

**PUBLIC**

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

**PRESENT**

Councillor M Ford (in the Chair)

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

Apologies for absence were received from Councillor D Charles

Councillor L Grooby declared a non-pecuniary interest in the item at Minute No 78/18 as an employee of Tarmac.

No Significant Lobbying had been received.

**75/18**      **PETITION RESOLVED** that (1) the petition listed below be received: -

<b><u>LOCATION/SUBJECT</u></b>	<b><u>SIGNATURES</u></b>	<b><u>LOCAL MEMBERS</u></b>
Objections to the proposed permanent extension to the working hours of Ward Environmental Services, Quarry Hill Industrial Estate (Code No: CW8/0818/45)	258	Councillor J Frudd

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

**76/18**      **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 8 October 2018 be confirmed as a correct record and signed by the Chairman.

**77/18**      **PROPOSED INSTALLATION OF ONE FREESTANDING MULTI-WALLED POLYCARBONATE MONOPITCHED CANOPY AND THREE NEW METAL 'EXPANDA STORE' SHEDS AT FIRFIELD PRIMARY SCHOOL, FIRFIELD AVENUE, BREASTON APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD8/0718/29**      Firfield Primary School was located within a predominantly residential area on the southern side of the village of Breaston. The main access to the site was off Firfield Avenue which formed the eastern boundary of the school site. Pedestrian access was from

Sawley Road which formed the western boundary. The school was bounded by residential properties to the north and a public right of way to the south.

The application sought permission for the installation of a canopy to provide outdoor teaching and learning space and the erection of three storage sheds. Two existing sheds would be removed. The new sheds were required to increase storage capacity at the School.

The canopy would be located over an enclosed soft play area adjacent to the internal facing elevations of the western classroom block. The canopy would be constructed using a metal frame supporting a monopitch polycarbonate roof. The canopy would incorporate aluminium guttering and downpipes. The canopy frame would be coloured Holly Green (BS4800) with an opal polycarbonate roof finish. The canopy would measure 6 metres (m) by 4m by 2.2m to 2.9m high.

Three new storage sheds were also proposed to be erected along the southern boundary of the school site adjacent to the school boundary wall. Two of the existing sheds are to be removed. Each of the proposed new metal sheds would be coloured green and would measure 3m by 2.1m by 2.1m high.

Details of the application together with comments received from consultees and following publicity were given in the report of the Strategic Director Economy, Transport and Environment.

In conclusion the Strategic Director informed the Committee that the proposed canopy and storage sheds were considered to be of an appropriate design and scale, and would be positioned so as not to have an adverse impact on the school site.

The canopy would provide a designated outdoor classroom and sheltered play area for the pupils. The storage sheds would provide additional storage capacity to meet the school's on going storage requirements. The design of the canopy and storage sheds were considered to be appropriate for the location and setting, and it was not considered that this development would have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms.

The Strategic Director was satisfied that the proposal would not conflict with the policies of the adopted ECS and, therefore, the application was recommended for approval, subject to conditions.

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

**78/18      APPLICATION FOR A 61 HECTARES EXTENSION TO EXISTING SAND AND GRAVEL QUARRY INCLUDING USE OF EXISTING PROCESSING PLANT WITH RESTORATION TO A MIXTURE OF AGRICULTURE AND NATURE CONSERVATION AT SWARKSTONE QUARRY, TWYFORD ROAD, BARROW-ON-TRENT APPLICANT: TARMAC AGGREGATES LIMITED CODE NO: CM9/1215/122**

The report of the Strategic Director – Economy Transport & Environment informed the Committee that the proposal was for an extension to an existing sand and gravel working site, to obtain a further 2.5 million tonnes of mineral over an eight year extraction period. It was proposed to restore part of the extension site to broadly pre-extraction levels with imported inert waste to return the land to agricultural use whilst the remainder would be restored to nature conservation based water features. This would be undertaken on a phased basis throughout the extraction works, extending a further two years to completion.

The existing site was situated to the south of the A5132 to the west of Barrow-on-Trent and included a processing plant. The extension area for extraction occupied approximately 61 hectares of land to the south-west of the River Trent. The proposal involved linking the extension area with the existing site by a temporary bailey bridge across the river, and the retention and use of the existing processing plant and the existing access onto the A5132 for the duration of the operation. The application indicates that the proposed development would be undertaken in a similar manner to the current quarry operations and would be subject to similar operational controls on extraction rates, noise and dust limits.

The extension area was not allocated for mineral extraction in the adopted Derby and Derbyshire Minerals Local Plan, but the Plan only made specific provision until 2006. There was an ongoing need for sand and gravel which could be met by this proposal. The proposal represented an extension to an existing mineral site rather than a completely new site which was a factor in its favour, albeit an extension involving the installation of a river crossing for the duration of the development. The permitted reserves at the current quarry were exhausted to the point that it would face closure.

The proposed site was flat and relatively remote from settlements and individual properties in the area, and could be undertaken without undue disturbance to local amenity. The form of restoration proposed (as amended) would assimilate into the surrounding landscape in due course. The anticipated rate of extraction and inert waste imports would continue at the same levels as the existing operation and would, therefore, not generate any increase in vehicle movements. The design of the development and the method of operation would not give rise to any adverse impact on flood

storage capacity on site or increase the risk of flooding off site. The reduction in the proposed extraction area in the south-eastern corner was considered to reduce the impact on the setting of Anchor Church Cave, a listed building, to an acceptable level.

Details of the application were included in the report of the Strategic Director Economy, Transport and Environment, together with comments received from consultees and following publicity. An additional 3 further submissions were circulated at the meeting

Having taken account of the latest information available from the LAA work, the Strategic Director was satisfied that there was currently a need for the mineral from the proposed development. He was also satisfied that it could be obtained in an environmentally acceptable manner, subject to full adherence to the proposed amendments to the form of the development and other requirements detailed in the report. It was considered that it would contribute to the sand and gravel apportionment requirements for Derby and Derbyshire for the period up to 2030 and that the site and the proposed method of operations, including mitigation measures, and the form of restoration would meet the requirements of the policies of the current MLP.

As the report explained if planning permission was granted, it would be necessary for the applicant to enter into another legal agreement pursuant to the Town and Country Planning Act 1990, Section 106, to secure similar obligations to those that were entered into for the grant of planning permissions 9/790/450 and CM9/1109/166. The proposal was considered by the Strategic Director to be acceptable in the context of the relevant policies of the adopted Derby and Derbyshire Minerals Local Plan and the requirements of the National Planning Policy Framework, subject to amendments to the form of the development as detailed in the Strategic Director's report. The application was therefore recommended for approval, subject to conditions and a legal agreement.

Mr R Raine of Trent Adventures Ltd, spoke at the meeting for up to three minutes. He referred to a concern that the proposed application could have a negative impact on the business, which he described as hiring out canoes to organisations and the general public close to the proposed site to use on the Trent, and attracting many visitors to the area each year. He believed that their visitor experience would be affected, and referred to this as a concern for the business and its customers and the visitor economy of the area in general.

John Bradshaw, on behalf of Tarmac Ltd spoke at the meeting for up to three minutes. He stated that he had little to add to what was contained in the Strategic Director's report other than to reassert that the established site had

operated since the 1990s and all the consented reserves in the ground had been exhausted. The proposed extension was required to retain the employment in the area and enable the Plan area to meet the assessed sand and gravel landbank figure and annual production rates.

Members were given the opportunity to ask questions of officers and made some comments and observations, which particularly in related to the impact on the setting of Anchor Church Cave. It was explained that whilst Historic England had not provided a formal response to the applicant's amendments which involved the removal of 2 hectares of land from the extraction area, to protect this setting, it had expressed its written support for this by email.

During the discussion of the item by members it was suggested that Mr Raine or other local residents concerned with the development should be involved with the site liaison. The officer representing the report on behalf of the Strategic Director explained that this might be possible since in his experience such committees would normally agree to let a member of the public attend for a period while there was a relevant issue from the development affecting them. Mr Bradshaw indicated that the applicant might be willing for such an arrangement to be explored.

**RESOLVED** that planning permission be granted subject to: -

(1) the applicant or operator acting on behalf of the applicant and any other person with an interest in the application site having entered into an agreement with the County Council under the provisions of terms of Section 106 of the Town and Country Planning Act 1990, to secure planning obligations considered satisfactory by the Strategic Director – Economy, Transport and Environment and the Director of Legal Services to secure:

- A continuing Technical Working Group to secure the implementation of an approved restoration plan with regard to the nature conservation uses of the water features.

- Financial provision for long-term management (following aftercare) of the nature conservation features for a period of not less than 15 years.

- A continuing Site Liaison Committee for the duration of the Development ; and

(2) being subject to the conditions contained in the report of the Strategic Director - Economy, Transport and Environment.

**79/18**                      **CURRENT ENFORCEMENT ACTION**    **RESOLVED** to receive the report on Current Enforcement Action.

**80/18**                      **OUTSTANDING APPLICATIONS**    **RESOLVED** to receive the list on decisions outstanding on 5 November 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.

**81/18**                      **CURRENT APPEALS/CALLED-IN APPLICATIONS**    **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

**82/18**                      **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:-

#### **11 October 2018**

1. Removal of 2NR Existing Deteriorated UPVC Windows and Replacement with 2NR Aluminium Window Units, Associated Structural Strengthening Works and External Stonework Repairs and Replacements at Barlow Church of England School, Millcross Lane, Barlow, S18 7TA

Applicant: Derbyshire County Council

Planning Application Code No: CD4/0818/36

#### **1 November 2018**

1      Proposed Summerhouse to be erected on Existing Tarmacadam Playground at Dallimore Primary School, Dallimore Road, Ilkeston

Applicant: Derbyshire County Council

Planning Application Code No: CD8/0918/47

2      Proposed Non-Material Amendment to the Restoration of Lodge House Surface Coal Mine as Required by Planning Permission CM6/0910/94 at Lodge House Surface Coal Mine, Heanor Road, Smalley

Applicant: Harworth Estates Mines Property Limited

Planning Application Code No: NMA/918/57

3 Delegation Decisions on Schemes Required by Planning Conditions:

- SW3177
- SW3178
- SW3179
- SW3180
- SW3181
- SW3182
- SW3183
- SW3184
- SW3185
- SW3186