

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 8 August 2016.

PRESENT

Councillor B Wright (in the Chair)

Councillors D Charles, J Dixon, M Ford, S Freeborn (substitute Member), J Frudd (substitute Member), R Hosker, R A Parkinson, J Twigg and J Williams

Apologies for absence were received from Councillor Julie Hill and T Southerd

Councillor Freeborn declared a personal interest in the Waingroves item (Minute No 62/16) as local Member and Parish Councillor involved with the Ripley Neighbourhood Plan. Councillor Frudd declared a personal interest in the Ilkeston item (Minute No 64/16) as local Member.

60/16 **SITE VISIT** In accordance with the Code of Practice the Committee visited the site at Ilkeston (Minute No 64/16).

61/16 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 11 July 2016 be confirmed as a correct record and signed by the Chair.

62/16 **PROPOSED EXTENSION OF TIME FOR THE SUBMISSION OF AN APPLICATION UNDER THE ENVIRONMENT ACT 1995 (SCHEDULE 14) FOR APPROVAL OF CONDITIONS TO WHICH A PLANNING PERMISSION IS TO BE SUBJECT (FIRST PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS OR ‘ROMP’ APPLICATION) AT WAINGROVES QUARRY, WAINGROVES, NEAR RIPLEY (PLANNING PERMISSION CODE NUMBERS RIP/1248/6 (WINNING AND WORKING OF MINERALS), RIP/356/7 (WINNING AND WORKING OF MINERALS), RIP/1160/5 (WINNING AND WORKING OF MINERALS) AND RIP/1261/6 (WINNING AND WORKING OF MINERALS) APPLICANT: FORTERRA BUILDING PRODUCTS LTD** Forterra Building Products Ltd had asked for the agreement of the Mineral Planning Authority to postpone the date by which an application had to be made to determine a new scheme of conditions to which the above permissions related from 1 July 2017 until 1 July 2022.

The report of the Strategic Director for Economy, Transport and Communities gave a planning background of the site. In making the request to postpone the date Forterra Building Products Ltd had stated that the Initial Review conditions imposed by existing planning permissions RIP/1248/6,

RIP/356/7, RIP/1160/5, RIP/1261/6 (collectively referenced as R6/0698/6) remained satisfactory to monitor and control all aspects of the operation of the permitted development; the approval of submitted schemes under conditions 42 (landscape management scheme), 43 (advance planting) and 45 (restoration of Area B) to be considered and approved by the Mineral Planning Authority would provide fully up-to-date schemes relevant to those conditions; and there were no planned changes to the method of working as had previously been approved under the Initial Review conditions in 2002.

The Strategic Director commented that the conditions relating to environmental impacts approved in 2002 were still robust and that they would allow the current mineral extraction and processing operations at the site to be controlled to acceptable modern standards. In addition, the recent approval of the submissions under conditions 42 (landscape management), 43 (advance planting) and 45 (restoration of area B) of the approved 2002 conditions ensured that those aspects of the development were fully up-to-date. He was satisfied that the advance planting previously undertaken was well established, in good condition and providing valuable visual screening into and from the site, as was originally envisaged. Such mitigations would generally provide sufficient and appropriate control over all matters of environmental concern. He did not foresee any immediate threat to the environment which would call for a more urgent reconsideration of the schedule of conditions approved in 2002 than would be the case with the RoMP due date being extended to 1 July 2022 as requested.

RESOLVED to authorise the Strategic Director – Economy, Transport and Communities to agree in writing to the due date for the submission of an application under Paragraph 6 of Schedule 14 of the Environment Act 1995, for approval of new conditions with the planning conditions to which planning permissions RIP/1248/6, RIP/356/7, RIP/1160/5 and RIP/1261/6 at Waingroves Quarry are to be subject, being 1 July 2022.

63/16 APPLICATION FOR PLANNING PERMISSION FOR PROPOSED CONSTRUCTION OF A 430 METRES ADVENTURE CYCLE TRACK EXTENSION TO THE FIVE PITS TRAIL AT WILLIAMTHORPE NATURE RESERVE, HOLMEWOOD APPLICANT: DERBYSHIRE COUNTY COUNCIL (CODE NO: CD4/0316/143) The application proposed the construction of a 430 metres cycle track to be located within an existing woodland plantation close to the southern boundary of the Williamthorpe Nature Reserve. The proposed track would connect with the existing Five Pits Trail, which ran parallel to the woodland plantation, with the proposed track forming a southern circular loop cycle track extension to the existing Five Pits Trail.

Details of the proposal, together with comments received from consultees and following publicity were included in the report of the Strategic Director for Economy, Transport and Communities. The Strategic Director's representative also referred to a further written statement from the local business neighbour who had made the representation in objection which addressed in the report. It stated that whilst he agreed with the trail being extended, but had raised concerns about the path of the extension being close to the business premises fence line and causing problems with litter and possible damage to the fence. He suggested retention of thistle and bramble vegetation as a barrier between the path and the fence and requested assurances that issues relating to these matters would be dealt with immediately. The Strategic Director's representative commented that the area of vegetation close to the fence would be retained and issues of litter and damage would be dealt with as part of the proposed management plan, which would be required by condition if the officer's recommendation in the report was followed.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and other material considerations had also been taken in to account. The key planning issues for the application were the need for the development, landscape and visual impacts, landscape and ecological impact, and impacts on businesses on adjoining land. These issues were considered in the report. The Strategic Director in addressing the need for the development and the potential impacts, he had concluded that the potential impacts would be mitigated either by appropriate measures incorporated within the application or by measures set out in conditions recommended in the report, and that the proposed development would comply with the National Planning Policy Framework's presumption in favour of sustainable development and would accord with the saved policies of the adopted North East Derbyshire Local Plan. No objections had been received from the Highways Authority and no public rights of way were affected.

The Strategic Director's representative also presented slides showing an aerial view photographs indicating the route of the proposed extension path and several photographs of the location of the application site and the path in relation to local businesses.

Councillor Freeborn stated that he supported the application but considered that a management plan should be in place from the outset instead of from a year following the permission, and that there should be suitable signage for cyclists and walkers.

Officers affirmed that it was possible to impose a condition based on the proposed condition 4 under the officer recommendation to require details of signage to be included in the construction plan.

RESOLVED that planning permission be granted, subject to the proposed conditions set out in the officer recommendation in the report of the Strategic Director for Economy, Transport and Communities, except for amendments to condition 4 so as to require details of signage for cyclists and walkers to be included in the construction plan.

64/16 APPLICATION FOR PLANNING PERMISSION FOR PROPOSED INSTALLATION AND USE OF A SCRAP METAL PRE-SHREDDER TO PRE-PROCESS EXISTING SCRAP MATERIALS ON LAND AT WARD RECYCLING, QUARRY HILL INDUSTRIAL ESTATE, GRIFFON ROAD, ILKESTON, DERBYSHIRE APPLICANT: DONALD WARD LIMITED (CODE NO: CW8/0815/70) The application proposed the installation and use of a new machine to support scrap metal recycling at the applicant company premises on the Quarry Hill Industrial Estate, off Griffon Road, Ilkeston. It was proposed that the machine would be used to pre-shred selective scrap metal wastes prior to the scrap metal being shredded further in a larger (and adjacent), fragmentiser plant, which had been installed and first used at the premises in 2007. The planning history of the site and details of the proposal, together with comments received from consultees were contained in the report of the Strategic Director for Economy, Transport and Communities.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The key issues were considered to be the impact of the introduction and use of the proposed equipment on the amenity of the area (emissions to air-noise, dust and vibration); the cumulative impact of the equipment with impacts from other elements associated with the waste facilities at the premises; and the potential impact on the proposed development of the Stanton Ironworks regeneration area and these issues were addressed in the Strategic Director's report.

The Strategic Director was satisfied that, in conjunction with the controls provided by the Environmental Permit, the impacts associated with the proposal, could be controlled effectively by planning conditions, and he did not consider that the operation of the pre-shredder machine would prejudice or threaten the future development of the Stanton Ironworks regeneration area.

Councillor Frudd referred to his awareness as local Member of the employment which the applicant was providing at Griffon Road, as well as the concerns that explosive incidents from its fragmenting operations had caused

to other businesses in the area, which the pre-shredder could help to prevent recurring in the future.

Councillor Williams commented that the applicant had demonstrated a co-operative attitude during the site visit and expressed the hope that it would be amenable to holding regular liaison meetings to foster good relations with its neighbours. The Strategic Director's representative commented that nearby business occupiers would find a liaison arrangement useful and that he would encourage the applicant to establish a suitable liaison arrangement, which would involve them.

Councillor Ford commented that he supported the proposal but remained disappointed about the lack of planning permission over parts of the applicant's relevant premises at Griffon Road, as mentioned in the report, which he hoped the applicant would address and make a further application for planning permission.

The Strategic Director's representative commented that it would be beneficial for the pre-shredder operation and the related operations, which were being carried out at the applicant's premises, to be consolidated into one permission for this application, then when the permission with one set of comprehensive conditions. He proposed that if the Committee authorised the grant of planning permission for this application he would write to the applicant and invite him to make a consolidating application. Members of the Committee expressed their support for this proposal.

The Committee noted that no objections had been received to the application and that the Environment Agency had supported the proposal. It was suggested, however, that a Liaison Committee should be established.

RESOLVED that planning permission be granted, subject to the conditions based on the set of conditions contained in the report of the Strategic Director for Economy, Transport and Communities.

65/16 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current Enforcement Action.

66/16 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 8 August 2016 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.

67/16 **CURRENT APPEALS/CALLED-IN APPLICATIONS**
RESOLVED to note the report on current appeals/called-in applications relating to County matters.

68/16 **DEVELOPMENT MANAGEMENT MONTHLY PERFORMANCE MANAGEMENT STATISTICS** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for July 2016.

69/16 **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 – 2 June 2016

- 1 Section 73 Application for Permission to Remove Chemically Contaminated and Potentially Combustible Fills and Replacement with Inert Materials without Complying with Conditions 2 (Duration of Operations), 3 (Approved Details), 7 (Boundaries and Site Security), 9 (Scheme of Working), 32 (Restoration), and 34 and 35 (Landfill Gas and Leachate Monitoring) of Planning Permission CM4/299/137, Making Substitutes Proposals for those Conditions, Land off Callywhite Lane, Dronfield
Applicant: Callywhite Lane Group
Planning Application Code No: CM4/1104/164
- 2 Proposed Erection of Two Single-Storey Temporary Modular Buildings to Provide Three Temporary Classrooms at Dallimore Primary School, Dallimore Road, Ilkeston
Planning Application Code No: CD8/0416/3

(b) Delegation Meeting – 14 July 2016

- 1 Proposed Replacement of Existing Fencing with the Installation of New Timber Fencing and Gates at Sudbury Primary School, School Lane, Sudbury
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0516/18
- 2 Proposed Erection of a Detached Modular Nursery Block at Anthony Bek Community Primary School, Rotherham Road, Pleasley
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1015/108

(c) Delegation Meeting – 21 July 2016

- 1 Proposed Erection of New 2.4 Metres High Steel Fencing and Gates at Ashbrook Infant School, Victoria Avenue, Borrowash
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0516/14
- 2 Delegation Decisions on Schemes Required by Planning Conditions:
 - SD2853
 - SD2854

(d) Delegation Meeting – 28 July 2016

- 1 Proposed Relocation of Existing Security Fencing and Gates, incorporating the Erection of New Fencing at Duckmanton Primary School, West Crescent, Duckmanton
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0516/19
- 2 Application for Non-Material Amendment to Planning Permission CD4/0215/141 at Lentall Infants School, Marsh Avenue, Dronfield
Applicant: Derbyshire County Council
Planning Application Code No: NMA/0716/51