of Prefabricated Garage and Erection of Replacement Garage, Erection of 1.2 Metres and 2.4 Metres High Fences, and Creation of Four Additional Parking Spaces at Linton Primary School, Main Street, Linton DE12 6QA
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0118/75
- 4 Delegation Decision in Schemes Required by Planning Conditions:
 - SM3061
 - SM3062
 - SM3063
 - SD3096