

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 9 January 2017.

**PRESENT**

Councillor T Southerd (in the Chair)

Councillors M Ford, J Frudd (substitute Member), Julie Hill, R A Parkinson, S Freeborn (substitute Member), J Twigg, J Williams and B Wright.

Apologies for absence were received from Councillors D Charles, J Dixon and R Hosker

In accordance with Standing Orders Councillor E Atkins attended the meeting to speak as local Member in respect of the Arden Quarry application (Minute No 2/17)

No Declarations of Interest were received

No Significant Lobbying had been received

**1/17**                    **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 3 October 2016 be confirmed as a correct record and signed by the Chair.

**2/17**                    **PROPOSED EXTRACTION OF AND REMOVAL FROM SITE OF MINERAL RESERVES AT ARDEN QUARRY, BIRCH VALE, NEW MILLS APPLICANT: P CASEY ENVIRO (ARDEN) LTD (CODE NO: CM1/1115/117)** (Minute No 82/16) The application proposed the extraction, processing and export from the site of approximately 180,000 tonnes of aggregate and building stone over a 5 year period at Arden Quarry, Birch Vale. Details of the proposal, previous mineral and waste permissions, together with comments received from consultees, were given in the report of the Strategic Director for Economy, Transport and Communities. Additional information from the applicant, which had been received since the previous report had been prepared, was also reflected in the current report. Objections to the proposal had been received from the local Member, Councillor E Atkins, and Hayfield Parish Council on the grounds of highway impacts, local amenity, environmental impacts, adverse effects on tourism, and the effect on protected wildlife species. Thirteen letters of objections had been received following publicity on the grounds of benefits/need/demand, traffic and noise. Additional representations received from New Mills Town Council, Councillor

Atkins and a local resident were reported at the meeting by the Strategic Director's representative.

Several photographs of the site, including the site access and views from various locations around the site, were shown at the meeting.

The report explained that the application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004; the material considerations that had also been taken into account, included the National Planning Policy Framework and National Planning Practice Guidance. The key considerations relating to the proposal were regarded by the Strategic Director as being need for the mineral, economic considerations, environmental impact and the cumulative impact and these were examined in his report.

Having regard to the further information that had been provided by the applicant since the application was first reported for the Committee in October 2016, the Strategic Director still considered that the proposed development would not be in accordance with National Planning Policy Guidance, the National Planning Policy Framework and the development plan in terms of key considerations. The new quarrying under the proposal would create new space below the existing floor in Arden Quarry which would be physically inseparable from the existing space above it which was expected to be covered over as part of the ongoing waste disposal by landfill operations at Arden Quarry under Environment Agency permitting, which might continue for many years. It was considered that the consequential additional landfill capacity from the proposal, having regard to the ongoing landfill operations at Arden Quarry, would generate a significant negative cumulative impact on local amenity, which would not be in accordance with the National Planning Policy for Waste. This was, therefore, also a material consideration that weighed against the proposal.

Councillor Atkins addressed the Committee and reiterated her concerns regarding traffic movements, air quality, the effect on local businesses and tourism.

Councillor David Toft addressed the Committee on behalf of Hayfield Town Council. It welcomed the depth and detail of the content of the Strategic Director's reports. It strongly agreed with the recommendation for refusal, but also viewed the application from a community perspective and had found that if it was approved it would not be beneficial to the wider community. He also spoke of concerns about the traffic impacts in view of the about the volumes of traffic already on the relevant highway network, negative impacts on health from Diesel engine emissions and the site access being inadequate.

**RESOLVED** that planning permission for planning application CM1/1115/117 be refused for the following reasons -

1) The proposed development is not required to meet any proven need for sandstone/gritstone aggregates as required by the National Planning Policy Framework (NPPF)/National Planning Policy Guidance (NPPG) and saved policies MP23 and MP19 of the development plan.

2) There is no need for sandstone/gritstone building stone working as required by the NPPF/NPPG and saved policy MP34 of the development plan.

3) The proposed development would not provide any net environmental benefit and does not conform with the parts of the NPPF/NPPG and the saved policies MP23 and MP19 of the development plan which relate to extensions of existing operations.

4) The application has not demonstrated any need for the additional landfill capacity that would be created by the additional quarry void that would formed as a result of the development that might comply with the NPPW and the saved waste local plan policies in the development plan. Infilling of that void would have to take place to enable ongoing waste landfilling over the former Arden Quarry by cell construction in accordance with waste management requirements regulated by environmental permitting to be completed. That infilling would, through adding to the overall scale and duration of landfill operations at the complex, have adverse impacts on local amenity which are judged to be unacceptable having regard to the NPPF, NPPG and the development plan.

**3/17                    (i) INITIAL REVIEW OF MINERAL PLANNING PERMISSIONS CODE NUMBERS 1986/9/2/5, 1986/9/2/8, CHA/1173/5, HPK/1181/1091, HPK/022937 AND HPK/030328 UNDER SCHEDULE 13 OF THE ENVIRONMENT ACT 1995: APPLICATION FOR APPROVAL OF NEW CONDITIONS; AND (ii) FIRST PERIODIC REVIEW OF THE 1946 INTERIM DEVELOPMENT ORDER (IDO) MINERAL PLANNING PERMISSION CODE NUMBER TQ/659A UNDER SCHEDULE 14 OF THE ENVIRONMENT ACT 1995: APPLICATION FOR APPROVAL OF NEW CONDITIONS AT TUNSTEAD QUARRY, TUNSTEAD, BUXTON APPLICANT: TARMAC LTD CODE NOS: R1/1197/11 AND R1/0913/27** New schemes of conditions had been submitted by Tarmac Ltd under the requirements of schedules 13 and 14 of the Environment Act 1995 to update planning controls on future operations at Tunstead Quarry, Tunstead, Buxton under planning permission code numbers TQ/659A (1946 Interim Development Order (IDO)), 1986/9/2/5, 1986/9/2/8, CHA/1173/5, HPK/1181/1091, HPK/022937 and HPK/030328.

The Strategic Director for Economy, Transport and Communities reported that the applicant had also voluntarily submitted a RoMP application (code no. R1/0913/27) under Paragraph 6 of Schedule 14 of the Environment Act 1995 relating to the IDO permission, to enable a new set of conditions for this permission to be determined at the same time as the new conditions under the 1997 initial review application. He explained that an application had initially been submitted in 1997 (code no. R1/1197/11), but this had been 'stalled' and deferred with the agreement of the applicant pending the submission of environmental information.

The schemes, together with an Environmental Statement (ES), provided details of the proposed working of the site, environmental protection, the form of restoration and the suggested planning conditions under which the site should be worked.

Some photographs of views into the Tunstead complex, within a short film produced by the company, were shown to the Committee to illustrate the large scale of the site.

The planning history of the site and details of the stages of development and restoration proposals were summarised in the report of the Strategic Director for Economy, Transport and Communities, together with comments received from consultees and following publicity.

The Strategic Director commented that the mineral review applications had been assessed against the development plan policies and the National Planning Policy Framework and National Planning Policy Guidance had also been taken in to account. The environmental effects of the development and the main points of the Environmental Statement regarding potential effects were conveyed in the report under the headings Visual and Landscaping; Hydrology, Hydrogeology and Flood Risk; Ecology, Natural Heritage and Designated Sites; Traffic and Transport; Noise; Vibration; Air Quality and Dust; Socio-Economic/Amenity; combined and Cumulative Effects; and Alternatives. Matters of archaeology and cultural heritage, geology, lighting, public rights of way, soils and impact on agricultural land, and restoration and aftercare were also addressed in the report.

The Strategic Director reported that he had found that some changes to the submitted schemes of conditions were necessary and these were highlighted in the report. It was considered that approving the amended conditions, as set out in the Officer's Recommendation, would not restrict the working rights of the applicant so as to provide any ground for statutory compensation.

He concluded that the current mineral review applications significantly improved the environmental controls currently in place at the site, particularly with regard to landscape and visual impacts, ecology, noise and hydrology and hydrogeology, and he was satisfied that the scheme generally addressed the requirements and environmental parameters of the policies set out in the report and accorded with the development plan. The conditions in the Officer's Recommendation had been agreed between the parties and would bring appropriate updates and much improved control over the environmental effects of the development, the method of working, landscaping, restoration and aftercare of the Tunstead/Old Moor Quarry sites in line with modern planning permissions and the requirements of consultees.

**RESOLVED** that (1) the Screening Report, set out in Appendix 1 to the report of the Strategic Director for Economy, Transport and Communities, be endorsed as the conclusion of the assessment work relating to the application which is subject of the report (Code Nos: R1/1197/11 and R1/0913/27) for the purposes of the Conservation of Habitats and Species Regulations 2010; and

(2) the sets of conditions contained in the report of the Strategic Director for Economy, Transport and Communities be approved for the purposes of paragraphs 9 and 10 of Schedule 13 and paragraphs 6 and 10 of Schedule 14 of the Environment Act 1995, as the new conditions for the Strategic Director – Economy, Transport and Communities to issue in respect of planning permissions 1946 Interim Development Order (IDO) TQ/659A, 1986/9/2/5, 1986/9/2/8, HPK/1181/1091 HPK/022937, HPK/030328 and CHA/1173/5, to replace the sets of conditions previously approved.

**4/17                      RESTORATION SCHEME SUBMITTED UNDER AN OBLIGATION PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 RELATING TO PLANNING PERMISSIONS CW1/0612/22 AND CW1/1213/140 AT VICTORY QUARRY, FIELD FARM, BATHAM GATE ROAD, BUXTON APPLICANT: BARRY WOOD PLANT HIRE LTD SUBMISSION NO: SW2916** The planning history of the site over several years was summarised in the report of the Strategic Director for Economy, Transport and Communities. In accordance with an obligation of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, a scheme of proposed works had been submitted. This was to ensure the completion of restoration of the land and the removal of the haul road following cessation of use of the site for recycling activities by 29 August 2017.

The submitted scheme proposed to restore the site to a landform suitable for agricultural (grazing) use. The remaining void at the site would be infilled using the remaining materials on site and the soils stored in a screening bund on the southern boundary following the cessation of recycling

operations. The haul road part of the site would also be restored; it would be scarified, dressed and then seeded and could then be used as an agricultural access. The scheme also included the provision of fencing to create enclosures suitable for grazing, drainage details and a five year aftercare scheme.

The Strategic Director commented that the site was located in a rural countryside location within the White Peak Plateau Pastures landscape character type. The local landscape surrounding the site was characterised by its generally uneven ground resulting from past quarry working and it was considered that the proposed scheme would create a landform that would be consistent with the surrounding landscape character.

Although there was potential for amenity impacts such as noise and dust during the restoration operations the existing controls through the schedule of conditions attached to the current permission would continue to apply to minimise such impacts.

The Chair referred to a letter, which had been sent to Members from a planning consultant representing nearby residents, which included some suggestions for amendment for the scheme to be approved. The Chair invited the Strategic Director's representative to respond to it. The Strategic Director's representative indicated that he did not consider that there were any issues raised by the letter that would not be dealt with through the approval of the scheme.

**RESOLVED** to approve the scheme submitted in respect of obligation 3 of the Deed of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990, as amended, relating to waste recycling operations on land near Buxton in Derbyshire, dated 13 March 2013.

**5/17**                      **CURRENT ENFORCEMENT ACTION**    **RESOLVED** to receive the report on current Enforcement Action.

**6/17**                      **OUTSTANDING APPLICATIONS**    **RESOLVED** to receive the list on decisions outstanding on 9 January 2017 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.

**7/17**                      **CURRENT APPEALS/CALLED-IN APPLICATIONS**  
**RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

**8/17                      DEVELOPMENT                      MANAGEMENT                      MONTHLY**  
**PERFORMANCE MANAGEMENT STATISTICS RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for 1 October to 31 December 2016.

**9/17                      MATTERS DETERMINED BY THE STRATEGIC**  
**DIRECTOR FOR ECONOMY, TRANSPORT AND COMMUNITIES UNDER**  
**DELEGATED POWERS RESOLVED** to note that the following applications had been approved by the Strategic Director for Economy, Transport and Communities under delegated powers on:-

**(a)    Delegation Meeting – 29 September 2016**

- 1      Proposed Change of Use of Land and Associated Development at Milford Sewage Pumping Station, Land at Derby Road, Milford  
Applicant: Severn Trent Water Limited  
Planning Application Code No: CW6/0416/7
- 2      Delegation Decisions on Schemes Required by Planning Conditions:
  - SD2909

**(b)    Delegation Meeting – 6 October 2016**

- 1      Retrospective Application for the Storage of Biomass Fuel (Chipped Wood) on Land forming Part of Hillhead Quarry (Ex-Forticrete Site), Harpur Hill, Buxton  
Applicant: Stonevada Ltd  
Planning Application Code No: CW1/0516/16
- 2      Proposed Infilling of the School's Southern Veranda Refurbishing the School's Northern Verandas, including Infilling the Existing Main Entrance Door at Langwith Bassett Primary School, Bassett Hill, Upper Langwith  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0816/37
- 3      Proposed Replacement of Timber Windows and Doors with Aluminium Units at Chaucer Junior School, Cranmer Street, Ilkeston  
Applicant: Derbyshire County Council  
Planning Application Code No: CD8/0716/34
- 4      Delegation Decisions on Schemes Required by Planning Conditions:
  - SD2904
  - SM2873
  - SM2875

- SD2903

**(c) Delegation Meeting – 13 October 2016**

- 1 Delegation Decisions on Schemes Required by Planning Conditions:
  - SW2870

**(d) Delegation Meeting – 20 October 2016**

- 1 Application for Permission for External Ventilation Unit, Ducting and Water Tank, Unit 35, M1 Commerce Park, Markham Lane, Markham Vale, Chesterfield  
Applicant: C.P. Environmental Ltd  
Planning Application Code No: CW2/0616/28

- 2 Delegation Decisions on Schemes Required by Planning Conditions:
  - SW2908

**(e) Delegation Meeting – 27 October 2016**

- 1 Request for the Council's Prior Approval for the Installation of a Bulk Powder Silo at Grange Mill Quarry, Near Wirksworth  
Applicant: Ben Bennett Jnr Ltd  
Submission No: PD17/3/58

- 2 Delegation Decisions on Schemes Required by Planning Conditions:
  - SD2894

**(f) Delegation Meeting – 17 November 2016**

- 1 Proposed erection of Security Fencing and Gates at Fairfield Endowed Junior School, Boarstones Lane, Fairfield, Buxton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD1/0616/26

- 2 Submission of Schemes under the Terms of Conditions Relating to A) Details of the Proposed Sustainable Urban Drainage Scheme (SW2919) and B) the Completion Report (SW2905) relating to the Remediation of the Former Avenue Coking Works Site at Derby Road, Wingerworth  
Applicant: VSD on behalf of The Homes and Communities Agency  
Planning Application Code No: CW4/1115/112

- 3 Proposal to Replace Existing Wooden Sheds with Concrete Storage Units at Brooksite Nursery, Kilbourne Road, Belper



Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0916/51

- 4 Application to Import Inert Wastes to Raise the Level of Low Lying Agricultural Land to Improve Drainage and the Agricultural Quality of Land at Oak Apple Farm, Highfield Lane, Muggington  
Applicant: Mr A Lumbard  
Planning Application Code No: CW6/0716/35
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
  - SD2920
  - SD2921
  - SD2922

**(g) Delegation Meeting – 24 November 2016**

- 1 Proposed Erection of Security Fencing and Gates at New Mills Business and Enterprise College, Church Lane, New Mills  
Applicant: Derbyshire County Council  
Planning Application Code No: CD1/0916/48
- 2 Proposed Erection of a Classroom Extension, the Infilling of a Courtyard Area and the Installation of a Play Area with canopy at Parkside Community Junior School, Cockayne Avenue, Ashbourne  
Applicant: Derbyshire County Council  
Planning Application Code No: CD3/0916/49
- 3 Section 73 Application to Not Comply with Conditions 1 (Planning Permission Expiration Date) of Planning Permission CM5/0102/125 at Hardwick Park Quarry, Hardwick Park, Doe Lea, Chesterfield  
Applicant: The National Trust  
Planning Application Code No: CM5/0816/47
- 4 Proposed Erection of a Multi-Use Games Area at Hilton Primary School, Peacroft Lane, Hilton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD9/0916/52
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
  - SD2923

**(h) Delegation Meeting – 1 December 2016**

- 1 Applications for Proposed External Site Modifications and the Erection of a Chimney at the Established Johnsons waste Recycling Facility, on Land at the Quarry Hill Industrial Estate, Crompton Road, Ilkeston

- 1) Application to Raise the Roof of an Existing Building and the erection of a Dryer Stack (Chimney) Application Code CW8/0616/24); and

- 2) Application Submitted Under Section 73 of the Town and Country Planning Act 1990 for the Proposed Variation of Condition 3 of Planning Permission CW8/0413/17 to Allow a Minor Change to the External Arrangements of the Site (Application Code: CW8/0616/25

Applicant: Johnson Aggregates and Recycling Limited  
Planning Application Code Nos: CW8/0616/24 and CW8/0616/25

- 2 Delegation Decisions on Schemes Required by Planning Conditions:
  - SW2867

**(i) Delegation Meeting – 8 December 2016**

- 1 Proposed Installation of Six Air Conditioning Units at Kirk Ireton Church of England Voluntary Controlled Primary School, Main Street, Kirk Ireton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD3/0916/53

- 2 Proposed Development Constitutes the Replacement of Old Inefficient Single Glazed Windows for New Modern Efficient Double Glazed Window Units at Kirk Ireton Church of England Voluntary Controlled Primary School, Main Street, Kirk Ireton  
Applicant: Derbyshire County Council  
Planning Application Code No: CD3/1016/60

- 3 Delegation Decisions on Schemes Required by Planning Conditions:
  - SM2915
  - SD2856
  - SD2857
  - SD2906
  - SD2926
  - SM2527

**(j) Delegation Meeting – 15 December 2016**

- 1 Application Under Section 73 of the Town and Country Planning Act 1990 to Amend Two Conditions of Planning Permission Code No. CM3/396/92, to Allow an Extension in Time for the Continuation of Tipping of Works Wastes Only and to Extend the Date for Completion of the Restoration Works at the Aggregate Industries Works Tip Site, Smith Hall Lane, Hulland Ward  
Applicant: Aggregate Industries UK Limited  
Planning Application Code No: CM3/0816/39
- 2 Application to Not Comply with Conditions 6 and 14 of Planning Permission CW4/0399/147 Relating to Waste Recycling Centre on Land at the Former Doe Lea Colliery Site, Mansfield Road, Doe Lea  
Applicant: NT Killingley Ltd  
Planning Application Code No: CW4/0516/12
- 3 Proposed Erection of a Two Storey Teaching Block with the Demolition of Two Existing Classroom Blocks as Part of a Phased Development at Aldercar Community Language College, Daltons Close, Langley Mill  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0416/2
- 4 Replacement of Existing Steel Windows and Doors with New Double Glazed Aluminium Frames Designed to Match Previous Phases of Window Replacement Undertaken on the Property at Field House County Infant School, Lower Whitworth Road, Ilkeston  
Applicant: Derbyshire County Council  
Planning Application Code No: CD8/1116/64
- 5 Delegation Decisions on Schemes Required by Planning Conditions:
  - SW2936
  - SW2931
  - SW2932
  - SW2933
  - SW2892
  - SW2983

**(k) Delegation Meeting – 22 December 2016**

- 1 Delegation Decisions on Schemes Required by Planning Conditions:
  - SD2899
  - SD2940
  - SM2628

**(l) Delegation Meeting – 29 December 2016**

- 1 Retrospective Application (Section 73A) to Change Use from B2 to Sui Generis, for a Scrap Metal Reclamation, Processing and Grading Business Operating with All Licences Including: Environmental Permit; Scrap Metal Licence and Exemptions S2, T2, T9 and T11 to Disassemble Used Goods and Reclaim Non-Ferrous Metals at 1 Quarry Road, Somercotes  
Applicant: AR Recycling  
Planning Application Code No: CW6/0516/11
- 2 Proposed Work on Three Structures, known as Cricket Ground, Halfpenny Bridge and the Birches, that form the Start of Holly Lane, from its Junction with the A6 to the Sharp Bend at the Bottom of the Hill, Holly Lane, Ambergate, Belper  
Applicant: Derbyshire County Council  
Listed Building Consent Code No: LB6/0516/15

H:\New Democratic Arrangements\Regulatory and Appeals Committees\Planning\MINUTES\2016\2016.10.03.doc