

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 4 December 2017.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, S Bambrick (substitute Member), A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P Smith (not site visit), and M Wall (substitute Member).

Apologies for absence were received on behalf of Councillors D Charles and B Wright.

Councillor Grooby declared that she had been lobbied by local residents regarding the Buxton application (Code No CW1/0817/46) (Minute No 99/17).

97/17 **SITE VISIT** In accordance with the Code of Practice members visited the site at Buxton (Minute No 99/17).

98/17 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 6 November 2017 be confirmed as a correct record and signed by the Chairman.

99/17 **APPLICATION TO NOT COMPLY WITH CONDITION 1 OF PLANNING PERMISSION REFERENCE CW1/1213/140 RELATING TO THE PREVIOUS PERMISSION TO NOT COMPLY WITH CONDITIONS 4 (CONSTRUCTION OF A SCREENING BUND) AND 22 (MOVEMENTS OF HEAVY GOODS VEHICLES) OF PLANNING PERMISSION CODE NO. CW1/0612/22 AT VICTORY QUARRY, FIELD FARM, BATHAM GATE ROAD, BUXTON APPLICANT: BARRY WOOD PLANT HIRE LTD CODE NO: CW1/0817/46** The application proposed permission for a further period of 10 years until 29 August 2027 of use of a site at Victory Quarry for the recycling of inert construction materials (clean soils, excavated materials and hardcore) imported from the local area and extended retention of a site screen mound, over the same period.

Details of the proposed development and site planning history were included in the report of the Strategic Director - Economy, Transport and Environment, together with comments received from consultees and following publicity. Members were reminded that the previous permission for such use of the site had included a condition requiring the use to cease by 29 August

2017. This had allowed the operator this period in which to find an alternative location for the recycling operation. Completion of the restoration of the site had also been expected by this date.

The application was assessed against the relevant development plan policies from the Derby and Derbyshire Waste Local Plan (DDWLP), Derby and Derbyshire Minerals Local Plan (DDMLP) and the High Peak Local Plan 2016 (HPLP), as well as the national guidance contained in the National Planning Policy Framework 2012 (NPPF), National Planning Policy for Waste 2014 (NPPW) and the Planning Practice Guidance (PPG). The key planning considerations for the application were whether extending the period of use of the site for waste recycling for a further 10 years would be contrary to the development plan, in respect of its countryside location and would be justified on an exceptional basis despite non conformity with the development plan. These were examined in the report.

The Strategic Director's representative at the meeting commented that the site was located in an open-countryside setting and that the character of the operation at Victory Quarry had changed from what was originally intended of quarry restoration to one which involved recycling of waste in its own right. The quarry was no longer being infilled for restoration at any significant rate. As stated in previous applications, the processing of inert waste material to produce recycled aggregate materials was a waste management activity that was considered to be suitable in other locations and, in particular, in a more industrial/commercial setting. Given the change in emphasis of the operation from restoration to recycling, it was considered that the need to have the operation in a countryside location was no longer a consideration to which material weight should be attached in the determination of this application. Members were reminded that the open countryside location had been considered on the previous two occasions when the Committee had approved temporary permissions in respect of Victory Quarry. Use for the temporary period of 10 years applied for would support a recycling activity rather than quarry restoration to benefit agriculture. As set out in the Planning Policy Guidance, temporary consents were not meant to be recurring events.

Representations received in support of the proposal and the lack of alternative locations in the area were acknowledged but did not provide sufficient significant material weight for the use of the land in the open countryside for waste activities to be acceptable.

Members discussed and spoke in overall support of the reasons in the officer's recommendation for refusal to grant permission under the application. Members recognised the environmental sustainability value of the successful recycling, which had been demonstrated by the operation undertaken at Victory Quarry, but did not find that it justified granting permission for its

further temporary continuation there. They also felt that if the applicant chose to pursue an investigation in order to find a site that was suitably located for an application for planning permission for a new inert waste recycling facility, this would still be a realistic objective, and that the County and District Councils, through officers, would be willing to provide guidance to the applicant to assist it in this respect.

RESOLVED that planning permission be refused for the following reason

- 1 Such a permission would allow a waste use to continue unnecessarily in a countryside location that would be contrary to Policy S2 of the High Peak Local Plan (HPLP) which restricts development outside defined settlement boundaries to that which has an essential need to be located in the countryside. There is no evidence for there being any material considerations which would provide a reason for granting permission in spite of this policy conflict.

100/17 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

101/17 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 4 December 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.

102/17 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

103/17 **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 Environment under delegated powers on:-

(a) Delegation Meeting – 9 November 2017

- 1 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD3021
 - SD3022
 - SD3023
 - SD3024

- SD3025
- SD3026

(b) Delegation Meeting – 16 November 2017

- 1 Proposed Erection of 2.44 Metres High Sports Fencing at Gilbert Heathcote Infant and Nursery School, Scarsdale Road, Whittington Moor, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0917/48
- 2 Proposed Replacement of Single Glazed Aluminium Windows with Double Glazed Units at Alfreton Library, Severn Square, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0917/49
- 3 Application for the Installation of an Anaerobic Digester and Associated Plant, Buildings and Machinery on Land at Stanton Recycling, Quarry Hill Industrial Estate, Off Cromton Road, Ilkeston, Derbyshire
Applicant: Phaidon Energy
Planning Application Code No: CW8/0817/38
- 4 Retrospective Application for Replacement of Timber Cladding, Single Glazed Windows and Doors with a Vulcan Cladding System and Double Glazed Aluminium Windows and Door Units at Eureka Primary School, Dunsmore Way, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0917/50
- 5 Proposed Secondary Access Route Using Existing School Maintenance Access from Derby Road for Small Site Vehicles and Contractor Parking at Aston-on-Trent Primary School, Long Croft, Derby, DE72 2UH
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0917/51
- 6 Proposed Extension to the Timescale for Undertaking the Seismic Survey Work within UK Onshore Petroleum Exploration Licences 229,300,307 and 308
Applicant: INEOS Upstream Ltd
- 7 Delegation Decisions on Schemes Required by Planning Conditions:
 - SM3029

(c) Delegation Meeting – 23 November 2017

- 1 Proposed Erection of Security Fencing at Buxton Community School, College Road, Buxton
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0917/47

(d) Delegation Meeting – 30 November 2017

- 1 Update on the Remediation Works and Completion Report (Condition 29) Relating to the Remediation of the Former Avenue Coking Works Site at Derby Road, Wingerworth
Applicant: Homes and Communities Agency
Planning Application Code No: CW4/1115/112
- 2 Non-Material Amendment to CD1/0216/137 to Amend the List of Approved Plans Associated with Condition 2 at Glossopdale Community College, Newshaw Lane, Glossop SK13 2DA
Applicant: Derbyshire County Council
Planning Application Code No: NMA/1017/58
- 3 Delegation Decision in Schemes Required by Planning Conditions:
 - SD2995
 - SD3014