

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 10 January 2022.

**PRESENT**

Councillor M Ford (in the Chair)

Councillors, R Ashton, A Griffiths, L Grooby, R Mihaly, D Murphy, P Niblock, R A Parkinson, D Wilson and M Yates

**01/22** **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 6 September 2021 be confirmed as a correct record and signed by the Chairman.

**02/22** **MATTERS ARISING** Section 119 of the Highways Act 1980: Proposed Diversion of Public Footpath No 39 (Part) – Parish of Barlow. (Minute 36/21 refers) Councillor Mihaly asked whether clarification had yet been received that officers had been satisfied that the diversion would not impede accessibility over the footpath by people with disabilities. The Head of Planning Services had contacted colleagues in Rights of Way to provide an answer to this but to date an answer had not been received. A further reminder would be sent with a view to a response being made available to the next meeting.

**03/22** **REVIEW OF PRIORITISATION OF APPLICATIONS TO REGISTER LAND AS A TOWN OR VILLAGE GREEN** A report by the Director of Legal and Democratic Services was presented on this item, which informed Members of a Supreme Court judgment of 2019 that concerned the law on town or village greens (TVG) and consequentially recommended an amendment to the scheme of prioritisation employed by the Council in relation to applications for TVG registration.

The report explained that in light of the judgment (Lancashire County Council v Secretary of State for the Environment, Food and Rural Affairs [2019] UKSC 58), registration authorities in considering any application for registration of land as TVG in which the land was held by a public body for statutory purposes, had to assess whether a TVG would be incompatible with the statutory purposes for which the land is held.

The report also explained how several TVG Applications awaiting determination by the Council were for land owned by a public body and were

considered low priority within the current prioritisation scheme, and how it was considered prudent for the scheme to be amended to enable those applications ahead of other applications (other than those relating to imminent development that were in the current top Priority 1). The Director in the report therefore recommended approval of an amendment to the scheme which featured the insertion of a new level or priority, to read as 'priority 1B – Applications where the subject land is owned by a public body and therefore statutory incompatibility may prevent the registration of land as a TVG/

**RESOLVED** to note the report and approve the amendment to the current scheme of prioritisation proposed by the Director of Legal and Democratic Services.

**04/22      APPLICATION TO REGISTER LAND AT DALE CRESCENT, THE DALE, HATHERSAGE AS A TOWN OR VILLAGE GREEN (VG 145)** A report on this item by the Director of Legal and Democratic Services was presented to the Committee to enable it to determine an application made under the Commons Act 2006 to register land known as Dale Crescent, The Dale, Hathersage as a town or village green. The former Regulatory, Licencing and Appeals Committee had authorised the appointment of an independent Inspector to make recommendations to the Council as to its determination.

Miss Annabel Graham Paul of Counsel had been appointed as Inspector on 11 February 2019 and her report had been provided to the Council on 4 October 2019. This report formed Appendix 2 to the Director's report and set out the evidence presented to her and her conclusions in relation to the application. She had found that the legal test for registration as a town or village green had been met; that the land had been used by a significant number of inhabitants of a neighbourhood within a locality for lawful sports and pastimes for a period of 20 years; and that use had been as of right. On account of the reasons for the Inspector's recommendation for the application to succeed in respect of the entire application that were set out in her report, the officer recommendation was accordingly in favour of registration of all the land at Dale Crescent, The Dale, Hathersage that was under the application as a Town or Village Green.

**RESOLVED** that the Inspector's recommendation in relation to the application to register the land at Dale Crescent, The Dale, Hathersage as a Town or Village Green (VG145) be accepted, and that the land be registered as a Town or Village Green.

**05/22      DELEGATIONS OF NON-EXECUTIVE FUNCTIONS TO HEAD OF PLANNING SERVICES** The report to the Committee by the Director of Legal and Democratic Services for this item referred to how the main powers for enforcement under the Town and Country Planning Act 1990 were within the existing

specific delegations of functions to the Head of Planning Services, but that the powers under sections 102 171C and 196A of the Act (which were also under the remit of the Committee) were not.

The report also explained that although there was a general allowance in the scheme of delegations for functions to be exercised by officers directly, both for day-to-day administration and operational management, and for urgency, it was considered that specific delegation of those powers to Head of Planning Services would make the constitutional position firmer and more transparent. The officer recommendation was accordingly for such a resolution.

**RESOLVED** to delegate to the Head of Planning Services the exercise of the following functions under the Town and County Planning Act 1990:

- The power to issue planning contravention notices under s171C
- The power to make orders under Section 102
- The power to authorise entry on to land under Section 196A of the Town and Country Planning Act 1990

**06/22      REMOVAL OF THREE EXISTING WOODEN SHEDS AND THE ERECTION OF A GARAGE FOR STORAGE AT RIDGEWAY PRIMARY SCHOOL, MAIN ROAD, RIDGEWAY, S12 3XR APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD4/0521/6** An application had been received from Derbyshire County Council for planning permission for the removal of three wooden sheds and the erection of a garage for storage at Ridgeway Primary School, Main Road, Ridgeway. The applicant sought permission to replace existing storage facilities that were in disrepair, and to improve security of school property.

The Executive Director had provided a detailed report published with the agenda, which included details of the consultation process and publicity, following which no objections had been received, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to a set of conditions, detailed in the Executive Director's report.

Members asked a number of observations and asked questions which were duly noted or answered by the Team Leader Development Management.

In conclusion the Team Leader Development Management commented that a clear need for development had been demonstrated and justified. The new development would play a vital role in enhancing sport and recreation

facilities and activities at Ridgeway Primary School. This would be an acceptable development within the designated Green Belt. On balance, whilst the openness of the Green Belt would be affected to a limited extent, he considered that this would have a very negligible effect upon the purposes of the Green Belt designation, particularly given that the development would be within the established school site. He was satisfied that the design of the building would be appropriate within the context of the locality, and Moss Valley Conservation Area designation.

**RESOLVED** that planning permission be granted subject to conditions substantially similar to the draft conditions contained in the Executive Director's report.

**07/22      A "LOCAL LIST" OF INFORMATION REQUIREMENTS FOR PLANNING APPLICATIONS SUBMITTED TO DERBYSHIRE COUNTY COUNCIL**

Members were notified of the intention to publish a revised Local List of Information Requirements for planning applications with effect from 15 January 2022.

In accordance with guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC), a draft revised list of County Council information requirements for planning applications, had been prepared for publication and implementation by the Council.

On 12 April 2021, this Committee authorised the commencement of consultations on a draft revised Local List of information requirements for planning applications. The draft Local List had been prepared in accordance with guidance issued by the DLUHC which also required the County Council to consider and take account of any representations received prior to publication and implementation of the Local List. The report summarised the representations that had been received and the amendments which were proposed to be made to the Local List in response to those representations. The revised draft final Local List was attached at Appendix B to the report of the Executive Director Place.

**RESOLVED** to note that the adopted Local List of information requirements for planning applications had been revised in light of the consultation responses and was to be published from 15 January 2022

**08/22      CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

**09/22      OUTSTANDING APPLICATION LIST RESOLVED** to receive the

list on decisions outstanding on 22 December 2021 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.

**10/22 CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that the following appeal has been lodged with the Planning Inspectorate:

**Appeal Reference APP/U1050/C/20/3257919**

Land at Lady Lea Road, Horsley, Ilkeston

Appeal against Enforcement Notice Issues on 16 July 2020

Appeal Start Date – 8 September 2020

**11/22 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** RESOLVED to note that the following applications had been approved by the Executive Director – Place under delegated powers on:

25/08/2021	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD8/0221/49 Harrington County Junior School</b> SD3586: External Elevational Brickwork
03/09/2021	<b>Applicant: Severn Trent Water Limited</b> <b>Planning Application Code No: CW3/0521/7</b> Section 73 to not Comply with Conditions 3 pf Planning Permission CW3/0320/83 to Permit the Installation of Four New Swing Jibs, Revised Sludge Tank Covers and Relocation of the Motor Control Centre Kiosk Doors, Matlock Sewage Treatment Works
03/09/2021	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD6/0221/51 Kilburn Junior School</b> SD3585: Intrusive Ground Investigations SD3584: Site Stability and Methods of Intrusive Ground Investigations SD3585: Assessment Relating to Ground Gases SD2588: Ecology Survey.
10/09/2021	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD8/0421/1</b> Section 73 to not Comply with Conditions 3 and 17 of the Approved Planning Permission CD8/0120/72 at the Former Pupil Referral Unit, Brookside Road, Breadsall
10/09/2021	<b>Applicant: Ben Bennett Jnr Ltd</b> <b>Submission No: PD17/3/84</b> Request for Prior Approval for Replacement Portacabins to be

	Located in the same Positions as the Existing Cabins at Grange Mill Quarry, Wirksworth
10/09/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p><b>CM1/1017/58 Dowlow Quarry</b>  SM3595: Investigation for Archaeological Work  SM3596: Protected Species Survey – Badges  SM3597: Protocol for the Management of Protected Species</p> <p><b>R1/1017/33 Dowlow Quarry</b>  SM3598: Protocol for the Management of Protected Species</p> <p><b>CHA/1156/23 Hindlow Quarry</b>  SM3575: Soil Stripping and Storage</p> <p><b>CD6/0221/51 Kilburn Junior School</b>  SD3582: Travel Plan</p> <p><b>CD8/0221/49 Harrington County Junior School</b>  SD3599: Measures to Prevent Badgers being Trapped in Open Excavations and/or Pipes and Culverts  SD3600: Identify and Control Any Environmental Risk</p>
17/09/2021	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No: NMA/0721/77</b>  Non-Material Amendment to Planning Permission Code Number CD8/0920/33 to Amend the List of Approved Plans Associated with Condition 3 at the Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston</p>
23/09/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p><b>CD8/0120/72 Behavioural Support Centre Breadsall</b>  SD3591: Details for storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions.  SD3593: Details of additional surface water run-off during construction.</p>
07/10/2021	<p><b>Applicant: Russell Barker, Red Materials Ltd</b>  <b>Planning Application Code No: NMA/0821/78</b>  Non-Material Amendment to Planning Permission CW5/1117/69 to Change the Order of Phased Re-Profiling and Restoration of the Site including Location of the Site Compound within Phase 3 at the Former Oxcroft Colliery Tip, Mill Lane, Stanfree S44 6AG</p>
07/10/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p><b>CM9/0620/19 Extension to Willington Quarry</b>  SM3601: Water Receptor Monitoring Scheme</p> <p><b>CHA/1156/23 Hindlow Quarry</b>  SM3576: Archaeological observation and recording – Written Scheme of Investigation  SM3577: Ecological Survey and Recording</p>

14/10/2021	<p><b>Applicant: Tarmac Cement and Lime Limited</b>  <b>Planning Application Code No: CM1/0621/12</b>  The Erection and Operation of a Filter Fines Feed System Comprising Three Silos and Ancillary Development at the Existing Cementitious Bagging Plant at Tunstead Quarry, Waterswallows, Wormhill, Buxton SK17 8TG</p>
14/10/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions:  <b>CD8/0221/49 Harrington County Junior School</b>  SD3587: Construction Management Plan</p>
22/10/2021	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No: CD5/0821/19</b>  Removal of Existing Dilapidated Roof Lights and Replacement with New at Bolsover Family Support Centre, High Street, Bolsover S44 6HF</p>
22/10/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions:  <b>CD8/0120/72 Former Pupil Referral Unit Breadsall</b>  SD3590: Construction Management Plan and Construction Method Statement  SD3602: Method Statement  SD3604: Scheme to identify and control any environmental risks associated with the site are developed and undertaken  SD3605: Written Method Statement for remediation and environmental risks.  SD3592: Detailed design and associated management and maintenance plan of surface water drainage.  SD3594: Landscape and Ecological Management Plan</p>
05/11/2021	<p><b>Applicant: Steetley Dolomites Ltd</b>  <b>Planning Application Code No: CM5/0721/13</b>  Erection of a Storage Shed and Replacement of an Existing Hardstanding, Whitwell Works, Southfield Lane, Whitwell S80 3LJ</p>
16/11/2021	<p><b>Applicant: Mr Les Foulger, C/O Saint Gobain PAM</b>  <b>Planning Application Code No: CW2/0721/17</b>  Application Made Under Section 73 of the Town and Country Planning Act 1990 Planning Application to not Comply with Conditions 24 (Restoration Masterplan) and 25 (Restoration of Lagoons and Ponds) of Planning Permission Reference CW2.0113/133, including Revised Restoration Scheme that Accommodates an Existing High Voltage Underground Electricity Cable that Passes through the Site and Reconfiguration of Hedgerow Banks and Field Pattern (Made in Retrospect), Former Staveley Works off Works Road, Hollingwood, Chesterfield</p>
16/11/2021	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No: NMA/1021/79</b>  Non-Material Amendment for Proposed Design Changes to Approved Planning Application Code No: CD8/0221/49, including Increase in Roof Parapet Height by 250mm, Photovoltaic Cells on Roof and Substitution from Trespa to Rockpanel Cladding,</p>

	Harrington County Junior School, Derby Road, Long Eaton, NG10 4BJ
16/11/2021	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p><b>CD1/0420/5 Glossopdale School, Hadfield</b></p> <p>SD3603: Scheme providing lux levels, the height and location of proposed lighting, the specification for the light fittings and measures to prevent adverse impacts to bats. Scheme shall also make provision for no lighting to be erected along the eastern elevation of the new building.</p>

**12/22 DEPARTMENTAL MANAGEMENT PERFORMANCE MONITORING RESOLVED** to receive the Planning Services Development Management Performance Management Statistics for 1 July 2021 to 31 December 2021.