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To: Members of Regulatory - Planning Committee

Friday, 29 March 2019

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 8 April 2019** in County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in cursive script that reads 'Janie Berry'.

JANIE BERRY
Director of Legal Services

AGENDA

PART I - NON-EXEMPT ITEMS

1. Apologies for Absence

To receive apologies for absence (if any)

2. Declarations of Interest

To receive declarations of interest (if any)

3. Declarations of Significant Lobbying

To receive declarations of significant lobbying (if any)

4. Petitions

To receive petitions (if any)

5. Minutes

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To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 4 February 2019.

To consider the non-exempt reports of the Strategic Director - Economy, Transport and Environment on:

6. Proposed Extension to Provide 3 No. Classrooms and a Catering Kitchen. Alterations to the External Play Areas and Playing Field, with the Addition of a Multi-Use Games Area and Six Additional Car Parking Spaces at Stanton County School, Woodland Road, Swadlincote DE15 9TJ
Applicant: Derbyshire County Council
Code No: CD9/0119/86

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7. Revocation Order Relating to Planning Permission at Hoe Grange Quarry, Brassington, Derbyshire

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8. Current Enforcement Action

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9. Outstanding Application List

(to be circulated at the meeting)

10. Current Appeals/Called in Applications

35 - 36

11. Development Management Performance Monitoring (to be circulated at the meeting)

12. Matters Determined by the Strategic Director - Economy, Transport and Environment under Delegated Powers

(to be circulated at the meeting)

To consider the non-exempt report of the Director of Legal Services on:

13. Terms of Reference.

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Agenda Item 3

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 45⁰ 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, FERNDALE ROAD, STAVELEY, THE FORMER CAMPBELL LANDFILL SITE AND TROUGHBOOK ROAD FORMER OPENCASE 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

Agenda Item No.4.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

8 April 2019

Report of the Strategic Director – Economy, Transport and Environment

- 3 PROPOSED EXTENSION TO PROVIDE 3 NO. CLASSROOMS AND A CATERING KITCHEN. ALTERATIONS TO THE EXTERNAL PLAY AREAS AND PLAYING FIELD, WITH THE ADDITION OF A MULTI-USE GAMES AREA AND SIX ADDITIONAL CAR PARKING SPACES AT STANTON COUNTY SCHOOL, WOODLAND ROAD, SWADLINCOTE, DE15 9TJ**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
PLANNING APPLICATION CODE NO: CD9/0119/86

9.250.11

Introduction Summary The application is for the extension to the existing school to provide three additional classrooms and a catering kitchen. The proposed development also involves alterations to the existing playing field to provide hard play/PE area, Multi-Use Games Area (MUGA), a new sports pitch and six additional car parking spaces.

The site is located in the Green Belt as identified in the South Derbyshire Local Plan: Part 1 (SD-LP1) (2016) and it is considered that the development would be a departure from the development plan, as school buildings are not listed as being appropriate development in Green Belt in the SD-LP1 or the National Planning Policy Framework (NPPF). It is concluded that this particular development would, however, provide essential infrastructure (in the form of education provision) that would not conflict with the purposes of including land within the Green Belt. On balance, I find the proposal represents very special circumstances and recommend that the application for planning permission be approved, subject to the recommended conditions.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis** The application site is in the grounds of Stanton County School which is situated within the village of Stanton. The school is located along Woodland Road (A444) and is bounded by residential properties to the east and agricultural fields to the rear of the site. The existing school has six classrooms, the current number of pupils on roll is 112, with a net capacity of 140. The existing school site is comprised of car parking to the

east of the main school building, a hard surfaced play area and a grassed football pitch 31.75 metres (m) x 24.6m (990.5m²) to the north, as well as a temporary hard surfaced play area to the north-east and an access ramp. To the west of the main school building is a 45m summer running track with a trim trail. The development would not have an impact on any listed buildings and is not sited within a Conservation Area. The site is located in the Green Belt as identified in the SD-LP1.

The proposed development is for the erection of an extension to the existing school building that would create 315m² of new gross internal floor area (inclusive of internal walls), to create three Key Stage 2 classrooms, a catering kitchen and toilet facilities. The proposed extension to the school would enable the school to change status to a one form entry school; each form would consist of 30 pupils. Government guidance about area guidelines for mainstream school buildings and grounds (BB103), sets out the accommodation needed for various sizes of school. Therefore, by becoming a one form entry school, the net capacity of the school would increase to 210 places. The proposed extension would be erected on the northern elevation of a recent extension of the school approved in January 2018, on an existing hard surfaced play area. The hard surfaced area would be reduced to 234m² around the proposed extension. Three full time and four part time employment opportunities would be created at the school. The existing car park would be extended as part of the proposed works to include six additional car parking spaces.

The proposal also involves alterations to the school playing field to the north and west of the school. An area of 934m² of the grass playing field, to the north and east of the proposed extension, would be hard surfaced. A section of playing field along the east boundary would be retained to contain the existing tyre play area and to relocate the existing trim trail and log frame. A 586m² hard surfaced MUGA is proposed to be established in situ of the existing grass sports pitch. The MUGA would be enclosed with 3m high weldmesh ball stop rebound fencing, finished in RAL 6005 Green. A new grassed sports pitch is proposed to the north-east of the proposed building and this would also function during the summer as a running track.

The proposed development also involves the erection of a 1.8m high powder coated roll top fence, finished in RAL 9005 Black, to sub-divide the new play area from the car park. To the north and east of the informal hard surfaced area and the proposed hard surfaced area would be a 0.4m high log wall. A 1.2m high black weldmesh fence is proposed around the perimeter of the new hard surfaced area.

The approximate height of the extension would be approximately 4.85m to match that of the previous extension. The proposed windows and doors would be Polyester Powdered Coated (PPC) Aluminium, with the frames finished in

white and the doors finished in Blue. The materials, finish, and design of the windows and doors are all proposed to match that of the existing school building. The walls of the proposed extension would be red brickwork with a blue-brick, string-course detail. The proposed roof would be pitched using a metal standing seam.

Relevant Planning History

- Application Code No: CD9/0317/107 – The extension to the school building to provide two additional classrooms, dining room, storage and toilets and circulation areas, a free standing canopy, provision of additional car parking and the reconfiguration of the existing playing field (approved 8 January 2018).
- Application Code No: CD9/1015/107– The installation of three concrete storage units (approved 17 December 2015).
- Application Code No: CD9/0111/145 – Installation of a freestanding steel framed canopy (approved 11 March 2011).
- Application Code No: CD9/0705/52 – The erection of 2.4 metres high weldmesh security fencing and gates (approved 22 August 2005).
- Application Code No: CD9/0604/49 – Proposed extension comprising two classrooms, toilets, pupil entrance, store and plant room (approved 7 January 2005).

Consultations

Local Member

Councillor Murray has been consulted and no response has been received.

South Derbyshire District Council - Planning

No objection.

Lead Local Flood Authority

No comment.

Coal Authority

No objection.

Sport England

No objection to application subject to further satisfactory details of the specification of the MUGA and remodelled playing field being secured by condition, but would also urge the applicant to consider an alternative site format.

“... an alternative site layout involving the positioning of the new MUGA in the south eastern part of the site, and a reconfigured hard play area to the north of the planned classroom extension that has a lesser projection to the north such

that it still retains sufficient natural turf playing field to enable an FA compliant under 7/under 8 mini soccer pitch measuring 37 metres x 27 metres plus 3 metre run offs to be accommodated, rather than the slightly narrower pitch that would be delivered under the current proposal.

Such an approach would also seem to avoid the need to relocate the trim trail, whilst resulting in an overall larger and more flexible residual grass playing field than the currently proposed scheme.”

Highway Authority

The Highway Authority has no objections subject to the imposition of conditions to require wheel washing facilities to be provided on site, as well as details for the parking and manoeuvring of visitors, staff and service and delivery vehicles, laid out, surfaced. Furthermore, the Highway Authority requires the submission of a plan(s) identifying space within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives, and visitors vehicles, laid out and maintained throughout the construction phase. The Highway Authority has also made the following comments:

“The access was conditioned as part of the previous application which was for two additional classrooms and a dining room. It is proposed to extend the car park to provide an additional 6 parking spaces making a total of 26 spaces, the Highway Authority considers this to be acceptable for the proposal.

A revised School Travel Plan has not been submitted with this current application, I assume this is because the existing one remains relevant to the school.”

Publicity

The application has been advertised by site notice and press notice (Burton Mail) with a request for comments by 7 March 2019. No representations have been received in response to this publicity.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the SD-LP1 (2016) and SD-LP2 (2017). Sport England’s Playing Fields Policy and Guidance (August 2018). The NPPF (2019) and the associated Planning Practice Guidance (PPG) are also material considerations.

The most relevant policies for this proposal are:

South Derbyshire Local Plan Part 1 (SD-LP1) (2016) Policies

S2: Presumption In Favour of Sustainable Development.

S8: Green Belt.

SD1: Amenity and Environmental Quality.

BNE1: Design Excellence.

BNE3: Biodiversity.

BNE4: Landscape Character and Local Distinctiveness.

INF2: Sustainable Transport.

INF9: Open Space, Sport and Recreation.

South Derbyshire Local Plan Part 2 (SD-LP2) (2017) Policies

SDT1: Settlement Boundaries and Development.

BNE5: Development in Rural Areas.

BNE7: Trees, Woodland and Hedgerows.

INF12: Provision of Education Facilities.

Relevant paragraphs from the National Planning Policy Framework are:

National Planning Policy Framework (February 2019) (NPPF)

11: The presumption in favour of sustainable development.

38 and 47: Decision-making.

54-55: Planning conditions.

109: Considering development proposals.

124 -127: Requiring good design.

133- 146: Protecting the Green Belt.

The key planning considerations for this development are:

- Need for the development.
- Design and visual impact.
- Playing field.
- Landscape and ecological impact.
- Green Belt.

Need for the Development

The submitted information accompanying the application identifies the need for the proposed development. The proposed extension would increase the status of the school to a one form entry and would increase capacity to 210 places. The need to expand Stanton Primary school is due to a significant increase in projected pupil numbers. This is a result of new housing development such as is proposed at Drakelow Park. A pupil places study has also been carried out by Derbyshire County Council (DCC) Children's Services (Development) and noted that other Derbyshire schools in close proximity to Stanton Primary are either at, over, or approaching capacity and have insufficient site area for expansion. From the results of the study, it was

concluded that expanding Stanton Primary School to a one form entry school is the only viable option to meet the increased demand from housing development. The proposed extension would also contain a catering kitchen to service the dining hall and provide meals for the pupils.

The applicant states *“The proposed improvements to the external spaces will enable the school to provide curriculum activities all year round. Currently the playing field area is often unsuitable for use throughout parts of the Autumn term (in particular November & December) and the Summer term (particularly April & May) and rarely if ever available during the winter term (January, February & March). The addition of a MUGA (multi-use games area) together with extended hard surfaced formal and informal play space will greatly enhance the teaching environment for staff and the learning and social experiences for pupils.”*

The proposed development would result in the creation of three full time and four part time staff positions. The expansion of the car parking area is required to provide sufficient car parking spaces to accommodate the increase in staff and Pupil Admission Number (PAN).

The proposed external alterations to the grassed sports pitch, running track and hard surfacing, are to comply with the Department of Education’s Guidance entitled ‘*Area guidelines for mainstream schools 2014*’, as amended 2015. To compensate for the loss of soft PE space (grassed playing field), the MUGA would provide an all-weather PE facility. In the opinion of the applicant, the alterations to the playing field would *“greatly enhance the teaching environment for staff and the learning and social experiences for pupils”*.

Paragraph 94 of the NPPF relates to meeting the needs of schools and requires local planning authorities to take a *“proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education:*

- a) *give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.”*

The proposal demonstrates that there is a need to for the proposed school extension and external alterations to the school playing field. Therefore, I am satisfied that there is a justified need for the proposed development.

Design and Visual Impact

The proposed extension would be single-storey and would be located off an existing extension at the rear of the school building.

The proposed new extension has been designed to replicate the scale, and height of the recent 2018 extension, as discussed above. The external

materials have been chosen to match the existing school building, as well as providing a visual link between the buildings.

The layout of the proposed extension would result in limited visual impact and would maintain good connectivity between the existing layout, new classrooms and catering kitchen. The views of the school from the public highway (Woodland Road) are restricted by existing mature trees along the west and south-western boundary. The site is also screened by the original school building and residential properties to the east. The proposed extension would be partially visible from the car park entrance off the highway. The positioning of the extension would also maintain good connectivity between the new classrooms and the existing school buildings.

I am satisfied that the proposed extension would be of good quality design and is considered appropriate for educational use. As such, the proposal would accord with Policy BNE1 of the SD-LP1 and the NPPF.

Playing Field

Sport England considers that the development would meet a combination of Sport England Policy exceptions E4 and E5, subject to the MUGA being constructed in line with relevant design standards, and the remodelled playing field being delivered to a fit for purpose quality. Notwithstanding the above, Sport England has also recommended that the applicant consider an alternative site layout for the external alterations, as stated above. The reconfiguration would enable a Football Association (FA) compliant under 7/under 8 mini soccer pitch measuring 37m x 27m plus 3m run-offs to be accommodated, rather than the slightly narrower pitch proposed under the current application. The applicant acknowledges that, in this case, the pitch would be larger as identified by Sport England, and in response has stated, *“however this would be at the expense of playground area, which would leave the school short of the hard play requirements set out in BB103.”* Therefore, the school would not be compliant with government guidance as set out under *‘Mainstream Schools: area guidelines’*. The applicant has therefore taken the advice from Sport England into consideration, and has decided to proceed with the current site layout given the hard play area requirement.

Paragraph 97 of the NPPF states that *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”* The application is accompanied by a Recreational Open Space Statement. This supporting document identifies that the playing field often becomes unusable due to

heavy clay sub soil. This results in the field becoming muddy and waterlogged, thereby restricting its use. The grass sports pitch would be surfaced to create an all-weather PE facility (MUGA) to compensate the loss of the grassed area. The applicant views the loss of the grassed pitch as an enhancement to the existing sporting facilities to enable use all year round. Furthermore, the loss is also intended to be partially compensated for with a formal marked grass pitch, east of the MUGA.

The proposal aims to comply with current Department of Education guidance, which requires the provision of adequate outdoor hard play area for a one form entry primary school. The guidance requires 715m² Hard PE / Play and 410m² of hard informal play for a one form entry school. Therefore, to be compliant with the guidance, the grassed and banked area to the north of the extension would be tarmacked and, as stated above, a MUGA would be erected on site.

I consider the proposed alterations to the playing field would not have any significant impacts and would enhance the existing facilities. The proposal would meet the exceptions within Sport England's Playing Fields Policy and Guidance. However, as recommended by Sport England, details of the surfacing of the MUGA and specifications of the formal pitch should be submitted prior to the commencement of development on site. The proposal would accord with Policy INF9 of the SD-LP1 and the NPPF.

Landscape and Ecology Impact

Whilst the extension is significant in size relative to the existing school, it would be located to the rear of the existing school buildings, which would effectively screen it from views from the south, including the A444, Woodland Road. The new extension would lead to the loss of an existing hard surfaced play area and this would necessitate the reconfiguring of the remaining school playing fields to compensate for this loss. The existing school curtilage is substantial and should be able to accommodate these changes without any significant landscape impact.

The external works would not lead to any loss of existing trees and tree protection measures would be incorporated as part of the proposed works. The submitted Ecological Appraisal recommends that the scattered trees and scrub habitats be retained, as they are suitable locations for the nesting of birds. Bird boxes are already present within the existing scattered trees. Additional enhancements could be achieved by incorporating bat boxes within retained trees.

I do not consider that the proposal would have any significant landscape or ecological impacts. However, I recommend that conditions should be imposed to ensure that tree protection measures are carried out and to carry out the ecological enhancements detailed within the Ecological Appraisal.

Green Belt

The site is located within Burton – Swadlincote Green Belt, as identified in the SD-LP1. The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. To this end, the NPPF states that, when considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

SD-LP1 Policy S8 states that there is a presumption against inappropriate development within the Green Belt and that development proposals received within the Green Belt will be assessed against national policy.

The NPPF states in Paragraph 145, that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The relevant exceptions to this are:

- “b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- e) limited infilling in villages;*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The main purpose of the Green Belt is to limit urban expansion between Swadlincote and Burton-on-Trent. The Green Belt, in the vicinity of the application site, is very narrow (approximately 700m) and, therefore, its open character is vulnerable to the impacts of inappropriate development within it.

The school is situated on the north side of Woodland Road (A444). This stretch of Woodland Road is characterised by built development along the northern side and open agricultural land to the south. The school forms part of this wider string of built development. The extension, taking into consideration the previous extension, in my opinion, exceeds the original footprint of the school and would therefore not comply with Paragraph 145(c) of the NPPF. The proposed extension would be located to the rear of the existing school buildings, within the curtilage of the existing school site and would be directly visible from residential properties to the east (20m) and from Swadlincote Footpath No. 99 to the north.

Views of the proposed extension from the north would be seen against the existing school buildings and would be transitory. It is acknowledged that, due to its scale and massing, the proposal would have greater visual impacts when viewed from the west. However, as stated above, the visual impact of the west elevation would be partly screened by mature trees along the boundary. Nevertheless, in considering the educational nature of the proposal, I do not consider that the scale and massing would be inappropriate in this context. Furthermore, the single-storey design and the use of materials in keeping with the existing would help reduce its visual impact, thereby maintaining the openness of the area. Ancillary structures associated with the use of the school site have the potential to create visual clutter and impact on openness. I would recommend, therefore, that a condition be imposed removing the Permitted Development rights for the school site, in order to restrict such development to preserve and protect the openness of the Green Belt.

In view of the above, I do not consider that the proposal would cause an unacceptable detriment to the open character of the Green Belt or conflict with the purposes of including land within it. I consider that the need to provide additional school facilities, which are being generated by housing development and over capacity at other schools, as referred to above, represent 'very special circumstances' which justify the proposed development despite its technical inappropriateness as development within the Green Belt. Under those circumstances, whilst I am of the view that 'very special circumstances' exist and would recommend that planning permission be granted on those grounds, the proposal would represent a technical departure from both the NPPF and the local plan.

It is not considered necessary to refer the current application to the Secretary of State in this instance as the footprint of the development does not exceed any of the thresholds set out in the Town and Country Planning (Consultation) (England) Direction 2009.

Traffic and Highway Impacts

The proposal includes an extension to the car park to increase provision from 20 spaces to 26 space to accommodate the proposed increase in staff and PAN. Since the determination of the application for the previous extension at the school, issues with visibility splays have been resolved by relocating the fencing and gates to the preferred location. The proposed increase in parking space is considered acceptable in respect of the impact upon the highway. However, no updated travel plan has been submitted with that application, the existing travel plan being updated last in 2017. The current travel plan is considered out of date as it does not provide information on travel for staff, the increase in PAN for the school and the overall development. In addition to this, there are no cycle facilities for staff or pupils to promote or discourage car use and none are shown on the submitted plans. The submission of a revised school plan is required, as the existing one is no longer considered to be fit for purpose due to changes at the school and missing information.

Details have been provided identifying vehicular, pedestrian and construction traffic access to the site, as well as an enclosed site construction compound. However, further details need to be provided, such as the parking and manoeuvring of visitors, and site operatives, staff and service and delivery vehicles. This would enable the Authority to see if vehicles have sufficient parking and manoeuvring on site. In addition to this information, details regarding the storage of plant and materials, site accommodation, loading and unloading of goods vehicles. The construction vehicles associated with the development at the school, would likely transfer mud and potentially other materials on to the highway. Therefore, a wheel washing facility should be provided on site to mitigate this risk to the highway.

I do not consider that the proposal would result in any significant highway impacts and that it would comply with Policy INF2 of the SD-LP1 and the relevant sections of the NPPF. However, a revised school plan is considered to be required, details for an on-site wheel washing facility, and details in regards to the layout, manoeuvring and parking on site should be submitted to the Authority. I have, therefore, recommended conditions to secure the submission of these details.

Conclusion

The proposal would contribute towards the provision of the school places within the normal catchment area as a result of new housing developments and other schools becoming full or nearing capacity. The development would provide essential infrastructure for the local community, new job opportunities and catering facilities at the school. I do not consider that it would result in any significant impacts that would warrant refusal of the application.

There is a justified need for the development at the school. The proposed site is situated within the Green Belt, and therefore the development would be a

departure from Green Belt policy, I also accept that it is essential in this location, forming as it does a strategic approach to school place planning in the locality on the part of the applicant, which would assist towards meeting the rising demands for school places within the local area. I am therefore of the view that the proposal would represent 'very special circumstances' and recommend that planning permission be granted subject to the conditions set out below.

(3) **Financial Considerations** The correct fee of £2,310 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No. 9.250.11
Application Form, Access and Site Setup (Enabling), Access And Site Setup (Main Works), Proposed Elevations, Existing Elevations, Landscape Planning, Location Plan, Existing Floor Plan, Proposed Floor Plan, Planting Plan, Proposed Drainage Layout, Site Plan as Existing, Tree Removal and Protection Plan, Design and Access Statement, Ecological Update, Letter Report, dated 19 December 2018, Preliminary Ecological Appraisal dated April 2017, Recreational Open Space Statement, Tree Survey Report dated 23 December 2018, all received 25 January 2019.

Consultation Responses from: Lead local Flood Authority received 30 January 2019. Derbyshire County Council Internal – Built Conservation and Design Quality received 4 February 2019. Derbyshire County Council Internal – Sustainable Travel received 5 February 2019. Derbyshire County Council Internal – Landscape received 11 February 2019. Sport England received 11 February 2019. South Derbyshire District Council – Environmental Health

Officer received 19 February 2019. The Coal Authority received 20 February 2019. The Highway Authority received 12 March 2019.

Further information response 07 CD9/0119/86 dated 4 March 2019.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission be **granted** subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) Notice of the expected date of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area

- 3) The development shall take place in accordance with the details contained in the 1APP application form dated 22 January 2019, Design and Access Statement, Ecology Ecological Update, Letter Report, Preliminary Ecological Appraisal dated April 2017, Recreational Open Space Statement, Tree Survey Report dated 23 December 2018 and the drawings which accompanied the application form, which for the avoidance of doubt are:

- Drawing no. 1800251/X/02 entitled 'Access and Site Setup (Enabling)'
- Drawing no. 1800251/X/03 entitled 'Access and Site Setup (Main Works)'
- Drawing no. 1800251/A/04 entitled 'Proposed Elevations'
- Drawing no. 1800251/A/03 entitled 'Existing Elevations'
- Drawing no. 1800251/X/100 entitled 'Landscape Planning'
- Drawing no. 1800251/X/01 entitled 'Location Plan'
- Drawing no. 1800251/A/01 entitled 'Existing Floor Plan'
- Drawing no. 1800251/A/02 entitled 'Proposed Floor Plan'
- Drawing no. 1800251/X/101 entitled 'Planting Plan'
- Drawing no. 22755-D-4010 entitled 'proposed Drainage Layout'
- Drawing no. 1800251/X/04 entitled 'Site Plan as Existing'
- Drawing no. 1800251/X/200 entitled 'Tree Removal and Protection Plan'

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

Removal of Permitted Development Rights - General

- 4) Notwithstanding the provisions of Part 7 Class M of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 [or any Order revoking and re-enacting that Order with or without modification], no ancillary equipment or free standing structures that might thereby be permitted shall be installed, extended or erected on the site.

Reason: To enable the County Planning Authority to adequately control, monitor and minimise the impact on the openness of the Green Belt.

Further Information

- 5) Prior to the commencement of development, details of the specification of the Multi-Use Games Area and remodelled playing field shall be submitted to the County Planning Authority for its written approval. The scheme shall be implemented as approved.

Reason: To ensure that the Multi-Use Games Area would be constructed in line with relevant design standards, and the remodelled playing field being delivered to a fit for purpose quality. It is necessary for the condition to be a pre-commencement condition because it is integral to the alterations to the school site layout.

Highways

- 6) Before any other operations are commenced, space shall be provided within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives, and visitors vehicles, laid out and maintained throughout the construction phase.

Reason: In the interests of highway safety. It is necessary for the condition to be a pre-commencement condition to ensure that suitable provision for the management of construction traffic is in place prior to the commencement of construction works on site, so as to avoid potential highway safety and local amenity impacts.

- 7) Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason: In the interests of highway safety.

- 8) The extension which is the subject of the application shall not be taken into use until space has been provided within the application site in accordance with the application details for the parking and manoeuvring of visitors, staff and service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

- 9) The extension which is the subject of this application shall not be taken into use until an updated School Travel Plan has been submitted to and approved in writing by the County Planning Authority. The School Travel Plan shall set out physical measures to promote travel by sustainable modes and shall include a timetable for implementation of the measures. The revised School Travel Plan should take into consideration the provision for cycle storage at the school. The School Travel Plan shall be implemented as approved.

Reason: In the interests of highway safety.

Tree Protection

- 10) At all times, the development shall be undertaken in accordance with the tree protection measures set out on drawing no. 1800251/X/200 entitled 'Tree Removal and Protection Plan'.

Reason: In the interests of the protection of trees.

Ecology

- 11) No vegetation removal, cutting or clearance shall be undertaken during the bird breeding season i.e March to August inclusive, except where the affected area has been the subject of a new survey by a suitably qualified ecologist and the results have been submitted to and approved in writing by the County Planning Authority allowing such clearance.

Reason: In the interests of the protection of breeding birds.

Landscaping

- 12) For the first five years following any planting of any trees or shrubs, the planting shall be maintained in accordance with the principles of good forestry and husbandry, and any stock which dies or becomes seriously damaged, diseased or missing, shall be replaced with plants of the same species or such alternative species as has been approved by the County Planning Authority (for the avoidance of doubt, 100% replacement is required).

Reason: To ensure the successful establishment of the landscaping at the site.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015.

The Council as the Local Planning Authority (the Authority) worked with the Council as the applicant (the Applicant) in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

In accordance with Section 100ZA of the Town and Country Planning Act 1990, as amended, and the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant has been provided with a draft schedule of the conditions attached to this report. In accordance with Regulation 3(a) of the Regulations, the applicant has provided a substantive response to the effect that it agrees with the imposition of this pre-commencement condition.

Footnotes

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) The Council as Local Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users.
- 3) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- 4) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all

reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- 5) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

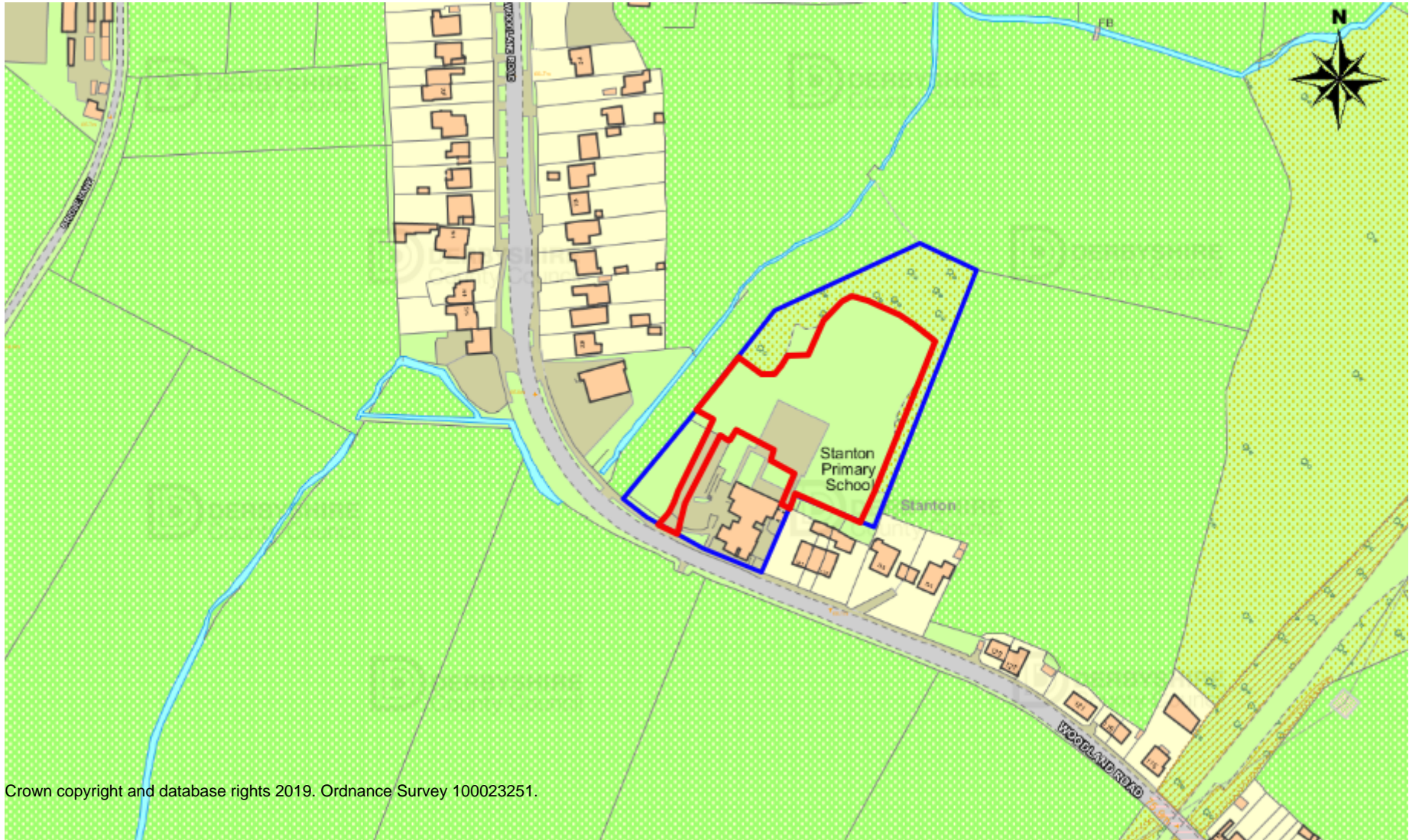
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

8 April 2019

Report of the Strategic Director – Economy, Transport and Environment

4 REVOCATION ORDER RELATING TO PLANNING PERMISSION AT HOE GRANGE QUARRY, BRASSINGTON, DERBYSHIRE

3.35.0

(1) **Purpose of Report** To seek approval from the Committee to enable the Council, as Mineral Planning Authority, to make an order to revoke planning permissions ASR365/7 and ASR/96512 for Hoe Grange Quarry, Brassington.

(2) **Information and Analysis** Hoe Grange Quarry, which has a surface area of 4.75 hectares (ha), is north-west of the village of Longcliffe and is accessed via a track which leads off an unclassified road which runs northwards from Longcliffe crossroads towards Aldwark. The site is surrounded by open agricultural land to the north, east and west, with the High Peak Trail forming the southern site boundary. The site is located in open countryside and is close to the boundary of the Peak District National Park which lies to the north and west.

The site is characterised by areas of bare ground, calcareous grassland, tall herb/ruderal grassland, exposed rock faces, a disused dew pond and broadleaved woodland.

The nearest residential properties are located to the north on the unclassified highway and include Haven Hoe Farm.

There are no statutory or non-statutory built heritage or nature conservation designations within the site, although there are a number close by. Aldwark Conservation Area is 1.15 kilometres (km) to the north-east. Three grade II listed buildings (a milestone, a railway bridge and Longcliffe Station) are approximately 225 metres (m) to the south at Longcliffe. Further groupings can be found at Aldwark (three grade II listed farmhouses and farm buildings) to the north-east. The High Peak Trail Local Wildlife Site (LWS), of interest for its unimproved calcareous and neutral grassland, and a Derbyshire Red Data Book species, Dark Mullein, is immediately adjacent to the southern boundary of the site Management plan.

Hoe Grange Quarry is subject to two planning permissions (code numbers ASR/365/7 and ASR/965/12) for the winning and working of dolomite, limestone and associated minerals. Mineral extraction at the site is known to have taken place since the first half of the twentieth century, the two planning permissions granted during the 1960s seeking to recommence working in previous working areas, with any overburden and mineral stock piles being located within the wider historic quarry workings. The historic quarry workings also cover a far wider area than that covered by the two planning permissions, which combined only occupy approximately a third of the overall site. No quarrying operations have taken place at the site since approximately 1990.

Hoe Grange Quarry was identified as an 'Active Phase I Site' in the Council's Environment Act 1995, Section 96 and Schedule 13 Review of Mineral Planning Permissions 'First List of Sites', which was produced in 1996. Schedule 13 of the Environment Act 1995 required that all active first list sites were subject to an Initial review of Old Mineral Permissions (ROMP) for the update of conditions. Whilst the then owner of the site did submit information to the Council in January 1999, it was not considered sufficient to enable the application to proceed. The Initial Review application is therefore considered to be 'stalled' and remains undetermined.

In the intervening period between the submission of the ROMP and the present day, the current landowner has considered a number of alternative schemes for the restoration and subsequent use of the site. However, due to the open countryside location, the high sensitivity of the surrounding landscape and the adjacent High Peak Trail, these schemes were not progressed. The landowner has recently allowed Derbyshire Wildlife Trust to manage the site as the Hoe Grange Nature Reserve. The site, which is particularly notable for butterflies and other invertebrates, is also known to support birds, as well as other species of notable flora and fauna. Following a Phase 1 Habitat Survey, undertaken in 2010, a 10 year Habitat Management Plan (2016-2026) has been drawn up by Derbyshire Wildlife Trust which seeks to maximise the potential for invertebrates at the site.

Long term management of the site would result in significant biodiversity gain in respect of invertebrates, as well as its visually sensitive location in open countryside, close to the High Peak Trail and the Peak District National Park.

Revocation Orders

The Mineral Planning Authority has the power to revoke planning permissions under Section 97(1) of the Town and Country Planning Act 1990 ('the Act'), as amended, where it appears to the Authority that it is expedient to do so. Section 97 enables planning authorities to revoke a planning permission to such an extent as they consider expedient.

Subsection (3) sets out the circumstances in which the power can be exercised, including:

“a) Where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;”

Subsection (6) and Part II of Schedule 5 provide that an order under Section 97 may include such aftercare condition as the Mineral Planning Authority thinks fit if (a) it also includes a restoration condition or (b) a restoration condition has previously been imposed in relation to the land.

Section 99 of the Act provides that the Authority must notify the Secretary of State of an order that has been made and that as long as no objections are made by those with an interest in the land, the order can be confirmed by the Authority.

Despite the current active management of the site for the benefit of invertebrates by Derbyshire Wildlife Trust, there is always the potential that ownership of the site could change and mineral extraction operations recommence. Under those circumstances, I consider that a revocation order in relation to planning permissions ASR/365/7 and ASR/965/12 would provide additional protection against reactivation of the Hoe Grange Quarry development.

Any further development of the site would be likely to damage or destroy its wildlife habitats, as well as harm the visual amenity of the surrounding area and the character of the National Park. In this instance, making a revocation order to extinguish the permissions is also considered to be an appropriate demonstration of the Council's commitment to the protection of the amenities of the area and in respect of biodiversity gain.

I am, therefore, of the view that it is expedient to issue a revocation order in respect of the planning permissions using powers under Section 97 of the Act.

Planning permissions ASR/365/7 and ASR/965/12 are both subject to planning conditions requiring tree planting to be undertaken as part of wider restoration/site improvement works. Whilst it is understood that some tree planting was undertaken soon after the planning permissions were implemented, the overall planting requirements were never completed. I would, therefore, also recommend that any revocation order includes an aftercare condition. In this respect, I note that, with the agreement of Longcliffe Quarries Ltd, the site is currently in the management of Derbyshire Wildlife Trust. As stated above, such management is currently undertaken in accordance with the Hoe Grange Nature Reserve Management Plan (2016-2026). I am satisfied that this Management Plan would be acceptable as the basis for the requirements of the aftercare condition, but would recommend that its lifespan be extended for a further three years to end in 2029. This would equate with a 10 year aftercare period as would normally be expected following the restoration of a mineral site.

(3) **Financial Considerations** There is no fee associated with the proposed revocation order. Compensation is generally payable to land owners in respect of any loss of land value from revocation of planning permissions. In this instance, the order is being sought at the request of the landowner who has indicated that it will not claim compensation.

(4) **Legal Considerations** The confirmation of a revocation order will permanently extinguish the planning permissions to which it relates, so that the winning and working of minerals can no longer take place in accordance with those permissions. To the extent that it might engage interference with the rights of the owner under Article 1 of the First Protocol of the European Convention on Human Rights, it is a justified and proportionate means of achieving the legitimate aim of planning in the public interest.

I do not consider that there would be any impacts on anyone's human rights under the European Convention on Human Rights as a result of the confirmation of the revocation order.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No.3.35.0
None.

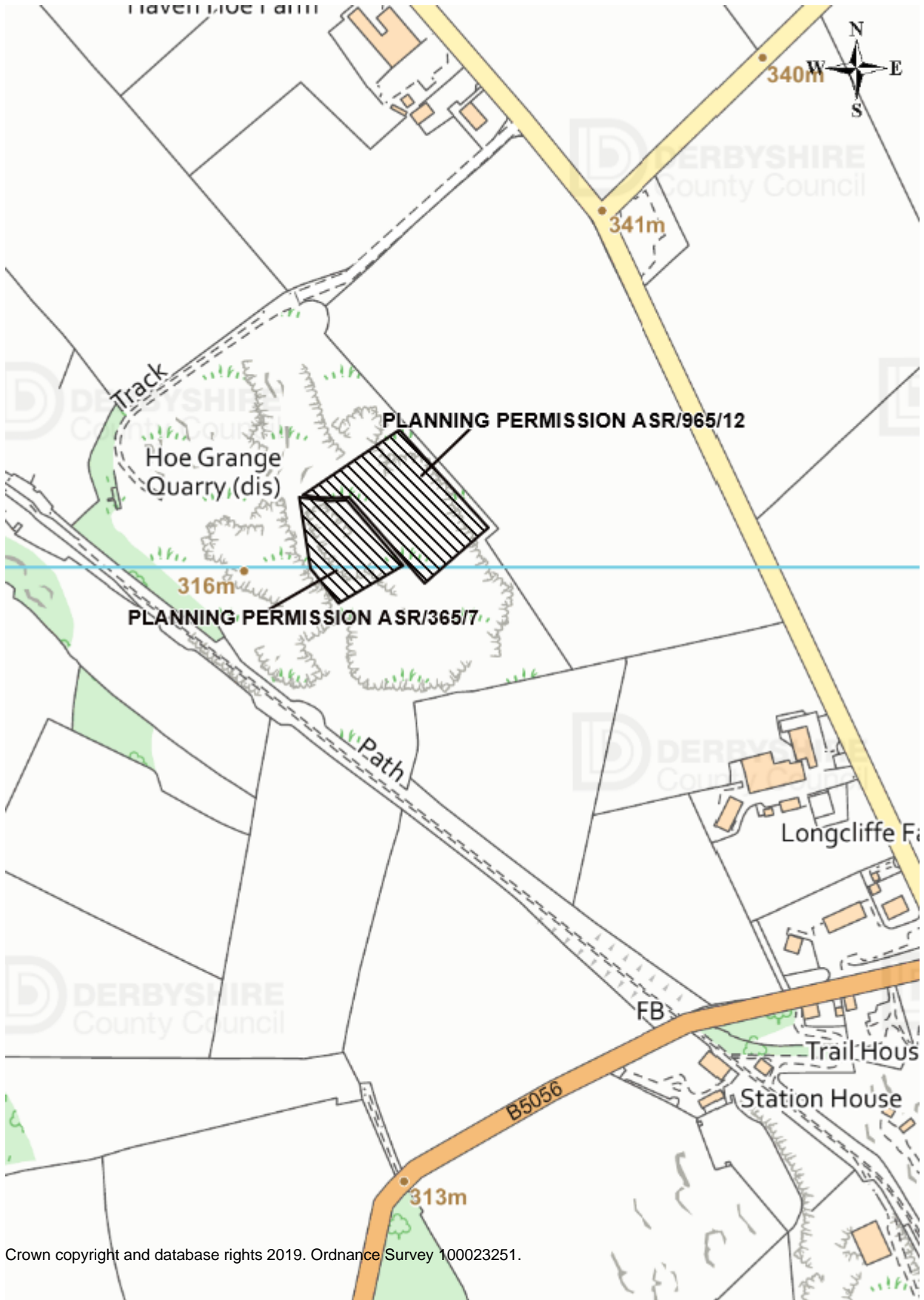
(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves to **authorise:**

7.1 The making of a revocation order under Section 97 of the Town and County Planning Act 1990 to revoke planning permissions ASR365/7 and ASR/96512 to win and work dolomite, limestone and associated minerals at Hoe Grange Quarry, Brassington subject to aftercare condition provided that the landowner has agreed to the content of the order, with confirmation that it will not seek compensation as a result of the order being made.

7.2 Confirmation of the order so made in the event of no objections being received from anyone with an interest in the land.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

PROPOSED REVOCATION ORDER AT HOE GRANGE QUARRY, ALDWARK



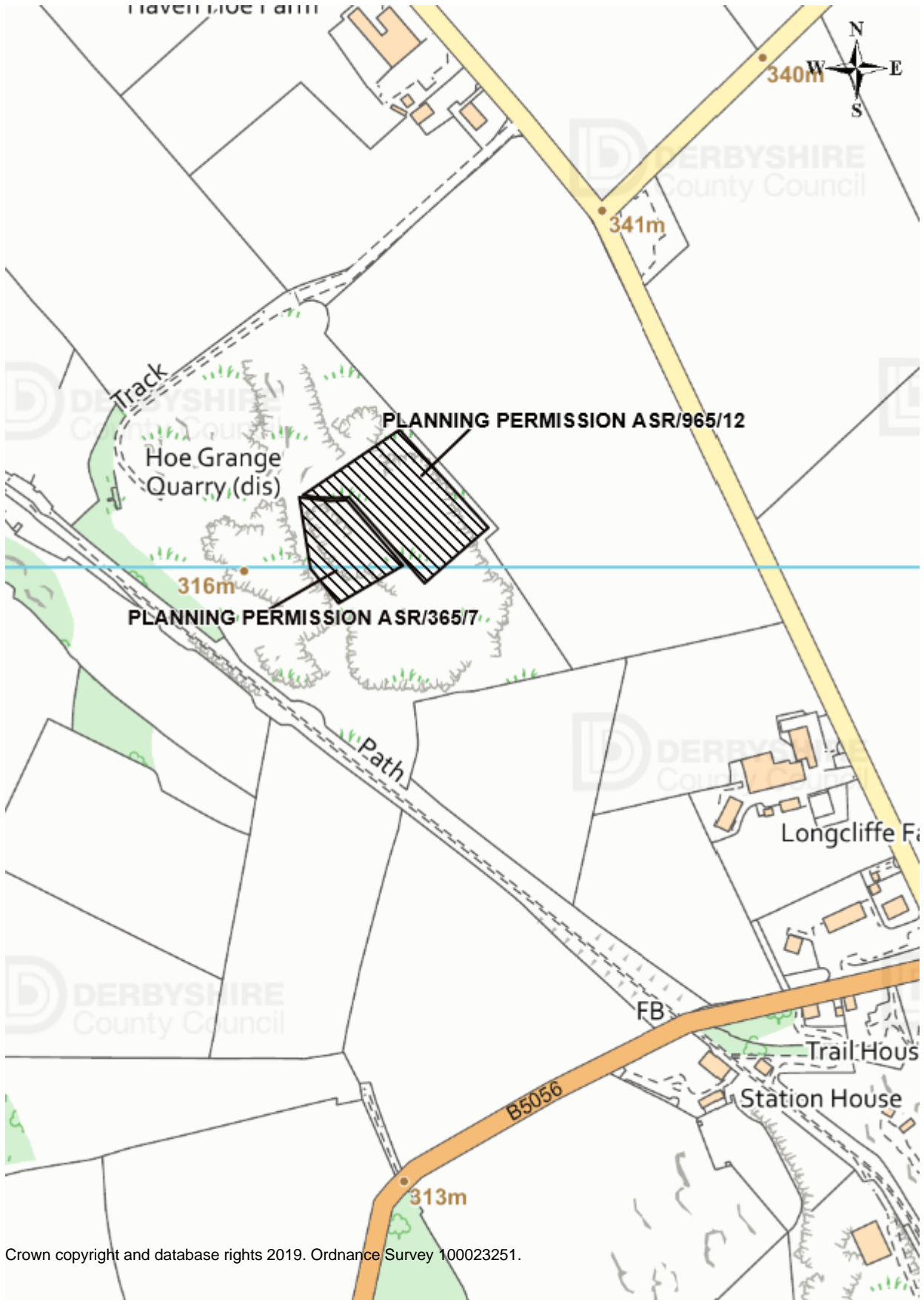
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5-March-2019



PROPOSED REVOCATION ORDER AT HOE GRANGE QUARRY, ALDWARK



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DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

8 April 2019

Report of the Strategic Director – Economy, Transport and Environment

Item for the Committee's Information

5 CURRENT ENFORCEMENT ACTION

Site	Breach	Action Taken	Comment
BM Tech, Foston. 9.1564.4	Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115.	Condition 2 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of importation and deposit of waste outside the building. Condition 3 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of use of processing plant outside the building.	Awaiting submission of application for regularising planning permission.
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received).	Site currently inactive.

		<p>Breach of Condition Notice (Mud on Road) issued 19 December 2016.</p> <p>Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.</p>	
<p>Stancliffe Quarry 3.696R</p>	<p>Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme.</p> <p>February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.</p>	<p>Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date).</p> <p>Temporary Stop Notice issued 17 February 2017.</p> <p>Interim Injunction Order granted 31 March 2017.</p>	<p>Site inactive, monitoring as required.</p>
<p>Land west of Park Farm, Woodland Road, Stanton</p>	<p>Without planning permission the change of use of the Land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.</p>	<p>Enforcement Notice issued 14 December 2018</p>	<p>Date notice takes effect – 21 January 2019</p>

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Agenda Item No. 4.5

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

8 April 2019

Report of the Strategic Director – Economy, Transport and Environment

Item for the Committee's Information

7 CURRENT APPEALS/CALLED IN APPLICATIONS

There are currently no appeals lodged with the Planning Inspectorate.

Mike Ashworth

Strategic Director – Economy, Transport and Environment

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DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

8 April 2019

Report of the Director of Legal Services

TERMS OF REFERENCE

1 Purpose of the Report

A review of the Council's constitution is in progress, including the terms of reference for all committees. The final changes to the constitution are due to be approved at Full Council on 15 May 2019.

2 Information and Analysis

The terms of reference for the Committee need to be consolidated. The terms of reference for recommendation to Full Council are set out in the Appendix to this report. Members are asked to consider the terms of reference and approve them.

3 Considerations

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, transport and social value considerations.

4 Background Papers

Held by the Director of Legal Services.

5 Officers' Recommendation

That the Committee approve the terms of reference as set out in the Appendix to this report.

Janie Berry
Director of Legal Services

APPENDIX

Regulatory - Planning Committee – Terms of Reference

The Council will establish a Regulatory - Planning Committee

Composition

The Regulatory - Planning Committee will comprise at least 10 Councillors, but shall not include in its membership any member of the Executive.

The Chairman and Vice Chairman will be appointed by the Council.

Every member who serves on the Committee will undertake to abide by the Planning Code of Good Planning Practice (Appendix 20 in the Constitution)

No member may serve on the Regulatory Planning Committee unless they have undertaken training in accordance with the Code of Good Planning Practice (Appendix 20 in the Constitution) and as may otherwise be required by the Director of Legal Services.

Role and Function

The Committee will be responsible for the functions set out below:

- (a) To carry out all non-executive functions relating to town and country planning and development control as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Functions Regulations);
- (b) To exercise the Council's non-executive functions relating to public rights of way and commons and village greens as set out in Schedule 1 to the Functions Regulations;
- (c) To carry out any other licensing and registration or regulatory functions not assigned to any other body, including any which are not to be executive functions as defined in the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and associated regulations or other relevant legislation.