

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 7 October 2019.

PRESENT

Councillor R Iliffe (in the Chair)

Councillors J Atkin, D Charles, R Flatley (substitute Member), A Griffiths, L Grooby, R Mihaly, R A Parkinson, P Smith and B Wright.

Apologies for absence were submitted on behalf Councillor M Ford

57/19 **SITE VISIT** In accordance with the Code of Practice Members visited the site at Alfreton Park School (Minute No. 60/19).

58/19 **AWARD** The Chairman informed the Committee that the County Council's Planning Services, had recently won the Royal Town Planning Institutes East Midlands Award for Planning Excellence 2019 – Local Authority Planning Team of the Year, at an award ceremony in Derby. On behalf of the Committee, the Chairman congratulated Mr David Arnold and his staff on receiving the award.

59/19 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 23 September 2019 be confirmed as a correct record and signed by the Chairman.

60/19 **PROPOSED RECLAMATION, CUT AND FILL OF THE FORMER WHITWELL COLLIERY SITE TO FACILITATE MIXED USE REDEVELOPMENT OF THE SITE, TOGETHER WITH LANDSCAPING, ECOLOGY AND DRAINAGE APPLICANT: THE WELBECK ESTATES COMPANY LIMITED CODE NO: CM5/0818/42** Members were asked to determine whether the period to be required by condition for commencement of this reclamation development should be extended from three to five years together with the imposition of a further condition linking the reclamation with implementation of a housing development of the same site which was subject to an outline application for permission which had been recommended for approval by Bolsover District Council's Planning Committee.

On 8 July 2019, the Committee had passed a resolution in favour of granting planning permission for the proposed reclamation, cut and fill of the Whitwell Colliery site to facilitate mixed-use redevelopment of the site, together with landscaping, ecology and drainage, subject to the applicant first entering

into a legal agreement and planning conditions substantially in accordance with those draft conditions set out in the officer recommendation of the report to Committee on the applications (Minute No.38/19).

The content of the section 106 agreement required under that resolution had yet to be finalised. The application was brought before the Committee again because a significant change from the draft condition for commencement under that resolution had been requested by the applicant.

Members' attention was also drawn to a connected application for outline planning permission, to Bolsover District Council, to construct up to 450 dwellings on the site. This housing development was to be considered as being enabling development which would fund the mineral site reclamation.

Since the resolution to grant permission by Committee on 8 July 2019, negotiations had been taking place between the County Council, as the Mineral Planning Authority (MPA) and the applicant, as landowner, to finalise the draft planning conditions presented at Committee.

Condition 1 of the draft planning conditions would set the implementation period for development to commence. Although the applicant's agent had in July 2019 suggested an extension from the standard maximum three year period from grant of permission to commencement of the development from three to five years, the officers at this time had insufficient information to justify recommending this.

An informative letter had since been provided on behalf of the applicant (2 September 2019) relating to the applicant's difficulties in committing to the timescales required for discharging the requirements of draft pre-commencement conditions on the basis of a five year period for commencement, along with other comments relating to conditions proposed.

A summary was provided in the Executive Director's report of the informative points made in the applicant's letter, which were accepted to be material planning considerations.

The NPPF encouraged authorities to encourage development by adopting a flexible approach where this does not undermine other competing planning goals.

The reporting officers had accepted that, given site constraints, the obtaining of a Land Drainage Consent, together with a Network Rail agreement, could be significantly time consuming as preliminary issues for the applicant.

Also, taking into account the need to enter into an agreement under section 278 of the Highway Act 1980 and economic uncertainties, the reporting officers had found that, on balance, the proposed 5 year commencement period was acceptable provided that a sequencing condition was also included within the conditions to the permission to be issued, which mirrored a condition that was being included in the officer's recommendation for approval of the outline housing application to Bolsover District Council's Planning Committee.

RESOLVED that the Head of Planning be authorised to grant planning permission for the development under planning application code no. CM5/0818/42 subject to those requirements for first entering into a legal agreement and for planning conditions as were contained in the Committee resolution of 8 July 2019, recorded at Minute No. 38/19, except for the condition for commencement being worded as follows:

Commencement

- 1) The development hereby permitted shall be commenced before the expiry of five years from the date of this permission. Written notification of the date of commencement of development shall be sent to the Authority a minimum of seven days of such commencement;

and the inclusion of a condition in respect of the sequence of development substantially in the following form:

Sequence of Development

2a) The development hereby approved shall be carried out in sequence as shown on Drawing No. 13.012/24o on Bolsover Permission [*to be inserted if approved at by BDC*] starting with the build out of housing on Phase 1A;

2b) Phase 1A (residential development) must not commence until Phase 3 of the restoration of the site (as illustrated by Drawing no. 13.012/39f) has been substantially completed in accordance with the requirements of the associated Landscape and Environmental Management Plan;

2c) No more than 50% of the houses subsequently granted reserved matters approval on Phase 1A and no more than 25% of the houses subsequently granted reserved matters approval on Phase 1B shall be occupied until Phase 4 of the restoration of the site (as illustrated by Drawing no. 13.012/41b) has been substantially completed in accordance with the requirements of the associated Landscape and Environmental Management Plan;

2d) Phases 2A and 2B (residential development) must not commence until Phase 4 of the restoration of the site (as illustrated by Drawing no.

13.012/41b) has been substantially completed in accordance with the requirements of the associated Landscape and Environmental Management Plan;

Reason: to ensure the proposed development delivers on the environmental benefits that justified granting outline permission for re-development of the site of the former Whitwell Colliery and for new development on undeveloped land adjacent to the site of the former Whitwell Colliery.

61/19 THE DEMOLITION OF ALFRETON PARK SPECIAL SCHOOL AND THE REMOVAL OF THE ADVENTURE PLAYGROUND, CONSTRUCTION OF REPLACEMENT SCHOOL COMPLEX AND OUTDOOR PLAY AREA AT ALFRETON PARK, ALFRETON DE55 7AP APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD6/0619/22 The proposal was for the demolition of the existing Alfreton Park Special School building, 'post-16' modular building, and adventure playground, and their replacement by a new school building complex on the Highfield Plantation site and a new adventure playground on the site of the existing school buildings. The replacement school area would also contain a new parking area, Multi-Use Games Area (MUGA), outdoor play areas, surface water retention pond, tree planting, hedgerows and a 2.4 metres (m) high weldmesh perimeter fencing.

The existing school site was situated within the setting of the grade II listed Alfreton Hall, however, the application site was not in a Conservation Area (CA). The proposed site formed part of the Alfreton Park Local Wildlife Site (LWS), which had also been identified by the local planning authority as a Site of Interest for Nature Conservation. The site was within a coal mining High Risk Development Area and the entire existing school site was covered by a Tree Preservation Order (TPO).

The proposed development was considered to be of good design and situated within a discrete location which would not result in any significant impacts on the amenity of the area. The applicant had demonstrated a justified need for the development to take place.

The proposed site for the replacement school was located on land safeguarded by Adopted Amber Valley Local Plan (AVLP) Policy LC5. It was considered that the development would not be a departure from the development plan, as the new school was a community facility with leisure facilities available to the local community.

Following consultations and publicity a number of comments/responses were received. Details of the comments received from consultees and members of the public were given in the Executive Director's report. The

representations made, which raised a number of concerns, had been taken into consideration in reporting on the application. The local elected members had been consulted and no comments had been received from them at that stage.

In conclusion in the report, The Executive Director, stated that whilst the proposal was for a substantial development, consisting of demolition works, erection of a new school and adventure playground, as well as ancillary works, he did not consider that it would generate any impacts which could not be mitigated by way of condition. The layout and location of the proposed replacement school demonstrated a good and sustainable design. The proposed development would contribute towards an increase in noise as a result of the local communities using the facility after school hours. However, given the nature of the site and location, he did not consider that this would be to unacceptable levels. The development would not, in his opinion, generate significant amounts of traffic or pollution and related nuisances. He considered that the proposal complied with the land use Policy LC5 of the AVLP and therefore was not viewed as a departure of the local plan. The works, as described in the Executive Director's report had a justified need to take place and would accord with local and national planning policy. Subject to imposition of the conditions, he recommended under his recommendation for approval, he was satisfied that the proposal would accord with the AVLP and the NPPF.

To supplement the reporting officer's introduction of the report to the Committee, several slide images of the layout of the proposal were presented to the meeting.

Councillor Mihaly pointed out that in granting any permission, the timing of the availability of the MUGA for community uses during school holidays (as mentioned on page 4 of the report) would need to be clarified. He also suggested that to avoid any undue residential disturbance the earliest time for starting development operations should be 8am, instead of 7am as provided in the draft condition number 6 in the recommendation.

Councillor Smith pointed out that the proposed site of the new school had been used for car parking when the annual Festival in the Park is had been held. He questioned whether the impact of the proposed development on the feasibility of continuing to hold community events at Alfreton Park, particularly the annual "Party in the Park" with its access and parking requirements, might require an extra condition to be required. The reporting officer confirmed in response that he did not perceive that there would be any significant problem in this respect, since there informal space for temporary parking of up to about 485 vehicles could be made available. Councillor Smith also enquired whether an existing gated field entrance which was opened for temporary access might be available in the future and improved. After it was

pointed out that the current application did not directly relate to the entrance, a representative for the Council as applicant who was in attendance gave an assurance that the Council would endeavour to co-operate effectively with the organisation of future public events at the Park.

It was also pointed out by members that the access road into the park had been observed to be in a poor condition. Councillor Smith requested that the applicant improve this road during the development. Whilst the reporting officer confirmed that the application did not extend to any improvements to access road, the representative for the Council as applicant indicated that the condition of the road would be attended to when the development was carried out.

RESOLVED that planning permission be granted, subject to conditions substantially similar to the draft conditions detailed in the report of the Executive Director Economy, Transport and Environment, and so as to specify within the condition corresponding to the draft condition number 6, 8am instead of 7am as the earliest time for daily starting of development operations.

62/19 CURRENT ENFORCEMENT ACTION RESOLVED to receive the report on current enforcement action.

63/19 OUTSTANDING APPLICATIONS RESOLVED to receive the list on decisions outstanding on 7 October 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.

64/19 CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED to note that there were currently no appeals lodged with the Planning Inspectorate.

65/19 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 Economy, Transport and Environment under delegated powers on:

20 September 2019

- 1 Installation of a Sludge Thickening Building, a Motor Control Centre Kiosk and a Low Voltage Kiosk, Ashbourne Sewage Treatment Works, Watery Lane, Ashbourne, DE6 1AS
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0719/36

27 September 2019

- 1 Installation of an External Teaching Space at Norbury C of E Primary School, 2 Lid Lane, Roston, DE6 2EG
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0819/42
- 2 Part Retrospective Planning Application for Existing Canopy, Ramping; Propose Cladding and the Five Year Retention of Two Existing Temporary Buildings at Ashover Primary School, Narrowleys Lane, Ashover S45 0AU
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0819/39
- 3 Proposed Replacement of Roof Covering, Replacement of Roof Windows, with some Windows to be removed and Boarded Over and the Replacement of All Associated Rainwater Goods at Longmoor Primary School, Newstead Road, Long Eaton
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0719/35
- 4 Delegated Decisions on Schemes Required by Planning Conditions:
 - SM3254
 - SM3253
 - SM3255

66/19 DEVELOPMENT MANAGEMENT PERFORMANCE
MONITORING RESOLVED to receive the Planning Services Development Management Performance Management Statistics for 9 July 2019 to 8 October 2019.