

PUBLIC

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 8 October 2018.

PRESENT

Councillor R Iliffe (in the Chair)

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

Apologies for absence were received from Councillors J Atkin, D Charles and M Ford

Councillor A Western attended the meeting as local Member in respect of the Oxcroft Disposal Point item (Minute No. 66/18)

Councillor S Marshall-Clarke attended the meeting as local Member in respect of the Leys Junior School item (Minute No. 67/18)

No Declarations of Interest were received.

No Significant Lobbying had been received.

64/18 **SITE VISIT** In accordance with the Code of Practice Members visited the sites at Kirk Langley (Minute No. 69/18) and Alfreton (Minute No. 67/18).

65/18 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 3 September 2018 be confirmed as a correct record and signed by the Chairman.

66/18 **THE IMPORTATION OF 150,000 CUBIC METRES OF SOILS AND INERT ENGINEERING MATERIALS FOR THE REPROFILING OF THE FORMER OXCROFT COLLIERY TIP TO ACHIEVE BENEFICIAL RESTORATION AT THE OXCROFT DISPOSAL POINT, MILL LANE, STANFREE – APPLICANT: HARWORTH ESTATES INVESTMENTS LIMITED (CODE NO: CW5/1118/69)** The application site covered an area of approximately 12.5 hectares and was situated to the west of the village of Stanfree, approximately 1.7 miles north of Bolsover and 1.2 miles south-west of Clowne. The M1 motorway was approximately 350 metres to the west. The site formed part of the former Oxcroft Disposal Point which served a number of surface coal mines in the locality. Land to the west (former coal stocking

grounds) was now used as a solar farm. The site access was to the south of Mill Lane.

The application was for the importation of circa 150,000 cubic metres (approximately 250,000 tonnes) of soils and inert material over a two year period to enable the beneficial restoration of the site. It was proposed that material imported to the site would be used to infill existing hollows and uneven areas, to improve gradient and slope stability, and to replace parts of the areas of hardstanding to enable the vegetation of the southern and western outer flanks of the existing tip area to be extended. The proposed development would be undertaken over four phases, and the site would be progressively restored upon completion of each phase of infilling operations. On completion of the infilling and restoration of the site, a new circular concessionary footpath would be established across the former tip linking to the existing/adopted PROW which currently terminated on the site. Pedestrian access was also proposed from the playground area to the east of the site.

The application had been accompanied by an Environmental Statement prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The ES included a summary of what the applicant considered to be the relevant local and national policies relating to the proposal.

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.

The application had been considered to be in accordance with the development plan. Other material considerations included Government policy in the National Planning Policy Framework, National Planning Practice Guidance, National Waste Management Plan and National Planning Policy for Waste 2014. The report considered the need for the development, location of the development, and the potential impacts on amenity and the environment.

Councillor A Western attended the meeting, and although there were initial concerns to how the site would be monitored, the restoration of the site had been well received.

The Strategic Director was satisfied that the proposal would accord with national and local planning policies, subject to conditions. The development would also have benefits in terms of the role it would play in helping the recovery of enabling inert waste hierarchy and so would contribute towards sustainable waste management objectives. The application was therefore recommended for approval, subject to the recommended conditions and the

completion of a section 106 agreement. No objections had been received to the proposed application.

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

67/18 PROPOSED ERECTION OF NEW SECURE BOUNDARY FENCE 2.4M HIGH WELDMESH, WITH TWO MATCHING SINGLE GATES AND THE REMOVAL AND RELOCATION OF EXISTING STEEL PALISADE FENCE WITH NEW MATCHING DOUBLE GATE AT LEYS JUNIOR SCHOOL, FLOWERY LEYS LANE, ALFRETON - APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD6/1117/68)

Leys Junior School was situated within the town of Alfreton. The proposed site was located to the north of Flowery Leys Lane and encompassed the whole of the school's playing field. There were residential dwellings located adjacent to the school's southern and western boundaries. There was a Public Right of Way (PROW) Bridleway, Alfreton which ran along the south boundary of the site. This bridleway connected to a PROW Footpath which ran along the east boundary. Also, an un-adopted path used by pedestrians stretched from the north-west to the south-east of the site.

The application was for the erection of a 2.4 metres high weldmesh fence along the north, east and south boundaries of the school playing field and double gates and two single pedestrian gates. The existing galvanised palisade fencing would be removed and reused to the east of the existing car parking area with a single double gate for maintenance access at Leys Junior School.

A petition and letters of representation objecting to the proposal had been received, expressing concerns regarding general use of the playing field and access across the site from Flowery Leys Lane to Milton Avenue and lack of access to green space. The applicant had revised the plans in response to these concerns and it was now proposed to create a 2 metre wide informal pedestrian footpath along the perimeter of the site. The Strategic Director Economy, Transport and Environment considered that the proposed amendments addressed some of the concerns raised and did not anticipate any significant environmental impacts as a result of the proposed development. Therefore, it was concluded that the development would not conflict with policies of the Amber Valley Borough Local Plan (2006) and the emerging Amber Valley Borough Draft Local Plan (March 2018).

Councillor S Marshall-Clarke addressed the Committee and added his support to the application, however he acknowledged the concerns of the community.

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

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

68/18 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO NOT COMPLY WITH CONDITION 4 WHICH IMPOSES A TIME LIMIT ON THE DEVELOPMENT, AND NOT TO COMPLY WITH THAT PART OF CONDITION 6 WHICH LIMITS THE TOTAL NUMBER OF DELIVERIES TO THE SITE EACH DAY, OF PLANNING PERMISSION CW6/0716/35 AT OAK APPLE FARM, HIGHFIELD LANE, MUGGINTON, ASHBOURNE – APPLICANT: MR A LUMBARD (CODE NO: CW6/0118/79) The application site was situated in a rural elevated location to the north east of Mugginton Village; north of Bullhurst Hill, with Mugginton Lane End directly to the west. To the south, the site was bounded by a modern farmhouse, to the east was open agricultural land and at a lower level was Leasow Farm, a working dairy farm. To the west was Highfield Lane, the main access road to the site. The nearest residential property to the north was Oak Apple Farm, the applicant's home which comprised approximately 10 hectares of land. The principal farming activity was a 12,000 (free-range) hen laying unit.

In 2017, planning permission was granted for the importation and deposit of approximately 35,000 tonnes of locally derived inert waste materials, comprising of construction and demolition wastes, soils and soil-forming materials, to raise and to remodel the levels of the application site in order to eliminate ponding, improve land drainage and create overall a more gentle sloping site.

The applicant has made a Section 73 application seeking permission to carry out the development without compliance with the requirements of Condition 4 of the planning permission CW6/0716/35 (to end the development on 14 May 2019) and Condition 6 (to secure a traffic management plan and set out the anticipated number of deliveries to the site per day).

When the Section 73 application was submitted, the applicant proposed to increase the number of deliveries to an upper limit of 40 per day with an average of 15 per day, as the applicant had found that some deliveries were being made using 'small vehicles' and that this had led to a greater number of deliveries than anticipated in the original application. However, since the submission of the application, and the receipt of comments from consultees

and in representations, the applicant had reconsidered the number of deliveries that would be required to complete the development and now sought a maximum of 15 deliveries per day.

The officer introducing the report on behalf of the Strategic Director Economy, Transport and Environment explained that the site was considered to be almost filled to the surrounding level. One of the recommended conditions was therefore to prevent any further importation of inert materials until a survey of the site has been submitted to assess how much more infill material and soil, if any, needed to be imported to create the approved landform and undertake final restoration.

The Strategic Director Economy, Transport and Environment had found the proposed amendments to extend the maximum duration of the authorised development and to amend the number of deliveries of waste to the site to be acceptable. The Strategic Director was satisfied that it would accord with the development plan policies and Government Guidance and the application was therefore recommended for approval.

A written objection to the application had been received from a local resident who raised concerns relating to the amount of heavy goods vehicles that would be using the highway and the subsequent conditions of the roads.

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

69/18 PROPOSED ERECTION OF A DETAILED THREE CLASSROOM BLOCK WITH ANCILLARY FACILITIES ON FIELD AND THE ERECTION OF A SINGLE STOREY LOBBY EXTENSION TO THE MAIN SCHOOL BUILDING AT KIRK LANGLEY CHURCH OF ENGLAND VOLUNTARY CONTROLLED PRIMARY SCHOOL, MOOR LANE, KIRK LANGLEY, NEAR ASHBOURNE – APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD6/0518/28)

The Committee were asked to consider an application for the construction of a freestanding three classroom block and the erection of a single storey lobby extension at Kirk Langley CE Primary School, Moor Lane, Kirk Langley. The school was located within the Kirk Langley Conservation Area (CA) and close to a number of listed buildings. Part of the school site was located within the setting of the Grade I listed Kedleston Hall and the Grade 1 Registered Kedleston Park and garden. The development would involve the loss of a section of the school playing field and the removal of one tree to facilitate the creation of new on-site parking provision. The school site was located in open countryside.

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

The report explained that the application site was located at the south-eastern edge of the village of Kirk Langley. It was bounded by residential development to the north (Moor Lane and Barrington Close) and south (Fieldon Close), by Moor Lane to the west and by open land to the east. There was further residential development to the west of Moor Lane on The Cunnery.

Outline planning permission for 30 dwellings to the north of Ashbourne Road (A52) had been granted by Amber Valley Borough council in May 2018. A new two-storey four bedroom house adjacent to 21 Ashbourne Road was also currently under construction on land to the north-east of the school site.

The school site was made up of two distinct areas. The original Victorian School building, and its associated grounds, formed the western half of the school site. This area was bounded by brick walls topped with chain link fencing. A hard surfaced play area wrapped around the original school building on its western and northern sides. Modern classroom and link extensions to the Victorian school building, a freestanding canopy and other outbuildings (previously used as the staff room and school kitchens) were located to the east of the main school building. The eastern half of the school site was currently used as the school playing field. This section of the site was currently undeveloped with the exception of the 2.4 metres high weldmesh security fencing along its northern boundary and small ancillary structures such as goal posts and a trim trail on the field itself. Whilst the school site had a generally flat topography, in keeping with the immediate surrounding area, the eastern half of the site was at a slightly lower level (approximately 0.6m between the nearest school buildings and the site of the proposed classroom extension) than the western half, trees were located centrally within the school site, close to the boundary with Fieldon Close.

There were no statutory or non-statutory biodiversity designations within the site. No public rights of way crossed the site.

The application site was partially located outside the built framework of Kirk Langley in open countryside. The proposed classroom building would also be located in an area defined as being within the Setting of Kedleston Hall and its Historic Park and Gardens, both of which are Grade 1. The application proposed the construction of a new, freestanding three classroom block, a single storey lobby extension and new staff/visitor parking area.

A new flat roofed reception extension, comprising a new school office and lobby area, was also proposed on the northern elevation of the link that joined the Victorian school building and the classroom extension. The development would also include the creation of nine car parking spaces. One tree, located close to Fieldon Close, would be removed as a result of the development to enable the creation of the new parking area.

The applicant had provided some additional information regarding the background to this proposal which supported the application.

The Strategic Director considered that the proposed development would bring public benefit through the expansion and improvement of an existing school and would help maintain the vitality of the rural community. The proposal would also bring benefit through the reorganisation of existing accommodation at the school site which was insufficient and required doubling up of teaching/communal hall space. The development would preserve and enhance the character and appearance of the Kirk Langley CA and would not result in adverse impacts to the setting of the nearby listed buildings or the setting of Kedleston Hall and its grounds. The development would result in the loss of a large section of the school's informal playing field and the school would involve a shortfall in the external space standards set out in Government guidance. However, such guidance was non-statutory and aimed at the creation of new schools rather than development at existing school sites, as was the case here.

The proposed development appeared to address ongoing inadequacies with the existing accommodation at the school, as well as providing for necessary infrastructure in the form of pupil places, to be in place to absorb new development. The development would contribute towards the provision of primary pupil places in the Kirk Langley normal area as a result of new housing development in the area. There was still some detail in schemes and some mitigation required, but the Strategic Director Economy, Transport and Environment considered these requirements could be met by appropriate conditions.

Concerns had been raised about the impact of the development on local amenity, the character and appearance of the CA, the setting of Kedleston Hall and its park and gardens and upon traffic, as well as the appropriateness of the design and its proposed location. However, the Strategic Director Economy, Transport and Environment did not consider that the proposed development would have any significant impacts in these respects, and considered that the proposal would accord with the saved policies of the Amber Valley Borough Local Plan (2006) (AVBLP) and the National Planning Policy Framework (NPPF).

On balance, the Strategic Director found the proposal to be acceptable, subject to the recommended conditions and recommended that the application for planning permission be approved accordingly.

Mr R Bullock, as someone who had submitted representations on the application spoke for three minutes. He had similar concerns against the application to those that the Parish Council had expressed, and therefore felt that he was also a voice for its concerns. He was not convinced that 3 extra classrooms and 24 extra pupil places were needed at the school, and did not consider the location to be acceptable. He suggested that more time needed to be allowed for the design of a better proposal, and that the loss of playing field area would do nothing to help reduce obesity in children.

Councillor Smith commented that he felt that the application was not solving a wider issue of new school provision in the area, and that the development was excessive for the site.

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

70/18 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

71/18 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 5 October 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.

72/18 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

73/18 **DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING** **RESOLVED** to receive the Planning Services Development Management Performance Management Statistics for 1 July 2018 to 30 September 2018.

74/18 **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:-

30 August 2018

- 1 Section 73 Application to Amend Condition 3 of Planning Permission Code No. CD6/0118//78 to Refelect Changes in Design since the Original Planning Application at Kilburn Infants School, The Flat, Belper DE56 0LA
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0718/25
- 2 Fencing around the Existing Tarmac Sports Playground to Form a Multi-Use Games Area at Kilburn Junior School, The Flat, Belper DE56 0LA
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0718/27
- 3 Delegation Decisions on Schemes Required by Planning Conditions:
 - SM3088
 - SM3089
 - SD3090
 - SD3166

6 September 2018

- 1 Construction of a New Building to be used as a Weighbridge Office at Depot 3, Burton Road, Swadlincote
Applicant: Willshee's Skip Hire
Planning Application Code No: CW9/0418/3

13 September 2018

- 1 Proposed Removal of Existing Wendy House and Existing Soft Play Surfacing to be replaced with the Installation of a Timber Trim and New Soft Play Surface at Milford Primary School, Chevin Road, Milford
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0718/30
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD3171
 - SM3153
 - SD3160
 - SD3164

20 September 2018

- 1 Proposed Erection of a Detached New Build Modular Building providing Three Small Group Teaching Rooms, Kitchenette and Toilets at Clowne Junior School, King Street, Clowne
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0718/34
- 2 Remove Existing 3 Layer Felt Roof Covering to Replace with New 3 Layer Felt Roof Covering with the Inclusion of Tapered Insulation to Minimise Ponding and Divert Water to Existing and Proposed Downpipes at St Peter's C of E Primary School, Main Street, Netherseal, Swadlincote, DE12 8BZ
Applicant: Derbyshire County Council
Planning Application Code No: CD9/1017/59

Exempt Item

3. Proposed Enforcement Notice Action in Relation to a Breach of Planning Control on Land Adjacent to Park Farm, Woodland Road, Stanton
Unauthorised Use of Land for the Importation, Storage and Processing of Waste Material

4 October 2018

- 1 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD3168
 - SD3170
 - SD3172
 - SD3174
 - SM3175
 - SM2918
 - SD3167