

PUBLIC

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 7 January 2019.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P Smith, M Wall (substitute member) and B Wright.

Apologies for absence were received from Councillor D Charles

Councillor J Atkin declared a non-pecuniary interest in relation to Agenda Item 3 (1) 'Construction of a Car Parking Area within the grounds of County Hall' (Minute 02/19 refers) as a member of the Planning Committee at Derbyshire Dales District Council which had considered this application.

No Significant Lobbying had been received.

01/19 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 3 December 2018 be confirmed as a correct record and signed by the Chairman.

02/19 **CONSTRUCTION OF A CAR PARKING AREA WITHIN THE GROUNDS OF COUNTY HALL, WITH IMPACTED RATED BARRIERS INSTALLED AROUND THE CAR PARKING AREA AT COUNTY HALL, SMEDLEY STREET MATLOCK, DE4 3AG APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD3/0918/51** As the Strategic Director's report explained, this was an application for planning permission for the creation of a new car parking area within the grounds of County Hall, Matlock for use by visitors to the County Hall site. County Hall was located within the Matlock Bank Conservation Area (CA). The proposal would create 17 visitor car parking spaces, and also two vehicle charging units to create four electric vehicle charging/parking spaces. The proposal also included the installation of pedestrian and vehicle barriers to the access point off Smedley Street. County Hall was a Grade II listed building, and the District Council had granted the necessary listed building consent.

Local residents had raised concerns that this proposal would have adverse impacts particularly in relation to traffic on the local surrounding roads and noise. These concerns were also covered in the Strategic Director's report.

In conclusion, the Strategic Director was satisfied that there was a need for this development to improve the parking provision at the County Hall complex. He did not consider that the development would harm the significance of the heritage assets or have any adverse impacts on the surrounding area. The development would not conflict with the policies of the development plan or the National Planning Policy Framework, and the application was therefore recommended for approval, subject to a condition.

Several members, whilst supporting the objective of the proposal, expressed reservations over the siting of the proposed barriers and doubted the need for barriers both near the entrance from Smedley Street and at the entrance to the proposed car park. They considered that a barrier near Smedley Street could cause disruption to deliveries to the Business Centre at County Hall and queueing of traffic, and that this should be avoided.

An officer representing the Strategic Director suggested that it would by imposing a further condition be reasonable to require a change to the proposed vehicle control barrier provision. A motion then was proposed and seconded for approval subject to a condition as recommended in the report and a condition to require the provision of a scheme of amended details for control of vehicles entering and leaving which would specify a suitable location for a single new barrier.

RESOLVED that planning permission be granted, subject to the condition contained in the report of the Strategic Director Economy, Transport and Environment and a condition to require the provision of a scheme of amended details for control of vehicles entering and leaving which would specify a suitable location for a single new barrier.

03/19 SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITION 18 (HOURS OF OPERATION) OF PLANNING PERMISSION CODE NUMBER CW8/0315/148 (TO ALLOW THE PERMITTED EXTENDED OPENING TIMES TO FACILITATE THE ONGOING OPERATIONS WITHOUT THREE YEAR RESTRICTION) THE OLD IRONWORKS, STANTON RECYCLING LTD, CROMPTON ROAD, HALLAM FIELDS, ILKESTON, DERBYSHIRE APPLICANT: STANTON RECYLING LTD CODE NO: CW8/0818/39 As the Strategic Director's report explained, this application had been made under Section 73 of the Town and County Planning Act 1990, for planning permission for the use of a building at the Old Ironworks, Hallam Fields, Ilkeston for waste recycling operations, without complying with a condition (Condition 18) subject to which a previous planning permission for the use (code no. CW8/0315/148) was granted. Condition 18 generally limited the hours of operation of the site to 0800 hours until 1900 hours on weekdays and 1300 hours on Saturdays. For a three year time span up to July 2018, it also provided for extended hours (from 0400 hours until 2300 hours on normal weekdays and until 1900 hours on Saturdays,

Sundays and Bank Holidays) for activities only in the building. The three years limit contained the impact on amenity, so that there could be no further authorisation for the operation of those extended hours for activities in the building without any new permission being granted. Stanton Recycling Ltd, in making this application, was proposing that a permission for the development was granted which was subject to conditions so as to authorise indefinitely the carrying out of activities in the building during the same hours as Condition 18 had allowed for over three years only.

Concerns relating to noise, odour, traffic, and cumulative impacts had been raised in representations received about this proposal and the Strategic Director was of the opinion that a restoration of the extended hours for processing inside the building, as set out in Condition 18, would enable the business to process waste more efficiently in accordance with sustainable waste management methods. The representations which raised a number of concerns had been taken into consideration. The development, subject to conditions as recommended, and the proposed amendment and additional condition being added, would not, in his opinion, generate any significant impacts and he concluded that the continuation of the extended operating hours inside the building would be acceptable. He was satisfied that the proposal would accord with the DDWLP and the adopted ECS, and the application was recommended for approval.

Councillor Mihaly suggested that draft condition 2 in the recommendation, regarding times of HGV movements, would be strengthened if its reference to daytime working hours was changed to a reference to the hours from 0800 to 1800 on Monday to Friday and from 0800 to 1300 on Saturdays, in accordance with condition 18. The Strategic Director's representative, and other members, expressed agreement with this suggestion.

Councillor Mihaly also suggested that the conditions controlling any new permission should specify that the doors to the building should be kept shut during the extended operating hours. The Strategic Director's representative and other Members also agreed with this suggestion.

RESOLVED that planning permission be granted subject to conditions substantially in accordance with the draft conditions recommended in the report of the Strategic Director Economy, Transport and Environment, but with the condition for a scheme for HGV movements requiring they be minimised during periods outside 0800 to 1800 hours on Mondays to Fridays and 0800 to 1300 hours on Saturdays, and the addition of a requirement for keeping shut the doors to the building during these periods.

04/19 INSTALLATION OF 400M² OF BLACK NETTING TO GO OVER THE EXISTING MULTI-USE GAMES AREA TO CONTAIN OBJECTS, SUCH AS FOOTBALLS/BASKETBALLS, ETC, AT FIRFIELD PRIMARY SCHOOL, 1A SAWLEY ROAD, BREASTON, DE72 3EG APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD8/1018/65

It was reported in the Strategic Directors' report that the proposed development for which planning permission was sought was the installation of 400 square metres (m²) of black netting on the existing 5 metres (m) high fencing of the Multi-Use Games Area (MUGA) at Firfield Primary School, Firfield Avenue, Breaston. Concerns in relation to noise had been raised by a local resident in a letter of representation. The resident was concerned that the proposal related to an intensification of use of the MUGA which generated additional noise at the school site. However, the Strategic Director was satisfied that the installation of the netting would not affect the intensity of use or levels of noise from this school site. The installation of netting would help prevent balls from injuring people or damaging properties. He was satisfied that the proposal would accord with the policies of the development plan and the National Planning Policy Framework. The school site was not located within a Conservation Area or within the setting of a listed building. He therefore recommended it for approval, subject to conditions to ensure conformity with details provided.

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

05/19 ASSESSMENT OF A MINING SITE FOR A FIRST PERIODIC REVIEW OF CONDITIONS UNDER SCHEDULE 14 OF THE ENVIRONMENT ACT 1995

Approval was sought to notify mineral operators, landowners and other interested persons of a date for a first periodic review relating to a mining site.

It was considered that in view of prevailing circumstances, the mining site known as Dene Quarry at Cromford should be required to become subject to first periodic review. Dene Quarry was south-west of the village of Cromford on Cromford Hill. The site was bordered by agricultural land to the north, south and west and by Cromford Hill (B5036) to the east. Slinter Quarry, a smaller limestone/vein mineral quarry was located 190m to the north, sharing the same vehicular access off Cromford Hill. The nearest residential properties were approximately 50m to the north-east on Cromford Hill. It was almost entirely located in the buffer zone Derwent Valley Mills World Heritage Site (DVMWS), and close to the core of the Conservation Area and DVMWHS in this location. There were also a number of European, national and local nature conservation designations in close proximity to the site as well as in the surrounding area.

The extraction of limestone and other vein minerals had taken place at the site at least since the mid-20th century, pre-dating the current planning system. The site had four planning permissions for the winning and working of minerals and the disposal of mineral waste, granted variously in 1950, 1966, 1974 and 1990 which were subject to an Initial ROMP application in 2000 which resulted in an updated schedule of conditions being issued. Planning permission CM3/1202/108 for northern and southern extensions to Dene Quarry was granted on 18 March 2005 by this Authority. This planning permission had the effect of consolidating all previous working areas at the site, as well as the proposed extension areas into a single site boundary. Following the revocation of the previous planning permissions in 2005, it was now the sole planning permission for mineral working relating to the site. The planning permission was time limited, in that under the conditions to which the planning permission was subject, all mineral operations were required to have ceased by 31 December 2026. A First Periodic Review application could be required to be submitted by 18 March 2020.

Since the time that planning permission CM3/1202/108 was granted, a number of operational inconsistencies had arisen, which might be addressed through a comprehensive review of conditions to which it was subject. These relate primarily to the way in which the site has been worked (including periods of temporary shutdown and the removal of permanent plant from the site) which had affected the operator's ability to work in accordance with the timescales embedded within the approved phased working plans. At the current time, it was estimated that there were approximately 8 million tonnes of permitted reserves remaining to be worked. Based on current rates of working, it was questionable whether this could be achieved before the end of 2026. Recent site inspections had highlighted that parts of the site were not being worked in accordance with those approved plans in terms of the directionality of the working. Taking into account the sensitive location of the quarry, it was important for these issues to be addressed through a conditions review. Further topics requiring updated conditions related to the noise, dust and blast monitoring schemes at the site.

Since the surface area of the quarry was 68.7ha, it was clear that any such application for updated conditions under the review process would automatically be regarded as involving development which was Environmental Impact Assessment development by virtue of Schedule 1 to the Environmental Impact Assessment Regulations 2017, and therefore the application would need to be accompanied by an Environmental Statement.

In conclusion the Strategic Director was of the opinion that the notification of the operator and other interested parties of a first periodic review was now necessary to ensure that the remaining permitted mineral development at the site was made subject to rigorous and up-to-date environmental controls.

RESOLVED to approve notification under Schedule 14 in respect of Dene Quarry for the submission of an application for the first periodic review of planning permissions.

06/19 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

07/19 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 7 January 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.

08/19 **CURRENT APPEALS/CALLED IN APPLICATIONS** **RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate

09/19 **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:-

6 December 2018

- 1 Proposed Infill of Existing Quad Courtyard to Improve Dining Facilities at Clowne Infants and Nursery School, Ringer Lane, Clowne
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0918/53
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD3176

13 December 2018

- 1 Former Oil Tank Store Room to be Re-purposed as a Music Room, Area of the Development is Located within a 1960s Built Extension of the Building. Works to include removing the Existing Full Height Double Coach House Doors and Constructing a Block Work Wall to House Aluminium Windows to Match Existing. Any Exposed Block Works to be covered by Natural Coloured Render to Match Adjacent Windows at Osmaston CE (Controlled) Primary School, Moor Lane, Osmaston, DE6 1LW
Applicant: Derbyshire County Council

Planning Application Code No: CD5/0918/53

- 2 Proposed Extension to Provide an Additional Classroom at Shirland Primary School, Park Lane, Shirland DE55 6BH
Applicant: Derbyshire County Council
Planning Application Code No: CD4/1018/64
- 3 Proposed New School Hall at Findern Community Primary School, Buckford Lane, Derby DE65 6AR
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0518/10

20 December 2018

- 1 Replace the Existing Crittle Steel Windows and Doors with New Double Glazed Aluminium Windows and Doors at Holmgate Primary School and Nursery, Holmgate Road, Clay Cross, S45 9QD
Applicant: Derbyshire County Council
Planning Application Code No: CD4/1018/60
- 2 Proposed Development Would Create a New 480 Metres Section of Multi-User Trail along an Arable Filled Margin as Part of the on-going Development of the Archaeological Way at Land Adjacent to Pleasley Park Farm, Wood Lane, Pleasley Vale, Mansfield
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0918/50
- 3 Proposed Erection of a Timber Shed at Newton Solney Church of England Infants School, Trent Lane, Newton Solney

27 December 2018

- 1 Siting of Skip for the Temporary Storage of Appropriately Bagged or Wrapped Asbestos Waste Prior to Transportation to Licensed Landfill Facility at City House, 20 Station Road, Clowne, Chesterfield, S43 4PE
Applicant: City Services Group
Planning Application Code No: CW5/0918/52
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD3197

- SD3173
- SM3104
- SM3105
- SM3106
- SM3107

Applicant: Derbyshire County Council
Application Code No: CD9/1018/61

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