

PUBLIC

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 8 April 2019.

**PRESENT**

Councillor M Ford (in the Chair)

Councillors J Atkin, D Charles, A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P Smith, and B Wright.

No interests were declared.

No Significant Lobbying had been received.

**19/19**      **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 4 February 2019 be confirmed as a correct record and signed by the Chairman.

**20/19**      **TERMS OF REFERENCE** As members were aware, a review of the Council's constitution, including the terms of reference for all committees was in progress. The changes were due to be considered finally by the Standards Committee on 12 April 2019, to enable the revised constitution to be approved at the Full Council on 15 May 2019.

Janie Berry, Director of Legal Services, provided an oral summary of what was proposed in the review with regard to the Committee. The terms of reference for the committee needed to be consolidated as part of the review. The revised draft constitution also incorporated an up to date code of good planning practice, and revised delegations to officers. The new terms of reference for the committee which were being recommended were set out in the Appendix to the report of the Director for this item (item 5 on the agenda). They were drafted to accord with the draft revised constitution overall, including the revised delegations.

Members were invited to raise any comments and questions. Some concerns were expressed about the committee taking on responsibility for village greens rights of way and other regulatory matters which had previously been in the remit of Regulatory -Licensing and Appeals Committee.

The Director explained that these matters were not expected to be more than very occasional items in the committee business because in most respects the revised delegations allocated these matters for determination by

officers. She also explained that training would be provided for all committee members and substitutes as required, and that there would be an initial review of the revised constitution after it had been operating for six months from approval.

**RESOLVED** to approve the terms of reference as set out in the Appendix to the Director of Legal Service's report.

**21/19      PROPOSED EXTENSION TO PROVIDE 3 NO. CLASSROOMS AND A CATERING KITCHEN. ALTERATIONS TO THE EXTERNAL PLAY AREAS AND PLAYING FIELD, WITH THE ADDITION OF A MULTI-USE GAMES AREA AND SIX ADDITIONAL CAR PARKING SPACES AT STANTON COUNTY SCHOOL, WOODLAND ROAD, SWADLINCOTE DE15 9TJ APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD9/0119/86**

The Strategic Director reported that this application was for the extension to the existing school to provide three additional classrooms and a catering kitchen. The proposed development also involved alterations to the existing playing field to provide hard play/PE area, Multi-Use Games Area (MUGA), a new sports pitch and six additional car parking spaces.

The site was located in the Green Belt as identified in the South Derbyshire Local Plan: Part 1 (SD-LP1) (2016) and it was considered that the development would be a departure from the development plan, as school buildings were not listed as being appropriate development in Green Belt in the SD-LP1 or the National Planning Policy Framework (NPPF).

Consultations had been carried out and details of the responses received were given in the Strategic Director's report. In considering the proposals, the Strategic Director had had regard to concerns relating to design and visual impact, the playing field development in the Green Belt, landscape and ecology impact, and traffic & Highways highway impacts, and was satisfied that the effects of the development could be managed and mitigated through an appropriate set of conditions.

In conclusion the Strategic Director, felt that the proposal would contribute towards the provision of the school places within the normal catchment area as a result of new housing developments and other schools becoming full or nearing capacity. The development would provide essential infrastructure for the local community, new job opportunities and catering facilities at the school. He did not consider that it would result in any significant impacts that would warrant refusal of the application.

The Strategic Director considered that there was a justified need for the development at the school. The proposed site was situated within the Green Belt, and therefore the development would be a departure from Green Belt

policy. It was also accepted that it was essential in this location, forming as it did a strategic approach to school place planning in the locality on the part of the applicant, which would assist towards meeting the rising demands for school places within the local area. Therefore the Strategic Director was of the view that the proposal would represent 'very special circumstances' and recommended to the Committee that planning permission be granted subject to the conditions set out in his report.

**RESOLVED** that planning permission be granted, subject to the conditions contained in the report of the Strategic Director Economy, Transport and Environment.

**22/19      REVOCATION ORDER RELATING TO PLANNING PERMISSION AT HOE GRANGE QUARRY, BRASSINGTON, DERBYSHIRE** The Strategic Director sought approval from the Committee to enable the Council, as Mineral Planning Authority, to make an order to revoke planning permissions ASR365/7 and ASR/96512 for Hoe Grange Quarry, Brassington.

Hoe Grange Quarry, which had a surface area of 4.75 hectares (ha), was north-west of the village of Longcliffe and was accessed via a track which led off an unclassified road which ran northwards from Longcliffe crossroads towards Aldwark. The site was surrounded by open agricultural land to the north, east and west, with the High Peak Trail forming the southern site boundary. The site was located in open countryside and was close to the boundary of the Peak District National Park which lies to the north and west.

The site was characterised by areas of bare ground, calcareous grassland, tall herb/ruderal grassland, exposed rock faces, a disused dew pond and broadleaved woodland.

There were no statutory or non-statutory built heritage or nature conservation designations within the site, although there were a number close by. Aldwark Conservation Area was 1.15 kilometres (km) to the north-east. Three grade II listed buildings (a milestone, a railway bridge and Longcliffe Station) are approximately 225 metres (m) to the south at Longcliffe. Further groupings can be found at Aldwark (three grade II listed farmhouses and farm buildings) to the north-east. The High Peak Trail Local Wildlife Site (LWS), of interest for its unimproved calcareous and neutral grassland, and a Derbyshire Red Data Book species, Dark Mullein, was immediately adjacent to the southern boundary of the site Management plan. The nearest residential properties were located to the north on the unclassified highway and include Haven Hoe Farm.

Hoe Grange Quarry was subject to two planning permissions (code numbers ASR/365/7 and ASR/965/12) for the winning and working of dolomite,

limestone and associated minerals. Mineral extraction at the site was known to have taken place since the first half of the twentieth century, the two planning permissions granted during the 1960s seeking to recommence working in previous working areas, with any overburden and mineral stock piles being located within the wider historic quarry workings. The historic quarry workings also covered a far wider area than that covered by the two planning permissions, which combined only occupied approximately a third of the overall site. No quarrying operations had taken place at the site since approximately 1990.

Hoe Grange Quarry was identified as an 'Active Phase I Site' in the Council's Environment Act 1995, Section 96 and Schedule 13 Review of Mineral Planning Permissions 'First List of Sites', which was produced in 1996. Schedule 13 of the Environment Act 1995 required that all active first list sites were subject to an Initial review of Old Mineral Permissions (ROMP) for the update of conditions. Whilst the then owner of the site did submit information to the Council in January 1999, it was not considered sufficient to enable the application to proceed. The Initial Review application was therefore considered to be 'stalled' and remained undetermined.

In the intervening period between the submission of the ROMP and the present day, the current landowner had considered a number of alternative schemes for the restoration and subsequent use of the site. However, due to the open countryside location, the high sensitivity of the surrounding landscape and the adjacent High Peak Trail, these schemes were not progressed. The landowner had recently allowed Derbyshire Wildlife Trust to manage the site as the Hoe Grange Nature Reserve. The site, which was particularly notable for butterflies and other invertebrates, was also known to support birds, as well as other species of notable flora and fauna. Following a Phase 1 Habitat Survey, undertaken in 2010, a 10 year Habitat Management Plan (2016-2026) has been drawn up by Derbyshire Wildlife Trust which seeks to maximise the potential for invertebrates at the site.

Long term management of the site would result in significant biodiversity gain in respect of invertebrates, as well as its visually sensitive location in open countryside, close to the High Peak Trail and the Peak District National Park.

The Mineral Planning Authority has the power to revoke planning permissions under Section 97(1) of the Town and Country Planning Act 1990 ('the Act'), as amended, where it appears to the Authority that it is expedient to do so. Section 97 enables planning authorities to revoke a planning permission to such an extent as they consider expedient.

Despite the current active management of the site for the benefit of invertebrates by Derbyshire Wildlife Trust, there was always the potential that

ownership of the site could change and mineral extraction operations recommence. Under those circumstances, the Strategic Director considered that a revocation order in relation to planning permissions ASR/365/7 and ASR/965/12 would provide additional protection against reactivation of the Hoe Grange Quarry development.

Any further development of the site would be likely to damage or destroy its wildlife habitats, as well as harm the visual amenity of the surrounding area and the character of the National Park. In this instance, making a revocation order to extinguish the permissions was also considered to be an appropriate demonstration of the Council's commitment to the protection of the amenities of the area and in respect of biodiversity gain. The Strategic Director, was, therefore, of the view that it was expedient to issue a revocation order in respect of the planning permissions using powers under Section 97 of the Act.

**RESOLVED** to approve (1) the making of a revocation order under Section 97 of the Town and County Planning Act 1990 to revoke planning permissions ASR365/7 and ASR/96512 to win and work dolomite, limestone and associated minerals at Hoe Grange Quarry, Brassington subject to aftercare condition provided that the landowner had agreed to the content of the order, with confirmation that it would not seek compensation as a result of the order being made; and

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

**23/19      CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

**24/19      OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 8 April 2019 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.

**25/19      CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate

**26/19      DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING RESOLVED** to receive the Planning Services Development Management Performance Management Statistics for 1 January 2019 to 31 March 2019.

**27/19      MATTERS DETERMINED BY THE STRATEGIC  
DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER  
DELEGATED POWERS**

**RESOLVED** to note that the following applications had been approved by the Strategic Director Economy, Transport and Environment under delegated powers on:-

**7 February 2019**

- 1      Installation of an Above Ground Gravity Sewer Pipeline to Provide First Time Sewerage for a Number of Properties in Upperwood, Matlock Bath at Land at Upperwood and Gulliver's Kingdom, Temple Road, Matlock Bath  
Applicant: Severn Trent Water Limited  
Planning Application Code No: CW3/1118/70
- 2      Proposed Installation of Stainless Steel Canopy to Replace Existing Timber Structure and Associated External Works, including Installation of External Play Equipment, Soft Play Surface and Water Feature at Ripley Nursery School, Sandham Lane, Ripley  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/1018/58
- 3      Delegation Decisions on Schemes Required by Planning Conditions:
  - SM3200

**14 February 2019**

- 1      Erection of a Detached Two Classroom Modular Building and Covered Walkway Canopy at Hady Primary School, Hady Lane, Hady, S41 0DF  
Applicant: Severn Trent Water Limited  
Planning Application Code No: CD2/1218/78
- 2      Proposed Redevelopment of a Games Court with Installation of Replacement Fencing and Resurfacing at Glebe Junior School, Hamlet Lane, South Normanton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/1218/76
- 3      Proposed Erection of a Galvanised Steel Storage Shed at Longmoor Primary School, Newstead Road, Long Eaton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD8/1218/77

- 4 Retention of Existing Weighbridge at Rainbow Waste, Units U to V,  
Robian Way, Swadlincote, DE11 9DH  
Applicant: Mr C Hill  
Planning Application Code No: CW9/0218/92
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
  - SD3204

## **21 February 2019**

- 1 Construction of a Two Classroom Standalone Building at Leys Junior  
School, Flowery Leys Lane, Alfreton, DE55 7HA  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/1018/66
- 2 Proposed Section 73 Application to Not Comply with Conditions 3, 7  
and 8 of Planning Permission CD9/0317/107 at Linden House, Church  
Street, Swadlincote, DE11 8LF  
Applicant: Derbyshire County Council  
Planning Application Code No: CD9/1218/75
- 3 Delegation Decisions on Schemes Required by Planning Conditions:
  - SD3203
  - SD3207

## **7 March 2019**

- 1 The Erection of Aluminium Canopy to the Rear of the School, Creating  
an All Weather Learning/Play Space at Wessington Primary School,  
The Green, Wessington, DE55 6DQ  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/0119/79
- 2 The Removal of Existing Slate Roof Covering, Replaced to Match  
Existing, includes the Replacement of Rain Water Goods and Lead  
Flashings at Wessington Primary School, The Green, Wessington,  
DE55 6DQ  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/0119/82

## **14 March 2019**

- 1 Proposed Section 73 Application to Not Comply with Condition 3 of

Planning Permission CD4/0417/2 at North of Dronfield Railway Station,  
Chesterfield Road, Dronfield  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/0119/84

- 2 Proposed Retention of Existing Buildings, Externally Sited  
Containerised Generator and Transformer, Photovoltaic Panels, Gas  
Meter Cabinet, Pipework, Ancillary Equipment, Boundary Features and  
Landscaping and Change of Use of the Whole Site to an Electricity  
Generation Facility Fuelled by Natural Gas at Shirebrook Energy Park,  
off Portland Drive, Shirebrook  
Applicant: Infinis Alternative Energies  
Planning Application Code No: CM5/1118/72
- 3 Delegation Decisions on Schemes Required by Planning Conditions:
  - SW3188
  - SD3194
  - SD3210

#### **21 March 2019**

- 1 Proposed Erection of 2.4 Metres High Security Fencing, Alterations to  
a Site Access and Retrospective Request for Planning Permission for  
a Reading Shed at Ladywood Primary School, Oliver Road, Kirk  
Hallam, Ilkeston  
Applicant: Derbyshire County Council  
Planning Application Code No: CD8/0119/85

#### **4 April 2019**

- 1 Proposed Replacement of Flat Roof Coverings and Insulation. Proposed  
Insulation is to Increase Roof Depth by a Maximum of 260mm, therefore a  
Tiered Fascia Board is to be formed at Clay Cross Library, Holmgate Road,  
Clay Cross  
Applicant: Derbyshire County Council  
Planning Application Code No: CD4/1218/74