

Agenda Item No 2 (b)

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 25 March 2013.

PRESENT

Councillor M Ford (in the Chair)

Councillors D Bowley, D Chapman, C Cox (substitute Member, not site visit), R L Hosker, M Lacey, P Makin, R A Parkinson, P Riggott (not site visit) and D B Taylor.

Apologies for absence were received from Councillor P Smith.

No Declarations of Interest were received.

All Members had received Significant Lobbying in respect of the Glossop Library application.

25/13 **SITE VISITS** In accordance with the Code of Practice the Committee visited the site at Eckington (Minute No 29/13). The site visit to Glossop (Minute No 26/13) did not take place due to heavy snow in the Glossop area making travelling difficult.

26/13 **PROPOSED DEMOLITION OF THE HIGH PEAK AREA SOCIAL SERVICES OFFICE AND THE ERECTION OF A NEW LIBRARY BUILDING AT THE HIGH PEAK AREA SOCIAL SERVICES OFFICE, TALBOT STREET, GLOSSOP (CODE NO: CD1/1212/128)** Consideration of this application was deferred to a future meeting due to the scheduled site visit by Members not having taken place as a result of heavy snow in the Peak District and Glossop areas, and the difficulties that people faced in travelling to between Glossop and Matlock to attend the meeting.

27/13 **PROPOSED ERECTION OF A SINGLE-STOREY CLASSROOM AND ASSOCIATED LANDSCAPING WORKS AT WOODTHORPE C OF E VOLUNTARY CONTROLLED PRIMARY SCHOOL, SEYMOUR LANE, MASTIN MOOR, CHESTERFIELD (CODE NO: CD2/1112/89)** Details of the application were contained within the report of the Strategic Director - Environmental Services. No objections had been received from consultees or as a result of publicity; one letter of support was reported.

The Strategic Director commented in his report that the key planning considerations of the proposal related to the need for the development, design and appearance, and impact on the open countryside and he examined these

in his report. He concluded that the proposed classroom extension was of an appropriate design and the development would improve facilities at the school and enable the school to operate more effectively. Although the proposed extension was located on land allocated as open countryside/open land and considered to be a departure from Policy EVR2 in the Replacement Chesterfield Borough Local Plan, and advertised as a departure, the Strategic Director was satisfied that the proposed classroom and alterations to the landscaping would not have a significant adverse impact on the protection of the open countryside.

RESOLVED that planning permission be granted, subject to the conditions contained within the report of the Strategic Director - Environmental Services.

28/13 APPROVED EXTRACTION OF GRITSTONE FOR THE PRODUCTION OF STONE ROOFING SLATES AND ANCILLARY BUILDING STONE, AND CHANGE OF USE OF AGRICULTURAL BUILDINGS AND YARD FOR STONE PROCESSING AND STORAGE AND MOORHAY FARM, WIGLEY, OLD BRAMPTON, CHESTERFIELD (CODE NO: CM4/999/65) (Minute No 62/04) The Regulatory – Planning and Control Committee had resolved to authorise a grant of planning permission for the extraction of sandstone for roofing slates and flagstones and use of agricultural buildings and a yard for stone processing and product storage at Moorhay Farm, Wigley, subject to conditions and to the completion of a legal undertaking in 2004. The original officer report on the application, the relevant Minutes and a proposed form of agreement under Section 106 of the Town and Country Planning Act 1990 were contained in an appendix to the Strategic Director - Environmental Services' report.

It was reported that the proposed legal agreement, which would meet the previously specified requirements for the undertaking, had been drawn up following extensive negotiations involving the applicant and the landowner. Due to the length of time since the previous resolution updated ecological information concerning the site had been produced in 2012 and the proposal had been re-assessed by the Strategic Director against relevant Development Plan policies and the National Planning Policy Framework. The Strategic Director had concluded that he was satisfied that the conclusions from the original planning assessment remained valid and recommended that the Committee re-affirm the authority to grant planning permission, subject to conditions and to completion of the negotiated agreement.

The Head of Planning Services, representing the Strategic Director, referred Members of the Committee to an email he had received from a member of the public who referred to not having known of the report before the weekend which was of serious concern to the writer and many others in

the area and urged the Committee to defer consideration of the item so that consultation could take place on this item. The Head of Planning Services understood that letters about the report and meeting had been sent to local residents. He explained that whilst the length of time over which the application had remained undetermined was regrettable, it was not considered necessary to conduct further consultations on it having regard to the existing resolutions and the findings from the up-to-date analysis of the relevant planning considerations which were included in the report.

The Head of Planning Services also explained that a literal transposition of the set of conditions as originally recommended and approved would not provide the appropriate number of seasons for carrying out development. For the draft condition in the original report regarding duration (number 7), the equivalent requirement now was for such a condition to specify the year for the dates of completion of mineral extraction, reclamation and infilling as 2023 and the year for the date of completion of landscaping works as 2024.

Councillor Taylor and Councillor Chapman both referred to the previous consideration of the applications by the Committee which they had participated in and expressed support for the granting of permission as recommended. Councillor Taylor commented that whilst there had been public concern about potential impacts from the application the Committee had been satisfied following the site visit that had taken place that there would be no unacceptable impacts from the proposal, and that it was evident that there was a continuing important need for the proposed type of quarrying to obtain local stone for local building work.

RESOLVED (1) to endorse the Chief Officer's conclusion that no new issues of relevance to the determination of the application had arisen since 2004 that provide any substantial reason not to grant permission for the development described in the report of the Strategic Director - Environmental Services, subject to an agreement under Section 106 of the Town and Country Planning Act 1990 as appended to the report and conditions as contained in the previous report of August 2004, except for substitution of the wording for Condition 3 as authorised on 13 December 2004, substitution of the wording for Condition 59 as set out in the current report, and such necessary revisions to dates as the Strategic Director shall identify; and

(2) to affirm that permission be granted for the development under planning application Code No CM4/999/65 subject to completion of an agreement similar to the form of agreement contained in Appendix 2 to the report of the Strategic Director and subject to conditions as set out in the report contained in Appendix 1, except for substitution of the wording for Condition 3 as authorised on 13 December 2004, substitution of the wording

for Condition 59 as set out in the current report, and such necessary revisions to dates as the Strategic Director shall identify.

29/13 PROPOSED SECTION 73 APPLICATION NOT TO COMPLY WITH CONDITION 2 (DURATION) OF PLANNING PERMISSION CM4/392/11 FOR THE CREATION OF A DRIFT MINE, ROTHERSIDE ROAD, ECKINGTON (CODE NO: CM4/1112/103) The application was for a permission under Section 73 of the Town and Country Planning Act 1990, to enable development to be carried on without compliance with Condition 2 (duration) of the Planning Permission CM4/392/11 granted in 1993 for the creation of a drift mine and ancillary surface buildings. The application had been made in order to obtain permission to extend the time by which extraction of coal had to cease and the site be restored from 9 January 2013 until 9 January 2023. The planning background relating to the site and surroundings and the application were contained in the report of the Strategic Director - Environmental Services. Comments received from consultees and following publicity were reported and addressed in the report.

The application had been considered in accordance with Section 38(6) of the Compulsory Purchase Act 2004 and other material considerations had been taken in to account. The report examined the Need for the Development, Location, Landscape/Visual Impact, Hydrology and Ecology, Land Stability/Subsidence, Noise, and Traffic. The Strategic Director concluded that the principle of the drift mine at the site had already been established and the potential environmental effects had been addressed by the original planning permission. He was satisfied that the proposal would not generate environmental impacts any greater than currently associated with the mine. He further commented that there was an accepted national need for the coal for the production of energy which continuation at this site would fulfil. With regards to the sites' continued presence at the Rotherside Road industrial estate, there was no evidence to suggest that it would represent a barrier to encouraging future or retaining current investment in the area.

Mr Simpson represented a neighbouring business to the mine and attended the meeting and addressed the Committee with his concerns. He reported that the operation was noisy and dirty and planning conditions relating to the current application had been breached. The biggest problem for his company was the covering of black coal dust on surfaces inside and outside the building and its effect on the ventilation system. The Company had believed that operations at the mine were to cease in 2014 and, therefore, no official complaints about these issues had been made.

The Strategic Director's representative commented that with this new application there was now an opportunity to attach modern conditions, which would enable the County Council to be more effective in addressing all the

points of concerns raised by Mr Simpson, if necessary, through enforcement action. He drew Members' attention to the requirements for a Noise Management Plan and a Dust Management Plan to be submitted by the applicant and these would be discussed with the District Council's Environmental Health Officer. In addition, it was suggested that schedules of dust monitoring data should be required to be provided to the County Council for a 2-year period and that a dust monitor should be required to be positioned close to the boundary with Mr Simpson's business premises. Mr Simpson was encouraged to notify the County Council of any further problems that arose from operations at the site.

RESOLVED that planning permission be granted as sought by application Code No CM4/1112/103, subject to conditions based on the set of conditions contained within the report of the Strategic Director - Environmental Services, with such refinements as the Strategic Director shall consider appropriate to address the concerns regarding the impacts from the operations under the development that had been raised at the Committee.

30/13 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 BRIERLOW QUARRY, BUXTON (PLANNING PERMISSION CODE NUMBERS 1986/9/9 (DISPOSAL OF MINERAL WASTE/MINERAL WINNING AND WORKING), CHA/659/13 (DISPOSAL OF MINERAL WASTE/MINERAL WINNING AND WORKING) AND CHA/1271/7 (DISPOSAL OF MINERAL WASTE) Lhoist UK Operations Ltd, the owner and operator of Brierlow Quarry, had asked for agreement of the Mineral Planning Authority to postpone the date by which an application had to be made to determine a new scheme of conditions to which the above permissions related, from 28 April 2013 until 31 December 2013. The Strategic Director - Environmental Services explained that the reason for the request was the need to undertake seasonally dependent ecological assessments during spring and summer 2013, which would inform the Environmental Statement.

The Strategic Director - Environmental Services' report contained details of the site and surroundings and planning background. It explained that the RoMP process sought to ensure that all older permissions were subject to a set of modern conditions and environmental controls and did not result in a new planning permission. Having considered the request, the Strategic Director concluded that he did not foresee any immediate threat to the environment which would call for a more urgent reconsideration of the

schedule of conditions approved in 1998 with the extension of the RoMP due date being extended to 31 December 2013.

RESOLVED to authorise the Strategic Director - Environmental Services 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 1986/9/9 (disposal of mineral waste/mineral winning and working), CHA/659/13 (disposal of mineral waste/mineral winning and working) and CHA/1271/7 (disposal of mineral waste) at Brierlow Quarry, Buxton are to be subject being amended to 31 December 2013.

31/13 PROPOSED ENFORCEMENT ACTION IN RESPECT OF BREACHES OF PLANNING CONTROL AT MXG WASTE RECYCLING FACILITY, MANSFIELD ROAD, CORBRIGGS AND ADJACENT EMPLOYMENT LAND The Strategic Director - Environmental Services reminded the Committee of the planning history of the site, including the granting of permission for a waste transfer station in 2002, and provided updated information following the refusal of planning application CW4/1209/177 regarding the development taking place on the site. Since 2005 much of the site (between the 2002 permission area and the perimeter bank around the western and north-eastern boundaries) had been subject to substantial unauthorised use for storage and processing of inert waste. The Strategic Director reported in detail on the significant planning control issues for the site and the provisions in the development plan.

The Strategic Directors' report gave details on the Breach of Conditions 3 and 6 of Planning Permission CW4/801/59 and also other alleged breaches of planning control. However, he did not consider it expedient to instigate enforcement action in respect of the identified breaches because, whilst taking in to account the complaints and concerns expressed by and on behalf of local residents and businesses, the evidence available to the Council had not demonstrated that the breaches to date had been a particular cause of environmental harm. The Strategic Director, therefore, suggested an enforcement strategy to deal with the unauthorised storage.

Councillor Chapman noted that with a 12-month time limit for compliance with enforcement requirements the operators and landowning parties might do nothing towards compliance until close to that limit. The Legal Services representative present acknowledged that this was one of the factors officers would take into account when considering the precise steps to be required through enforcement under the recommended strategy.

The Chair wished it to be made known that the Committee was very disappointed with how the operators of the site had been treating it to date.

RESOLVED to approve the following strategy for enforcement action with respect to continuing unauthorised storage of waste material:

- 1 That the Strategic Director – Environmental Services writes to the site operator to request that, within 14 days, it provides the Council with comprehensive details in writing an account of any proposal it may be seriously considering for the future use or development of the site which would involve clearance of the external stockpiles of waste within the site.
- 2 That the Strategic Director – Environmental Services authorises, under the scheme of delegation, the service of an enforcement notice in order to prevent any further unauthorised importation of waste material to the area of the site, which is affected by unauthorised stockpiling, and any further storage and any renewal on the area of waste processing (with the provisional exceptions of (1) any temporary processing for removal of existing stockpiling only as might be regulated for the purposes of the Environment Act 1995 and carried out in accordance with relevant Environment Agency exemptions or permits and to achieve the removal of waste from the area, and (2) within the overall enforcement period under the notice, transference from the existing waste transfer facility to a strictly limited part of the area of material (whether still waste or otherwise), derived from processing of inert waste in the facility, and short term storage of waste up to a maximum height of 4 metres in that part).
- 3 That the precise steps to be required by the enforcement notice may take into account any details received in response to the request made as recommended at 1 above, but that the overall period for compliance with steps to be required for removal should not exceed 12 months.

32/13 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

33/13 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 25 March 2013 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.

34/13 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

35/13 MATTERS DETERMINED BY THE STRATEGIC DIRECTOR – ENVIRONMENTAL SERVICES UNDER THE DELEGATED POWERS RESOLVED to note that the following applications had been approved under the Delegated Powers:-

(a) Items Approved by the Strategic Director - Environmental Services under delegated powers on 7 March 2013

- 1 Proposed Erection of a Single-Storey Extension at Norbriggs Primary School, Norbriggs Road, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/1112/112
- 2 Proposed Amendment to Approved Working Scheme (SM2366) Under Condition 10 and Submission of Further Ecological Survey (SM2374) Under Condition 60 of Planning Permission CM5/0206/178 at Whitwell Quarry, Southfield Lane, Whitwell
Applicant: Lafarge Tarmac
Planning Application Code No: SM2366 and SM2374

(b) Items Approved by the Strategic Director - Environmental Services under delegated powers on 14 March 2013

- 1 Proposed Installation of a 2.4 Metres High Double Leaf Pedestrian Entrance Gate to Hilcote Lane at Green Infant School, New Street, South Normanton, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0113/136
- 2 Proposed Development of Security Fencing and the Replacement of Existing Timber Gates at Kirk Langley C of E Voluntary Controlled Primary School, Moor Lane, Kirk Langley
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0113/137
- 3 Proposed Single-Storey Five Bay Modular Classroom Block and External Canopy at Swanwick School and Sports College, Hayes Lane, Swanwick
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0113/138
- 4 Application for a Non-Material Amendment (Amendment to the Landscaping Scheme to Remove a Section of Hedge on the Site Boundary Adjoining 20 Stockton Drive, Chinley) at Peak Lodge Residential School, Chinley

Applicant: Derbyshire County Council
Planning Application Code No: NMA/0712/13

5 Delegation Decisions on Schemes Required by Planning Conditions:

- SM1020
- SM1021
- SM1022
- SM1023
- SM1024
- SM1025

6 Proposed Installation of a new Pedestrian Entrance Incorporating Access Gates at Old Hall Junior School, Old Road, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0113/135

(c) Items Approved by the Strategic Director - Environmental Services under delegated powers on 21 March 2013

1 Proposed Installation of a Free Standing Canopy at Holmesdale Infants School, The Avenue, Dronfield
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0113/139

2 Proposed Replacement of Existing Roof Incorporating the Removal of Two Dormer Windows and the Replacement of existing Roof Lights at Anthony Bek Community Primary School, Rotherham Road, Pleasley
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0113/134