

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 4 February 2019.

**PRESENT**

Councillor M Ford (in the Chair)

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

Apologies for absence were received from Councillor D Charles

No non-pecuniary interests were declared.

No Significant Lobbying had been received.

**10/19** **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 7 January 2019 be confirmed as a correct record and signed by the Chairman.

**11/19** **LATERAL EXTENSION OF MOUSELOW QUARRY TO EXTRACT HIGH QUALITY BRICK MAKING SHALES FOR USE IN THE NEARBY DENTON BRICKWORKS AND SANDSTONE FOR USE AS A BUILDING STONE, TOGETHER WITH AMENDING THE APPROVED RESTORATION SCHEME AND RELINQUISHING PLANNING PERMISSION TO EXTRACT DEEPER LOWER QUALITY SHALES APPLICANT: WEINERBERGER LTD CODE NO: CM1/0618/** As the Strategic Director's report explained this was a proposal to extend the area of mineral extraction at Mouselow Quarry in a westerly direction to extract a further 0.85 million tonnes (MT) of high quality brick making shale for use in the nearby Denton Brickworks and 0.20 MT of sandstone for use primarily as building stone. The extension area was shown edged green on drawing number M2\_LAN\_038A, dated September 2017, entitled Site Plan, and the whole planning application boundary edged red on the same drawing. The proposed lateral extension would affect an additional 1.5 hectares (ha) of land which consisted of parts of pasture fields (1.1ha) and a small area of woodland (0.4ha). The proposal also included amendments to the approved restoration scheme for the existing quarry and the relinquishment of planning permission to extract deeper lower quality shales. The application was accompanied by an Environmental Statement (ES).

The report explained how the proposals were considered by the Strategic Director to contribute towards the socio-economic objectives of

sustainable development, as set out in National Planning Policy Framework (NPPF), and to have the potential to result in impacts on the surrounding landscape. Such impacts which were not considered to be unacceptable if the proposals were controlled by conditions, and a legal agreement for leaving deep low quality shale unworked. The proposed revised restoration scheme was therefore contoured for a fully 'dry' restoration which would reduce potential groundwater impacts and lead to ecological, landscape and visual amenity and public access benefits.

Having had regard to the need to ensure an adequate and steady supply of industrial minerals, such as brick clay, to support their use in industrial and manufacturing processes, he considered that there was a justified economic need for the continued extraction of the shale resource (and associated sandstone) at Mouselow, which was supplied to Denton Brickworks.

The analysis of the planning considerations in the report concluded that, subject to conditions and completion of an agreement to provide certain types of planning obligation, the proposed development would not conflict with the relevant saved policies of the adopted DDMLP, the adopted HPLP or any other material considerations. It was accordingly recommended for approval.

**RESOLVED** that planning permission be granted for application CM1/0618/23 subject to:

(1) prior completion of a legal agreement containing planning obligations under Section 106 of the Town and Country Planning Act 1990 to provide that:

1. with effect from the commencement of development under the planning permission, the application site owner shall not carry out nor allow any other party to carry out any development of the site pursuant to any other extant planning permission
2. with effect from the granting of the permission, the owner shall not object to any order by the Council under section 97 of the Town and Country Planning Act 1990 to revoke any other extant permission relating to the permission site, and shall surrender any entitlement to compensation from the Council in respect of any such revocation, and
3. upon the Council providing a relevant notification following completion of the restoration to be required by conditions to which the permission is to be subject the owner shall enter into Creation Agreements with the Council under section 25 of the Highways Act 1980 to dedicate as a public footpath any one or more of the paths shown as permissive paths on the drawing submitted with the application which is numbered No. M2\_LAN\_039C and entitled 'Restoration Concept' , and

(2) conditions based substantially on the draft conditions set out in the report of the Strategic Director Economy, Transport and Environment.

**12/19      CONSTRUCTION OF AN 80 SPACE VISITOR CAR PARK, OVER FLOW CAR PARK AND ACCESS ROAD ON LAND WITHIN THE FORMER LODGE HOUSE SURFACE MINE, HEANOR ROAD, SMALLEY**  
**APPLICANT: THE WOODLAND TRUST CODE NO: CM6/1018/59**

The Strategic Director reported to the Committee that Lodge House Surface Coal Mine, which the application site lay within, had been operational between 2009 and 2016 and covered an area of 200 hectares (ha) south-east of the A608 between Smalley and Shipley Country Park. This land was now in the aftercare period following restoration which was intended to see the landscape features in accordance with the restoration plan firmly established in keeping with the character of the local landscape. The land would then be subject to a 20 year Habitat Management Plan under a section 106 Agreement.

The Woodland Trust had stated that it intended “to enhance the former surface mine area for nature conservation and wider environmental purposes and to unlock the recreational and educational potential of the area by improving public access”.

The application proposed the creation of 80 permanent car parking spaces, four disabled persons parking bays and two coach parking bays, and a grassed central area for occasional events such as tree planting and artisan craft working days, with capacity for 160 vehicles to be available for overflow car parking. The development would utilise a sustainable urban drainage system using permeable surfacing materials.

The car park design incorporated a one-way circular system, containing the area for overflow parking in the centre. There would be provision for 80 parking bays set at a 45° angle to the road with soft landscaping and hedgerow planting to the surrounds to provide visual screening and incorporate the car park into the agricultural field setting. Angled parking would allow the proposed road to be narrowed to 3.7m in width in order to reduce the overall area of hard surfacing. The one-way system around a large, open green space, was intended to provide the design with a sense of openness and maintain the countryside character.

Further overflow parking, if necessary, would be accommodated to the immediate south of the built car park via a gated access.

An entrance space would be located to the north-eastern corner of the site connecting with the existing footpath network and the wider countryside. Seating for large groups to gather, an estate map and visitor information would also be provided in this area. Coach parking facilities and disabled persons bay parking on the northern boundary of the proposed car park, close to the entrance point to the wider site, would also be provided.

The car park would be set within an extensive planting scheme utilising native tree and shrub species, and low growing plants to maintain intervisibility across the car park for security. Access to the car park would be from Heanor Road to the north-west via the existing entrance. This road would follow the approximate alignment of the original Lodge House Surface Mine haul road.

The proposed road would accommodate two raised pedestrian crossing points, where public footpaths cross the road and two animal crossing points. The entrance at Heanor Road would include a height restriction barrier and gates to allow the Woodland Trust full control of the car park and prevent misuse of the site. A native species hedgerow would be used to screen vehicles and the road itself from the local residential properties, as well as assimilating the road into the landscape. A pedestrian footpath adjacent to the road would allow walkers to utilise the same route and connect with the existing footpath network.

Consultations had been carried out and details of responses received were given in the Strategic Director's report. In considering the proposals, the Strategic Director had had regard to concerns relating to development in the Green Belt, landscape and visual amenity, ecology and highway impacts, and was satisfied that the effects of the development could be managed and mitigated through an appropriate suite of conditions. In conclusion, the Strategic Director was satisfied that the development would be in accordance with the development plan, subject to the recommended conditions. He was satisfied that the proposal would not conflict with national or local planning policies and it was therefore recommended for approval.

Lorna Cruice of Appletons Landscape Architects, acting on behalf of the applicant attended the meeting and provided members with a three minute presentation in support of the application and the officer's recommendations.

Following a number of questions by members, she confirmed that the car park would be gated and locked when it was not being warden controlled. No plans currently existed to offer any facility for the provision of refreshments.

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

**13/19      THE CONSTRUCTION OF NEW MULTI-USE GAMES AREA PLAYING SURFACE AND A TARMACADAM TRACK AROUND THE PERIMETER OF THE MULTI-USE GAMES AREA AT RIDDINGS JUNIOR SCHOOL, 15 CHURCH STREET, ALFRETON      APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD6/1018/62** The Strategic Director informed the Committee that an application had been received for the construction of a Multi-Use Games Area (MUGA) incorporating 1 metre (m)

high fencing on three sides and 2m high fencing to the fourth side. The MUGA would have basketball nets and goal frames at its northern and southern ends. An informal running track was also proposed around the perimeter of the MUGA with a tarmac path connecting the proposed MUGA to the existing hard surfaced play areas. The development would be located to the northern end of the existing playing field at Riddings Junior School. The school was situated within Riddings Conservation Area (CA). The main school building, although not listed, was architecturally of historic merit and, as such, was considered to be a non-designated heritage asset. The development would not be visible from the highway (Church Street) which ran along the frontage of the school.

The application had received an objection raising concerns about noise and highway impacts, as well as the impact on the CA, which was detailed in the Strategic Director's report.

The Strategic Director concluded that he did not consider that the proposed development would cause any significant visual impacts or harm the significance of the heritage assets. The proposal would not result in an unacceptable increase in traffic or noise. The development accorded with policies of the Amber Valley Borough Council Local Plan (2006) (AVBLP) and the emerging Amber Valley Borough Draft Local Plan (March 2018) (AVBDLP). The application was therefore recommended for approval.

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

**14/19      SUBMISSION OF A SCHEME OF AFTERCARE AND A LANDSCAPE AND ECOLOGICAL MANGAGEMENT PLAN UNDER AN OBLIGATION PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 RELATING TO PLANNING PERMISSIONS CM2/0213/44 AND CM2/0911/81 LAND AT HARTINGTON TIP, FERNDAL ROAD, STAVELEY, THE FORMER CAMPBELL LANDFILL SITE AND TROUGH BROOK ROAD FORMER OPENCAST COAL SITE, STAVELEY APPLICANT: TAWNYWOOD LTD SUBMISSION NO: SM3201** The Strategic Director asked members to consider for approval, in accordance with an agreement of June 2017, a Landscape and Ecological Management Plan (LEMP) which incorporated a scheme of aftercare for the Hartington Tip Reclamation site, former Campbell Landfill Site and Troughbrook Road former Open Cast Coal Site under the planning permissions granted by the Council (Code Nos. CM2/0213/44 and CM2/0911/81).

Planning permissions (Code Nos. CM2/0213/44 and CM2/0911/81) were granted for development at Hartington Reclamation, the former Campbell Landfill Site and Troughbrook Road former Open Cast Coal Site on the completion of a Section 106 legal Agreement in June 2017 (following approval by the Committee in November 2014, Minute Nos. 96/14 and 97/14 refer). The agreement required, amongst other items, the submission by Tawnywood Ltd (the applicant for both applications and the owner of three sections of the Hartington Site) for the approval of the Council, of a scheme of aftercare for the Campbell and Troughbrook sites and the submission of a LEMP relating to the three sites.

There was no statutory requirement for consultations or publicity with the respect to this submission, however, Councillor Bingham (Staveley North and Whittington) had been consulted.

A LEMP had been submitted by Tawnywood Ltd which incorporated a scheme of aftercare. The LEMP set out the proposed scheme of habitat establishment, aftercare maintenance and long-term management for the Hartington Tip Reclamation site and the two receptor sites: Campbell Landfill and Troughbrook Road. It also addressed, where appropriate, post-development and long-term land management and monitoring measures that would be taken to enhance the nature conservation value of the sites. The LEMP was recommended by the Strategic Director for approval.

**RESOLVED** to approve the Landscape and Ecological Management Plan Revision 1 submitted on 30 August 2018 by Tawnywood Ltd.

**15/19**      **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

**16/19**      **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 4 February 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.

**17/19**      **CURRENT APPEALS/CALLED IN APPLICATIONS** **RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate

**18/19**      **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:-

## **10 January 2019**

- 1 Section 73 Application to Not Comply with Conditions (Form of Development) and 4 (Duration of Works) attached to Planning Permission Code No CW8/0516/17 at Land at Erewash Valley Golf Club, Golf Club Road, Stanton by Dale, Derbyshire, DE7 4QR  
Applicant: Erewash Valley Golf Club  
Planning Application Code No: CW8/0818/44

## **17 January 2019**

- 1 The Replacement of 9 Single Glazed White Painted Timber Windows, 1 Single Glazed White Steel Window and a Double Glazed Polyester Powder Coated Aluminium Window System at Kniveton CE Primary School, Longrose Street, Kniveton, Ashbourne  
Applicant: Derbyshire County Council  
Planning Application Code No: CD3/1118/71

- 2 Delegation Decisions on Schemes Required by Planning Conditions:

- SW3193
- SD3192

## **24 January 2019**

1. Proposed Change of Use from B2 to a Mixed Use of End of Life Vehicle De- Polluting, Vehicle Repairs and Storage at Fellside Cards, Unit 6 Griffon Court, Griffon Road, Ilkeston  
Applicant: Fellside Cars and Classics  
Planning Application Code No: CW8/1018/67

- 2 Delegation Decisions on Schemes Required by Planning Conditions:

- SW3189
- SD3198
- SW3195
- SW3196

**31 January 2019**

1. Application under Section 73 of the Town and Country Planning Act 1990 to Not Comply with Condition 9 of Planning Permission CM3/1212/126 to Rationalise and Update the Area where Permitted Development Rights Apply to Better Reflect the Extent of Processing Operations at the Site at Brassington Moor Quarry, Longcliffe, Wirksworth  
Applicant: Longcliffe Quarries Limited  
Planning Application Code No: CW3/0718/32

2. Delegation Decisions on Schemes Required by Planning Conditions:

- SW3202
- SD3205