

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 5 September 2016.

PRESENT

Councillor B Wright (in the Chair)

Councillors D Charles, C Cox (substitute Member), J Dixon, S Freeborn (substitute Member), Julie Hill, R A Parkinson (for reconvened meeting from Minute No 72/16), J Twigg and D Walton (substitute Member).

Apologies for absence were received from Councillors M Ford, R Hosker and T Southerd.

70/16 **SITE VISITS** In accordance with the Code of Practice Members visited the sites at Grassmoor (Minute No 73/16) and Willington (Minute No 74/16).

71/16 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 8 August 2016 be confirmed as a correct record and signed by the Chair.

72/16 **PROPOSED EXTENSION OF TIME FOR THE SUBMISSION OF AN APPLICATION UNDER THE ENVIRONMENT ACT 1995 (SCHEDULE 14) FOR APPROVAL OF CONDITIONS TO WHICH A PLANNING PERMISSION IS TO BE SUBJECT (FIRST PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS OR ‘ROMP’ APPLICATION) AT DOWLOW QUARRY, STERNDAL MOOR, BUXTON (DISPOSAL OF MINERAL WASTE/MINERAL WINNING AND WORKING), HPK/680/675 (DISPOSAL OF MINERAL WASTE), CM1/1292/57 (DISPOSAL OF MINERAL WASTE) APPLICANT: HOPE CONSTRUCTION MATERIAL LTD**

Hope Construction Materials Ltd had asked for the agreement of the Minerals Planning Authority to further postpone the date by which an application had to be made to determine a new scheme of conditions to which the above permission related from 28 October 2016 until 28 October 2017.

The report of the Strategic Director for Economy, Transport and Communities explained that the reasons for the request were to allow for the completion of the detailed design of the landform associated with the proposed alternative quarry waste tipping scheme to be finalised, so as to ensure that any consequential impacts to the working of the main quarry site were factored into the working/restoration schemes and Environmental

Statement, which were currently being prepared in support of the RoMP application. The Strategic Director was of the opinion that it would be preferable to allow the company its request in order to enable it to finalise the new proposal, together with any consequential revisions to the approved working schemes. He considered that the conditions relating to environmental impacts, such as noise, dust, blast vibrations etc, approved in 1998, were still robust and that they would allow the current mineral extraction and processing operations at the site to be controlled to acceptable modern standards. In addition, a submission under Condition 16 of the approved 1998 conditions, providing a new scheme of working, reclamation, landscaping and aftercare, had been approved by the Authority in late 2012. In his view, such mitigations would generally provide sufficient and appropriate control over all matters of environmental concern. In that context, the deferment of the first periodic review to October 2017 would not appear to present any fundamental problems.

RESOLVED to authorise the Strategic Director – Economy, Transport and Communities to agree in writing to the due date for the submission of an application under paragraph 6 of Schedule 14 of the Environment Act 1995, for approval of new conditions with the planning conditions to which planning permissions 1986/9/10 (disposal of mineral waste/mineral winning and working), HPK/680/675 (disposal of mineral waste), CM1/1292/57 (disposal of mineral waste) at Dowlow Quarry are to be subject being 28 October 2017.

73/16 SECTION 73 APPLICATION TO NOT COMPLY WITH
CONDITION 9 OF PLANNING PERMISSION CW4/1214/115, TO
PERMANENTLY RETAIN THE TEMPORARY CAR PARK PROVIDED FOR
THE CARRYING OUT OF WASTE TREATMENT OPERATIONS FOR THE
REMEDIAL OF TAR SLUDGE/WASTES AND SUBSEQUENT
RESTORATION OF AMENITY USES AT GRASSMOOR LAGOONS,
GRASSMOOR COUNTRY PARK APPLICANT: DERBYSHIRE COUNTY
COUNCIL (CODE NO. CW4/1215/126) (Minute No 53/16) The above application had been reported to and initially considered by Committee at its meeting on 11 July when issues requiring further information had been raised and it had been resolved to defer further consideration of the application to enable the Committee Members to undertake a site visit.

The report on the application which the Strategic Director for Economy, Transport and Communities had produced for this meeting provided further details about the proposal for permanent car park retention. These details included an explanation by the Park Manager and a colleague of the concerns about the potential impacts from retaining the car park on a permanent basis, which had been raised by the local Member, Councillor Julie Hill at a meeting on 15 April 2016 and further explanation regarding anti-social behaviour, flooding concerns, headlight scatter, and landform changes.

The Strategic Director's representative at the meeting explained that retaining the car park would provide considerable public benefit bearing in mind that more use would be made of the Country Park for recreational and community events now that the lagoons had been remediated. He affirmed that he understood that the area that had previously been used informally for parking was needed by the Council as a means of access for its use at all times to and from the Country Park, and that the area was not a practical location for permanent car parking.

He confirmed that the only reports of anti-social behaviour in the car park which had been received were those which had been provided through the representations referred to in the report. Neither the Countryside Service nor the Park Manager had received any other reports of anti-social behaviour in the car park, either from local residents or the Police. The Park Manager had confirmed that during the three years the car park had been in operation there had been three minor incidents of fly tipping, all of which were cleared up within 48 hours. Since the meeting in July, the Park Manager had contacted the Police for any updated information, but again no reports of anti-social behaviour were understood to have been reported to them.

The Park Manager had confirmed that there had not been any flooding issues at the entrance to the car park or other problems of standing water. The car park entrance had been installed and laid out with a drainage grill connected to the highway drain which took water away from the area. The public highway in the vicinity of the car park entrance also contained several drainage grills.

The Park Manager had confirmed that the alignment of the car park entrance/exit slope had been altered from its original design to ensure that car headlights of vehicles exiting the car park would be sloping downwards and not towards the windows of residential properties on the opposite side of the road.

Concerns had been raised about the size and shape of the bunds at the side of the car park. The ground levels on the western side of the car park had not been altered to any perceptible extent during the construction period but a bund had been created on the eastern side. The current application proposed to reduce the height of this by approximately 0.6 metre and wooden bollards would be installed on the inside of the remaining slope to prevent cars from driving up and down this area. The Park Manager had also confirmed that, if considered necessary, the bund could be lowered even further.

The Strategic Director had concluded that the issues raised at the previous meeting did not warrant refusal of the proposed retention of the car

park on a permanent basis. He considered that it would not give rise to any unacceptable adverse impacts on the amenity of the area and would provide a beneficial facility for users of the Country Park.

Mrs Thompson and Mr Hubbock who had each made representations on the proposal and addressed the Committee at the meeting in July each addressed the Committee again.

Mrs Thompson stated that she felt let down by the Council and maintained her concerns relating to nuisance, flooding in her garden from the road, which had not occurred previously, and poor sightlines from the left when leaving the car park.

Mr Hubbock reminded the Committee that he lived opposite the bund wall and he did not feel that a reduction in its height by 0.6m would make any significant difference. He commented on the area previously used for car parking; having very good visibility, being level to the road, and not having a history of anti-social behaviour.

Councillor Hill re-iterated concerns previously raised regarding headlight scatter and that the back of the car park was higher than at the entrance. She felt that the anti-social behaviour had moved to this car park. She considered that if the proposal had to go ahead then it would be essential from the outset for a lockable gate at the car park entrance to be shut overnight to avoid night time use, and that local residents would volunteer to manage the gate shutting. She also still had concerns regarding flooding in the vicinity, and danger from speeding vehicles. She suggested that access to the Country Park could be achieved from the other side of the Park.

Councillor Twigg considered that if the height of the bund was lowered, as there were no trees around the site, the anti-social behaviour would cease. She also considered that the car park would be safer if it had lockable gates at the entrance.

Councillor Charles agreed that exit visibility would have been better at the area previously used for parking. She questioned whether the drainage gully in the car park was sufficient. She considered that headlights glaring into bedrooms would cause disturbance; and that the car park should be gated, with a suitable notice stating times when the gate would be locked.

Members concurred that, even without any unlawful or conscious anti-social element, a continuing public usage of the car park could nevertheless through noise and light intrusion cause significant disturbances to nearby residents.

Councillor Walton suggested a ramp at the exit to the car park would slow vehicles down when leaving, but it was pointed out that this would also lift beams from car headlights.

The Strategic Director's representative commented that the proposal for retention of the car park reflected the recent success of the Country Park in attracting visitors and a consequent need for better parking provision. The car park had been set out to appropriate car park standards and consideration had been given to its location. The previous car parking area had never been designed as a car park but had just been an area where people had chosen to park their vehicles. There had never been any promise that it would either continue to be available or be upgraded. The Countryside Service had experience in managing many car parks in the County and this car park was regarded as being of a good standard. He also commented that Derbyshire County Council had established ways of discouraging anti-social behaviour at its car parks, which could involve liaison with the Police. He commented that in general the Countryside Service did not favour night time locking of car parks. He suggested that to overcome the points of concern that had been expressed by Members in this case, a grant of planning permission under the application could nevertheless be subject to additional requirements by condition to require a scheme of car park management to be implemented which might include a monitoring period of 6 months to determine whether a gate would be installed at the car park to limit its use to the daytime. He reiterated that there was no evidence that the car park had caused flooding in the area. He emphasised that the Council as Highway Authority consultee had not raised any concerns and had been entirely satisfied regarding the car park and its access, including the dimensions of the associated visibility splay, which met its model standards. Members were reminded that the bund would be reduced by 0.6 metres and a landscaping scheme could be required (as provided for under the officer recommendation by draft condition 9), which would also improve the appearance of the area.

Several Members indicated that they remained dissatisfied regarding the extent to which residents living nearby might experience disturbance through continuing use of the car park.

Some Members referred to doubting that any system for daily car park opening and closing through entrance gating that might be imposed by condition would be fully effective in preventing disturbances occurring during times of closure.

A motion was proposed and seconded to approve the grant of planning permission, subject to conditions based on those in the officer's recommendation, and an additional condition to be finalised by officers to provide for a scheme of car park management that would include provision for

monitoring over a six-month period and restriction of car park use to daytime hours, by means of entrance gating if after monitoring this was found to be required. This motion was defeated.

Following further discussion to provide a reasoned refusal to grant planning permission, a further motion was proposed and seconded and this motion was carried.

RESOLVED that the application for planning permission be refused on the grounds of unacceptability having regard to the impacts on the amenity of the local area that would be associated with the proposed car park retention.

74/16 PROPOSED APPLICATION TO CONSOLIDATE PREVIOUS PLANNING PERMISSIONS AND EXTENSION OF EXISTING QUARRY, INVOLVING THE EXTRACTION OF SAND AND GRAVEL WITH RESTORATION TO CONSERVATION WETLAND AND LOWLAND MEADOW, RETENTION OF EXISTING AGGREGATE PROCESSING PLANT, SILT LAGOON, READY MIX CONCRETE PLANT, ACCESS/HAUL ROAD, SIGNS AND SOIL BUNDS AT WILLINGTON QUARRY, CASTLEWAY LANE, EGGINTON APPLICANT: CEMEX UK OPERATIONS LTD (CODE NO: CM9/0715/63) The background to and details of the proposal were explained in the report of the Strategic Director for Economy, Transport and Communities, together with comments received from consultees and following publicity. The planning issues raised by the proposal were also addressed in the report. The main proposal was for an extension to the working area of the quarry complex known as Willington Quarry. It was proposed that extraction would progress to the south and west, enabling the production of a further 2.07 million tonnes of sand and gravel from an area of 34 hectares (ha). This would be worked in a series of six phases with a further one year period for the restoration works which would create areas of conservation based wetland, lowland meadows and water features. The proposal also sought to retain and use the existing processing plant, ready-mix facility, the access road and other ancillary features for the duration of the proposed extension period.

Copies of a letter of further representations in objection to the proposal on behalf of a resident in Newton Solney, which had been received following production of the report, was circulated at the meeting.

The Strategic Director's representative at the meeting reminded Members that the application was to be considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and that the considerations also needed to be taken into account, included the National Planning Policy Framework and the National Planning Practice Guidance.

He referred to the key considerations covered by the report and re-iterated that the key issues to be considered were the need for the material, as assessed against the latest demand/supply information, the environmental acceptability of the proposed method of working at the site, and whether there would be any significant cumulative impacts in the local area. He also made reference to the points of concern expressed in the letter circulated and explained that he was satisfied that the relevant considerations they referred to, including those related to prediction of landscape and visual impacts that the development would generate and particularly to any impacts on the two relevant local conservation areas, had also been duly taken in to account. To help illustrate to the Committee the nature of these issues and the detailed attention that had been given to them, aerial photographs and photographs of several viewpoints towards the site from the conservation areas were shown.

The Strategic Director's representative explained that advance planting at the site had been carefully planned to alleviate any harmful visual impact from the site. He further explained that in this case having regard to statutory consultee responses and what was understood about the effects of the proposal, he was satisfied that those negative impacts that the development would or might have on the conservation areas were not sufficiently significant to provide any basis for a refusal of the application on the basis of significant harm to those heritage assets. It was further explained that the temporary nature of the development as well as the proposed advance planting and the proposed restoration scheme would assist in preserving the setting of the conservation areas. The Strategic Director's representative concluded that these issues meant that the proposals did not undermine the preservation and enhancement of the conservation areas and that there would be no significant harm to these interests.

It was re-iterated that the application site had not been allocated for mineral extraction under the adopted Derby and Derbyshire Minerals Local Plan (DDMLP) but that the Plan had only made specific provision until 2006. It was acknowledged, however, that there was an ongoing need for sand and gravel. The proposal represented an extension to an existing quarry rather than a completely new site, which, subject to all identified impacts being evaluated as being acceptable, was a factor in its favour. For the reasons referred to in the report, it was also considered to be acceptable in the context of the relevant saved policies of the Plan and the requirements of the National Planning Policy Framework (NPPF).

Kirsten Hannaford Hill attended the meeting on behalf of the applicant and addressed the Committee. She summarised the proposal, including the monitoring measures proposed and the progressive working of the site and restoration. She referred to the applicant anticipating that there would be lasting positive effects on the locality resulting from the restoration, which

would be complementary to wider biodiversity enhancement associated with ongoing restoration at nearby Trent Valley quarry sites. She mentioned that the applicant was in communication with the Derbyshire Wildlife Trust about the long term management of the site.

RESOLVED that planning permission be granted, subject to conditions substantially in accordance with the draft conditions contained in the report of the Strategic Director for Economy, Transport and Communities.

75/16 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current Enforcement Action.

76/16 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 5 September 2016 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.

77/16 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

78/16 **DEVELOPMENT MANAGEMENT MONTHLY PERFORMANCE MANAGEMENT STATISTICS** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for August 2016.

79/16 **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 – 4 August 2016

- 1 Proposed Replacement of Existing Cladding and Single Glazed Timber Windows with Vertical Cladding Panels and UPVC Double Glazed Window Units at the William Allitt School, Sunnyside, Newhall, Swadlincote

Applicant: Derbyshire County Council

Planning Application Code No: CD9/0716/30

- 2 Delegation Decisions on Schemes Required by Planning Conditions:

- SD2850
- SD2851

(b) Delegation Meeting – 11 August 2016

- 1 Proposal to Replace the Existing Roof at South Wingfield Primary School, Church Lane, South Wingfield, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0516/13
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2846

(c) Delegation Meeting – 18 August 2016

- 1 Proposed Replacement of Existing Cladding on a Detached Classroom Block at Hunloke Park Primary School, Lodge Drive, Wingerworth
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0715/31
- 2 Proposed Replacement Timber Windows and Doors with Aluminium Units at Whitwell Primary School, Southfield Lane, Whitwell
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0716/29
- 3 Proposed Replacement of Timber Windows and Doors with Aluminium Units at St Johns Primary School, Laund Nook, Belper
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0716/33
- 4 Proposed Replacement of Existing Boiler House and Chimney with the Erection of a New Boiler Plant Unit at The Pingle School, Coronation Street, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0616/23
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
 - SM2862
 - SM2863
 - SM2864
 - SM2865
 - SM2866
 - SD2895
 - SD2896
 - SM829

(d) Delegation Meeting – 25 August 2016

- 1 Proposed Erection and Operation of Leachate Treatment Plant and Associated Hardstanding and Enclosures at Erin Landfill Site, M1 Commerce Park, Markham Lane, Chesterfield
Applicant: Viridor Waste Management Ltd
Planning Application Code No: CW2/1215/121
 - 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2900
 - SD2901
 - SD2902
 - SM2859
 - SM2860
- (e) Delegation Meeting – 1 September 2016**
- 1 Application for the Development and Remodelling of a Golf Practice Range and Associated Facilities by the Importation and Deposit of Inert Wastes, Landscaping and Tree Planting, on Land at the Erewash Valley Golf Club, Golf Club Road, Stanton by Dale
Applicant: Mr P Thomas
Planning Application Code No: CW8/0516/17
 - 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SW2886

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