

Agenda Item No 2 (a)

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 5 March 2013.

PRESENT

Councillor M Ford (in the Chair)

Councillors S Allsop (substitute Member), D Chapman, R L Hosker, M Lacey, P Makin, P Riggott, P Smith, D B Taylor and J Wharmby (substitute Member).

Apologies for absence were received from Councillors D Bowley and R A Parkinson

No Declarations of Interest were received.

No declarations of Significant Lobbying were received.

17/13 **SITE VISIT** In accordance with the Code of Practice the Committee visited the site at Bolsover (Minute No 19/13).

18/13 **MINUTES** **RESOLVED** that the non-exempt Minutes of the meeting of the Regulatory – Planning Committee held on 4 February 2013 be confirmed as a correct record and signed by the Chair.

19/13 **APPLICATION FOR A SMALL PIG UNIT AT BOLSOVER C OF E JUNIOR SCHOOL, HORSEHEAD LANE, BOLSOVER (CODE NO: CD5/0812/54)** The application under consideration was for planning permission for the creation, in the premises of the Junior School, of a small pig unit (capable of accommodating four standard and two micro pigs). Details of the application were contained within the report of the Strategic Director - Environmental Services, together with comments received from consultees and following publicity. Three letters of objection and a 21 signature petition had been received. The issues raised and addressed in the report included the potential for production of odour from keeping of pigs so as to affect local residents; after use of pig manure; and impacts from tree and shrub planting associated with the development. Two notifications of support for the application and a further email in objection were circulated at the meeting.

The Strategic Director reported that the principle of keeping pigs at the school had been established by Planning Permission CD5/1011/91. The main considerations in respect of the current application were the need for the development, the proposed choice of location and the potential impact the development would have on the amenity of the area. The Strategic Director

examined these issues in his report and concluded that due to the scale of the development and the proximity of the unit to nearby properties the development could potentially have an adverse impact on the amenity of the area. It was considered that the development would only be acceptable with a more limited threshold of animals. He, therefore, recommended that permission be granted subject to conditions which would include restricting the animal presence at any time to two micro pigs and a limitation on the period for operation of the permission to three years from commencement. He also recommended that the school should be required to submit detailed information regarding the management of the pig unit to ensure that all potential impacts associated with odour from the development would be kept to a minimum.

Mr Booth attended the meeting with his mother who was a resident of Orchard Close and he addressed the Committee to outline their concerns. He considered that there had not been satisfactory consultation with the residents regarding the application. The main issues he referred to related to the impacts that the proposal could have on residential amenity, particularly as regards odours that could emanate from the site and the potential for flies and vermin. He also made reference to the close proximity of the site to the shared garden, windows and washing lines of Orchard Close residences.

Members felt that even a three year limit to the period for a permission granted under the application (as would have been provided by a permission subject to the conditions under the recommendation in the report) would be too permissive in the circumstances of this case. It was suggested that any permission now to be granted should include a condition to limit it to a period of two years.

Members welcomed the prospect of a management plan being provided for any unit at the site for approval by the County Planning Authority. It was considered that a condition for the provision of such a plan should include an explicit requirement for it to cover pig care arrangements during weekends and school holidays.

RESOLVED that planning permission be granted for the development proposed under the application, subject to the conditions contained in the report of the Strategic Director - Environmental Services, except for a reduction in the period of the permission from three years to two years and inclusion in the condition for a management plan of a requirement to cover pig care arrangements during weekends and holidays..

20/13 SECTION 73 APPLICATION TO NOT COMPLY WITH
CONDITIONS 17 (RESTORATION), 18, 19 AND 20 (LANDSCAPING) OF

**THE SCHEDULE OF REVIEW CONDITIONS OF PLANNING PERMISSION
CODE NO. REP/1166/18 AT THE STRETTON LAND, WILLINGTON
QUARRY, CASTLEWAY LANE, EGGINTON (CODE NO: CM9/1111/11)**

The application was not to comply with conditions 17 (restoration), 18, 19 and 20 (landscaping) at the Stretton Sand and Gravel Site, Willington Quarry to allow the site to be restored to a wetland conservation after-use.

The Strategic Director explained in his report the complicated planning history of the site and gave details of the current proposal. Comments received from consultees were also included in the report, together notification that one letter objecting to the non-compliance had been received.

He had considered the application in accordance with the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2004, taking all material considerations into account. The Strategic Director concluded that he was satisfied that there was a need to amend the restoration scheme for the Stretton site so that the site could be restored as soon as practically possible and accepted that there were potential difficulties in obtaining inert waste materials and with flooding that could result in significant delays. The revised scheme would have benefits in terms of improving biodiversity, enhancing local habitats and contributing towards the targets of the Derbyshire Biodiversity Action Plan. He recommended approval of the application, subject to amended restoration conditions to replace the previous conditions from which relief was sought and additional modified conditions to give effective controls which were necessary for the current circumstances of the permission and consequential amendments which reflected the approvals given under the previous permission for the site.

RESOLVED that planning permission be granted for the development previously authorised under Planning Permission Code No RPE/1166/18 without the requirements of conditions 17, 18, 19 and 20 under the scheme of conditions dated 1 July 1998 for Stretton Quarry (R/1097/14), and subject to a set of conditions substantially similar to the draft conditions contained within the report of the Strategic Director - Environmental Services.

21/13 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

22/13 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 5 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.

23/13 **CURRENT APPEALS/CALLED-IN APPLICATIONS**
RESOLVED to note the report on current appeals/called-in applications relating to County matters.

24/13 **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 14 February 2013

- 1 Proposed Maintenance Works on Approximately Two Kilometres of Cromford Canal, Including Tree Management and Dredging, with Temporary Bagged Storage of Resultant Silt Prior to Spreading on Adjacent Agricultural Lane
Applicant: Derbyshire County Council
Planning Application Code No: CD3/1112/114
- 2 Proposed Installation of a Canopy to the Infants Playground, Soft Play Surfacing, Low Level Fencing and Playground Furniture at Newton Primary School, Hall Lane, Newton
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1212/129
- 3 Proposed Erection of Security Fencing at Heanor Langley Infant School and Nursery, Laceyfields Road, Heanor
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1212/123
- 4 Proposed Non-Material Amendment to Planning Permission CD5/0212/161 to Include the Re-Siting of Electricity Substations, Alterations to Landscaping Scheme, Re-Siting of Pedestrian Access off Common Lane, Omission of Bus Bay, Relocation of 2 No. Cycle Hoops and Re-Orientation of High Jump Pit at Shirebrook Academy and Stubbin Wood Special Educational Needs School, Common Lane, Shirebrook
Applicant: Derbyshire County Council
Planning Application No: NMA/0812/14
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2367
 - SW2361

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

1 Delegation Decisions on Schemes Required by Planning Conditions:

- SD2359

(c) Items Approved by the Strategic Director - Environmental Services under delegated powers on 28 February 2013

1 Proposed Erection of a New Kiosk at Buxton Sewage Treatment Works, Bakewell Road, Buxton

Applicant: Severn Trent Water Limited

Planning Application Code No: CW1/1112/117

2 Application under Section 73 of the Town and Country Planning Act 1990 not to Comply with Conditions 43 (Programme of Extraction) and 44 (Aldwark Quarry Phasing) of Planning Permission CM3/1205/156 in Order to Allow Changes to Phasing of Mineral Extraction and Restoration at Brassington Moor Quarry, Wirksworth

Applicant: Longcliffe Quarries Limited

Planning Application Code No: CM3/1212/126

3 Proposed Change of use from Second Hand Car Sales and Storage to Vehicle Recovery and Storage, Vehicle Repairs and Vehicle Recycling and Depollution at Unit 12, Bailey Drive, Norwood Industrial Estate, Killamarsh

Applicant: Chapman Brothers Ltd

Planning Application Code No: CW4/1012/77

4 Proposal to Replace the Existing Roof at South Wingfield Primary School, Church Lane, South Wingfield, Alfreton

Applicant: Derbyshire County Council

Planning Application Code No: CD6/0113/132

5 Delegation Decisions on Schemes Required by Planning Conditions:

- SD2371
- SD2372
- SD2373
- SD2369
- SD2370