
MINUTES

Meeting: **Planning Committee**

Date: Friday 5 August 2022 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell, DE45 1AE

Chair: Cllr P Brady

Present: Cllr M Chaplin, Cllr D Chapman, Ms A Harling, Cllr A Hart,
Cllr I Huddleston, Cllr A McCloy, Cllr D Murphy, Cllr Mrs K Potter and
Cllr K Richardson

Apologies for absence: Cllr V Priestley and Cllr J Wharmby.

80/22 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS' DECLARATIONS OF INTEREST

Item 6

All members had received an email from the agent, Ms McIntyre.

Cllr Chapman declared a personal and prejudicial interest as the applicant was well known to him and confirmed that he would leave the room for the discussion of this item.

Item 7

Cllr Brady declared a personal and prejudicial interest as the applicant was a family member. He confirmed that he would leave the room for the discussion of this item.

Cllr Chapman declared a personal interest as the applicant was a friend, however he had not discussed the matter with the applicant so would approach it with an open mind.

Item 10

All members declared an interest as the site is owned by the Peak District National Park Authority.

81/22 MINUTES OF PREVIOUS MEETING OF 8 JULY 2022

The minutes of the last meeting of Planning Committee held on 8 July 2022 were approved as a correct record subject to the following amendment:

Minute 78/22

At the end of the last paragraph the Chair stated that “He asked that regular progress reports on cases with upheld and outstanding Enforcement Notices be submitted at least annually” should be added.

82/22 URGENT BUSINESS

The Chair advised that at the end of the meeting a confidential oral report would be given by the Head of Planning in relation to an urgent enforcement matter which was exempt information under S100(A)(4) Local Government Act 1972 Schedule 12A Paragraph 6.

83/22 PUBLIC PARTICIPATION

Four members of the public were present to make representations to the Committee.

84/22 FULL APPLICATION - MATERIAL UNLOADING, CONVEYING AND STORAGE FACILITY AND ASSOCIATED IMPORTATION OF SHALE SUBSTITUTE KILN FEED MATERIAL (ARM). THIS WILL ALSO REQUIRE THE REMOVAL OF A FEW ELEMENTS OF MINOR INFRASTRUCTURE AND SOME VEGETATION AT HOPE CEMENT WORKS, HOPE (NP/HPK/1020/0929, TE)

Some Members of the Committee had visited the site the previous day.

The Strategic Planning Manager presented the report, which outlined the reasons for approval.

The following spoke under the public participation scheme:

- Mr Ian Ord, on behalf of local residents and Hope Environmental and Rail Delegation
- Dr Ed Cavanagh, Cement Works Manager, on behalf of the Applicant, Breedon Cement

Members thanked the Strategic Planning Manager for a high quality, clear and detailed report.

In response to questions from Members, the Officer advised the following:

- Regarding the speed of trains, there was an advisory speed limit of 5mph which drivers endeavour to adhere to however it can be difficult depending on load and conditions. This was why the intention was to control the factors which can be a nuisance i.e. the noise and vibration, rather than just the speed.
- 88 decibels was a peak reading over a period of time, and the average noise will be lower. The noise level was below British Standard thresholds.
- The idling of engines occurs at Earles Sidings and was outside the control of the Applicant and the Authority. However there was a proposal in the report to establish a liaison committee which would meet twice a year and include all interested parties including residents, to try and address this issue.
- There would be no increase in lorry traffic
- That the S106 agreement would increase the certainty of the end date for the Works being 2042
- A catalytic converter type solution for the chimney had been looked into and would not decrease emissions significantly. It would also have an unacceptable visual impact.

- There was sufficient tree cover to provide adequate screening at present. The conditions required a landscape strategy. Potential loss of trees in the future from diseases could be considered as part of that.
- There was no capacity to process the limestone elsewhere as other Works nationally were all operating at capacity
- The current option is the most sustainable in terms of CO2 emissions

Members welcomed the proposed decrease in sulphur dioxide, the proposals for noise and traffic management and the consideration being given to planning for the end date of 2042. They also appreciated the positive effect that the cement works has on the local community as an employer and as a provider of leisure facilities. Members also felt that there was a benefit to other local ancillary businesses.

Whilst Members understood that the Cement Works was a high producer of carbon dioxide it was felt that moving the production elsewhere would not benefit national carbon reduction measures. It was also recognised that there was a national demand for cement.

A motion to approve the recommendation was moved and seconded put to the vote and carried.

RESOLVED:

To APPROVE the application subject to the completion of a S.106 agreement in substantially the same terms as outlined in the 'S.106 Head of Terms' section of the report, and subject to conditions covering the following broad areas (full draft conditions contained in Appendix A of the report):

- 1) Development in accordance with approved plans.
- 2) Development shall cease no later than the 22nd February 2042.
- 3) All built development approved under this consent shall be removed within 2 years of the cessation of operations and site restored within a further 2.
- 4) Maximum importation of ARM shall not exceed a combined total (wet and dry weight) of 450k tonnes p/a wet weight.
- 5) Maximum importation of ARM shall not exceed a combined total (wet and dry weight) of 361k tonnes p/a dry weight.
- 6) Monthly and annual records of the types and quantities, dry and wet weights of all ARM shall be kept and supplied to the MPA on an annual basis or on request.
- 7) A record of the annual amount of ARM imported to site shall be supplied to the MPA at the end of each calendar year and monthly records on request.
- 8) All ARM will be imported to the site by rail other than in the event of emergencies
- 9) Undergrounding of overhead power lines prior to use of ARM building.
- 10) Noise and vibration mitigation
- 11) Development to be carried out in accordance with Rail Management Handbook.
- 12) Ecological conditions
- 13) Lighting conditions
- 14) Environmental Health Conditions
- 15) Post approval monitoring of vibration caused by rail movements to ensure no significant divergence from levels stated in application submission.
- 16) Vibration levels shall not exceed those recorded in submission documents.
- 17) The site shall be restored in accordance with submitted restoration plan within 2 years of the cessation of development or by 22nd February 2044, whichever is the sooner.

- 18) The restoration shall be subject to 5 years annual aftercare.
- 19) Development in accordance with the Dust Management Plan
- 20) LEMP – replacement screen planting and mitigation of impact on heritage assets.
- 21) All buildings and conveyors consented under this development shall be finished in Olive-green BS 4800/ BS 4904/ BS5252 code 12.B.29.
- 22) CEMP – construction vehicle movements/controls
- 23) No train movements associated with the development (importation of ARM) on the branch line between 2300 – 0700.
- 24) No existing train movements to be pushed into 2300-0700 time slot as a result of this development.
- 25) Maximum 7 mainline rail deliveries of ARM per week to Earles Sidings.
- 26) Welding of track close to residential properties and removal of points prior to commencement of importation of ARM by rail.
- 27) Training scheme for train drivers.
- 28) Scheme for branch line vibration monitoring.
- 29) Rail vibration shall not exceed set limit.
- 30) Review of further rail noise reduction measures.
- 31) There shall be no importation of primary aggregates, industrial aggregates or virgin extracted material of any kind under this consent.
- 32) Set limits for movements on the branch line.
- 33) Acoustic screening at branch line.
- 34) Construction and demolition management plan (control vehicle movements and dust)
- 35) Best reasonable endeavours to reduce the carbon footprint of the Works will be undertaken when opportunities arise.
- 36) Annual records of CO2 emissions to be provided to the MPA.
- 37) Definition of 'ARM'
- 38) Rail deliveries of construction materials shall not exceed more than 1 per day and will not push existing deliveries into night time hours.
- 39) Ecological enhancement measures.
- 40) Biodiversity net gain requirement and management

The meeting adjourned for a short break at 11.25 and reconvened at 11.33.

- 85/22 FULL APPLICATION - DEMOLITION OF THE EXISTING STRUCTURES ON SITE, THE ERECTION OF A NEW RESIDENTIAL DWELLING, WORKS OF HARD AND SOFT LANDSCAPING, INSTALLATION OF PACKAGE TREATMENT PLANT AND OTHER WORKS INCIDENTAL TO THE APPLICATION PROPOSALS AT NEWLANDS FARM, COPLOW DALE, LITTLE HUCKLOW (NP/DDD/0621/0670, SPW)**

Cllr Chapman left the room for the duration of this item and returned at 12.10

Some Members of the Committee had visited the site the previous day.

The Planning Officer introduced the report which outlined the reasons for refusal. He advised that on page 124, paragraph 24 to the end of the second bullet point, should be added “they should not undermine the achievement of other core policies”

The following spoke under the public participation at meetings scheme:

- Mr Nick Marriot, Agent

Members discussed “enhancement” and potential conflict with other policies e.g. was housing considered an acceptable development on a site which would not otherwise be deemed suitable for housing as it is outside a named settlement, if it would provide

enhancement to the landscape by replacing dilapidated existing non residential buildings? It was felt that this was a question that could be taken up in the Local Plan Review.

Members agreed that they were keen to see an enhancement to this site but that they could not approve this proposal. Any revised proposal should also consider whether replacement farm buildings would be required in addition to a new residence. Officers were encouraged to have further discussions with the applicant to identify an acceptable scheme for the site.

A motion to refuse the application in accordance with the Officer recommendation was proposed and seconded, put to the vote and carried.

RESOLVED:

To REFUSE the application for the following reasons:

- 1. The application site is in an unsustainable location in the open countryside, outside a designated settlement. The erection of an unrestricted, open market dwelling in this location would be contrary to Core Strategy policies GSP1, GSP3, DS1, HC1, and L1. The development would result in a dwelling with no essential functional need and no functional relationship to the land.**
- 2. The location and separation of the proposed dwelling from the hamlet of Coplow Dale, coupled with the scale, massing and design, do not represent an enhancement of the quality and significance anticipated by policy. The harm resulting is not outweighed by the benefit that the removal of the existing buildings would provide. The proposed development would represent unsustainable development within the National Park, contrary to the National Planning Policy Framework.**

86/22 FULL APPLICATION - PROPOSED REMOVAL OF EXISTING BUILDING AT WESTERN END OF SITE, AND REPLACEMENT WITH A WORKSHOP AND ANCILLARY OFFICE, INCLUDING THE ASSOCIATED CHANGE OF USE AT LAND SOUTH OF CHURCH LANE, CHELMORTON (NP/DDD/0322/0396, MN)

Cllr Brady, Chair of the Committee left the room for the discussion of this item as he had declared a prejudicial interest and the Vice Chair, Mr Smith took the Chair.

Some Members of the Committee had visited the site the previous day.

The Planning Officer presented the report which outlined the reasons for approval. He advised that in the planning history section of the report, one application had been omitted – a refusal of an open market dwelling and workshop in 2021. He also confirmed that the 2021 refusal was being appealed and that if the appeal was upheld and this application was approved, the applicants would be able to choose which scheme they carried out.

Members noted that the proposed conditions addressed concerns which had been raised by the Parish Council.

A motion to approve the application in accordance with the Officer recommendation was moved and seconded, put to the vote and carried.

RESOLVED:

To **APPROVE** the application subject to the following conditions:

1. **3 year time limit**
2. **In accordance with amended plans**
3. **Use as a workshop and ancillary office only, and for no other purpose, including for any ancillary retail sales or public showroom.**
4. **Any use of the approved workshop (excluding office use) shall take place only between the hours of 8am to 6pm on Mondays to Fridays and 9am to 1pm on Saturdays, with no use permitted on Sundays or on Bank or Public Holidays**
5. **No outdoor storage of materials or equipment, other than the parking of commuter vehicles associated with the occupation of the building**
6. **Provision of solar panels prior to first occupation**
7. **Design details**

87/22 FULL APPLICATION - ALTERATIONS AND CHANGE OF USE OF OUTBUILDING TO DWELLING FOR SELF-CONTAINED HOLIDAY LET USE AT HARTINGTON COTTAGES, KNOWL COTTAGE, MARKET PLACE, HARTINGTON (NP/DDD/0522/0598, FJ)

Cllr Brady returned to the meeting and resumed the Chair at 12.25

The report was presented by the Planning Officer who outlined the reasons for approval. He advised that the wood burning stove and flue, referred to in the report had now been omitted from the scheme.

The Planning Officer also confirmed that Officers considered there would not be a significant degree of over shadowing and that the development would not be overbearing on neighbouring property.

A motion to approve the application in accordance with the Officer recommendation was moved and seconded put to the vote and carried.

RESOLVED:

To **APPROVE** the application subject to the following conditions

1. **3-year time limit**
2. **In accordance with the submitted/amended plans**
3. **Occupancy Restriction - short-let holiday accommodation ancillary to Knowl Cottage**
4. **All new doors and window frames to be of timber construction**
5. **All new windows and doors recessed from walls**
6. **Flue vent & rainwater goods to be finished in black**
7. **New stonework, mortar and roof tiles to match existing**
8. **Any external lighting scheme subject to approval**
9. **Hardstanding area for parking and manoeuvring to be retained**

88/22 FULL APPLICATION - RETROSPECTIVE PLANNING CONSENT FOR THE RETENTION OF A SHEPHERDS HUT FOR TOURIST ACCOMMODATION AND FOR AN ANCILLARY WASHROOM ON LAND TO THE WEST SIDE OF TOWNEND LANE, WATERFALL, WATERHOUSES (NP/SM/0522/0743)

The report was presented by the Planning Officer who outlined the reasons for refusal.

The following spoke under the Public Participation Scheme:

- Mr Allen Newby, Agent

Members discussed whether the shepherd's hut could be considered ancillary to the farm business as the Officer view was that it was not ancillary and therefore was in contravention of policy. Members also expressed concerned regarding the wash house, which was a permanent structure.

A motion to refuse the application in accordance with the Officer recommendation was moved and seconded put to the vote and carried.

RESOLVED:

To REFUSE the application for the following reasons:

- 1. The siting of a single shepherds hut for holiday accommodation in this location fails to accord with adopted planning policies DMR1 and DME2 because it does not support farm diversification and is not located close to the facilities of a farmstead.**
- 2. By virtue of the form, design and isolated location in open countryside, the existing Shepherds Hut and the proposed ancillary washroom does not meet the criteria set out in part A of Core Strategy Policy L1, which requires development to conserve and enhance the valued landscape character of the area.**

89/22 FULL APPLICATION - PROPOSED CONSTRUCTION OF POND TO ENHANCE WILDLIFE, WITH SURROUNDING PROTECTIVE SHEEP NETTING FENCE WITH BARBED WIRE ABOVE PLUS SMALL ACCESS GATE, AT BROSTERFIELD CARAVAN PARK, FOLOW (NP/DDD/0522/0718, JK)

A motion to approve the application in accordance with the Officer recommendation was proposed and seconded put to the vote and carried.

RESOLVED:

To APPROVE the application subject to the following conditions:

- 1. Statutory 3 year time limit for implementation.**
- 2. Development to be carried out in full accordance with the submitted plans/specification and the post construction management plan.**
- 3. During construction, any materials shall be stored off the ground to prevent amphibians from using these as a terrestrial habitat before works are complete**

90/22 HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)

The report set out the planning appeals decided in the last month.

RESOLVED:

The report was noted.

91/22 EXEMPT INFORMATION S100 (A) LOCAL GOVERNMENT ACT 1972

RESOLVED:

That the public be excluded from the meeting during consideration of urgent business to avoid the disclosure of Exempt information under S100 (A) (4) Local Government Act 1972 Schedule 12A paragraph 6 “information which reveals that the authority proposes

- 1. To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
- 2. To make an order or direction under any enactment.”**

SUMMARY

The following item was considered in the exempt part of the meeting:

92/16 Urgent Item: Head of Planning Urgent Enforcement Update.

The meeting ended at 1.15 pm