

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 3 February 2020.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, D Charles, L Grooby, R Iliffe, R Mihaly, and R A Parkinson and P J Smith.

Apologies for absence were received on behalf of Councillor A Griffiths

07/20 **DECLARATIONS OF INTEREST** There were no declarations of interest

08/20 **SITE VISIT** In accordance with the Code of Practice Members visited the site at former Ormiston Academy, Bennerley Avenue Cotmanhay (Minute No. 10/20).

09/20 **MINUTES RESOLVED** that the minutes of the meetings of the Committee held on 16 December 2019 & 6 January 2020 be confirmed as correct records and signed by the Chairman subject to amendment to record Councillor Charles's attendance at the 16 December meeting.

10/20 **PROPOSED ERECTION OF 40 BED CARE HOME, 66 EXTRA CARE APARTMENTS, 18 EXTRA CARE BUNGALOWS, PUBLIC CAFE/RESTAURANT, PUBLIC HAIR SALON AND REINSTATEMENT AND IMPROVEMENT OF EXISTING GRASS SPORTS PITCH TO PROVIDE ADDITIONAL AMENITIES FOR THE LOCAL COMMUNITY AT THE FORMER ORMISTON ACADEMY AND PLAYING FIELDS, BENNERLEY AVENUE, COTMANHAY, ILKESTON APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD8/0719** Details of this application for planning permission together with comments received from consultees and following publicity were given in the report of the Executive Director -Economy, Transport and Environment. He reported that the application was for permission for the development of an extra care complex, which would consist of a 40 bed care home, 66 extra care apartments, ancillary businesses (café/restaurant hair salon) and associated parking, 18 extra care (over 55's) bungalows and an improved sports pitch with additional parking provision. The development was proposed on the site of the former Ormiston Academy School grounds. The site was not situated in a Conservation Area (CA) or in the setting of any listed buildings or a Neighbourhood Plan Area (NPA). The

proposed site bordered the Erewash Canal which was a Local Wildlife Site (LWS).

The proposed development was considered to be of good design and situated in a location which was in need of regeneration. It was not considered that the development would result in any significant impacts on the environment or the amenity of the area, subject to appropriate controls. The applicant had demonstrated how there was a need for the development to take place, relating to the closure of an existing facility nearby.

An objection had been raised by Sport England regarding the loss of playing field space. It considered the proposal to be contrary to its Playing Field Policy. Sport England did not believe the development and off-site contribution would deliver sufficient tangible sports benefits in the area to offset the playing field loss associated with the development. Following publicity, a representation concerning a business had been received which was also in objection, and which referred to concerns relating to the development's impact on highway capacity and noise concerns. These factors had been taken into consideration in the planning balance when assessing the planning merits of this proposal. To secure an off-site contribution in compensation for the loss of playing field.

The proposal was considered to be contrary to Sport England's Playing Fields Policy and Guidance, and did not fully accord policies of the development plan and the National Planning Policy Framework (NPPF). However, the Executive Director was satisfied that these concerns could be addressed by planning conditions, and a legal agreement, and that there was a need for the development in order to meet the demand for extra care accommodation in the area. He therefore recommended in the report that the application was authorised for a grant of permission subject to specified conditions and to an agreement or undertaking being completed to create a planning obligation to secure £40,000 for improvements for sport at the Abbotsford Community Centre, provided that the Secretary of State for Communities and Local Government on being consulted (as required by the Town and Country Planning (Consultation) (England) Direction 2009), on the basis that the Council was minded to grant permission), did not call in the application for his determination.

The Head of Planning Services and other planning officers in attendance delivered an oral presentation to reinforce the key parts of the report, assisted by slide projection of several documents under the application. It was also explained that following the production of the report, he had concluded that a condition to ensure the development would contribute to providing the care and community support that it was designed for, in addition to conditions based on the draft conditions in the officer recommendation, should be imposed on

any permission to be granted. He therefore proposed an additional condition to restrict occupation of the residential buildings and parts of buildings to be erected under the development to persons no less than 55 years old who are in need of or who will benefit from personal care and their spouses and partners or other members of their families living with them, and to restrict the use of the spaces designed for the café and salon to those respective uses only. Councillor R Flatley, local member, attended the meeting and made a brief presentation to the committee, outlining his support for the application.

Councillor Smith asked that the representative of the applicant be asked to clarify how the proposed project would be funded. It was explained that the Care Centre element would be funded by DCC, with the Extra Care Apartments element being funded by private providers.

Councillor Mihaly asked if any consideration could be given to requiring the bus service re-routeing to improve their accessibility to residents of the development and avoid social isolation. He also asked if a public Liaison Committee could be required, to communicate information about the development to local residents and others throughout its different stages

The Head of Planning Services explained in response that such a liaison group could be assured by inclusion of an appropriate extra condition to the permission, assuming that the committee regarded it as needing to be covered by condition. He also explained that, whilst bus service re-routeing could not be supported as an additional condition requirement for the proposal, it could be raised with the Public Transport Unit as an issue for it to investigate, if permission was granted.

RESOLVED (1) that The Secretary of State for Communities and Local Government be consulted on this application in accordance with the 2009 Directions, on the basis that the Council is minded to grant planning permission for the development; and

(2) that provided that the Secretary of State decided not to call in the application for his own determination, planning permission be granted subject to conditions substantially in accordance with the schedule of draft conditions set out in the Executive Directors report, with a further condition to restrict occupation of the residential buildings and parts of buildings to be erected under the development to persons no less than 55 years old who are in need of or who will benefit from personal care and their spouses and partners or other persons living with them and to restrict the use of the spaces designed for the café and restaurant and hair salon to those respective uses only., with effect from the completion of an agreement or undertaking which creates a planning obligation enforceable by Erewash Borough Council under Section

106 of the Town and Country Planning Act 1990, to secure a sum of £40,000 for improvements for sport at the Abbotsford Community Centre.

11/20 **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

12/20 **OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 3 February 2020 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.

13/20 **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate.

14/20 **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:

29 November 2019

1. Delegated Decisions on Schemes Required by Planning Conditions:

SW3292

10 December 2019

1. Proposed Installation of One Metal Storage Container off the South Facing Elevation of the School at Pottery Primary School, Kilbourne Road, Belper
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1019/54

2. Delegated Decisions on Schemes Required by Planning Conditions:

- SW3268
- SW3273
-

19 December 2019

1. Delegated Decisions on Schemes Required by Planning Conditions:

- SM2528
- SW3304

- SW3306

23 December 2019

- 1 First Periodic Review of Mineral Planning Permissions at a Mining Site Under Schedule 14 of the Environment Act 1995 Application for Approval of New Conditions Relating to the Operation of the Existing Permitted Quarry Development at Grange Mill Quarry, Grange Mill, Wirksworth, Derbyshire
Applicant: Ben Bennett Jr Limited
Planning Application Code No: R3/0316/32
- 2 Proposed Alterations to Existing Plastic Waste Recycling Site, Extension of the Site to the West and The Construction of One New Process Plant Building BM Tech, 2 Uttoxeter Road, Foston, Derbyshire
Applicant: Mr Morley
Planning Application Code No: CW9/0319/109

8 January 2020

- 1 Consolidation of Existing Planning Permissions, Retrospective Extension of Existing Storage Yard and Car Park at Peak Waste Recycling Ltd, Wood Lane, Kniveton, Ashbourne, DE6 1JF
Applicant: Peak Waste Recycling Ltd
Planning Application Code No: CW3/0818/37
- 2 Proposed Change of Use from Motor Vehicle Garage to Dismantling of End of Live Vehicles and Reclamation of Salvable Parts and Materials at Incomol Buildings, Derby Road, Clay Cross
Applicant: Planet Metals
Planning Application Code No: CW4/0919/50
- 3 Replacement of the Existing Roof Covering at Dronfield Henry Fanshawe School, Green Lane, Dronfield
Applicant: Derbyshire County Council
Planning Application Code No: CD4/1119/58
- 4 Delegation Decisions on Schemes Required by Planning Conditions
 - SW3303
 - SW3305

14 January 2020

- 1 Retrospective Application for the Erection and Operation of a Safety Training Centre, Cement Tanker Parking Area and Associated Welfare and Vehicle Parking Facilities at Tunstead Quarry, Buxton
Applicant: Tarmac Cement and Lime Limited (Tarmac)
Planning Application Code No: CM1/1019/53

2 Proposed Erection of a 7 Metres by 14 Metres Multi-Use Games Area at Melbourne Infants School, Pack Horse Road, Melbourne
Applicant: Derbyshire County Council
Planning Application Code No: CD9/1119/59

3 Delegation Decisions on Schemes Required by Planning Conditions

- SW3295
- SW3298
- SW3299
- SW3302

20 January 2020

1 Proposed Extension to Form an Additional Play Area, Installation of New Storage Shed and Landscaping Works at South Normanton Nursery School, Hamlet Lane, South Normanton
Applicant: Derbyshire County Council
Planning Application Code No: CD5/1019/55

22 January 2020

1 Retrospective Planning Application for the Installation of a Trim Trail at Mundy C of E VC Junior School, Lockton Avenue, Heanor
Applicant: Derbyshire County Council
Planning Application Code No: CD6/1219/63

2 Request for the Council's Prior Approval for the Construction of Two Additional Product Silos at Dowlow Plant, Dowlow Quarry, Buxton
Applicant: Omya UK Ltd
Submission No: PD17/1/73

3 Delegation Decisions on Schemes Required by Planning Conditions:

- SM3286
- SM3287
- SM3288
- SM3289
- SM3290
- SM3291