

# Public Document Pack

SUPPLEMENTARY AGENDA



**North East  
Derbyshire**  
District Council

Our Ref:

Contact: Alan Maher

Tel: 01246 217391

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Date: Monday, 20 July 2020

To: **Members of the Planning Committee**

Please attend a special meeting of the Planning Committee to be held on **Tuesday, 28 July 2020 at 10.00 am using virtual meeting software**. Access credentials to the meeting will be sent to you separately. The public parts of the meeting will be streamed from the Council's website.

#### Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

#### Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- RA – Return to Work Mill Lane Covid 19 V9
- Mill Lane Coronavirus Control Measures V4

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Joint Head of Corporate Governance and Monitoring Officer

### **Members of the Committee**

Conservative Group	Labour Group
Councillor Diana Ruff Councillor William Armitage Councillor Peter Elliott Councillor Mark Foster Councillor Carol Huckerby Councillor Maureen Potts Councillor Alan Powell	Councillor Jayne Barry Councillor Tracy Reader Councillor Jacqueline Ridgway Councillor Kathy Rouse
Liberal Democrat Group	Independent Group
Councillor Ross Shipman	Councillor Andrew Cooper

**Any substitutions for this meeting to be made to Alan Maher by 12 Noon on Monday 27 July 2020.**

**For further information about this meeting please contact: Alan Maher 01246 217391**

## AGENDA

3(d) Late Representations and Summary Report (Pages 4 - 16)

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North East  
Derbyshire  
District Council

***We speak  
your language***

**Polish**

***Mówimy Twoim językiem***

**French**

***Nous parlons votre langue***

**Spanish**

***Hablamos su  
idioma***

**Slovak**

***Rozprávame Vaším  
jazykom***

**Chinese**

**我们会说你的语言**

If you require  
this agenda in  
**large print**

or another  
format  
please call  
us on

**01246  
217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

## Planning Committee 28<sup>th</sup> July 2020 AM

### SUMMARY OF LATE COMMENTS/REPORT UPDATE

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

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**PARISH: Shirland and Higham**

**APPLICATION: 20/00285/FL**

**CASE OFFICER: Graeme Cooper**

**1. SOURCE OF COMMENTS:** Email from local resident

**DATE RECEIVED:** 21/07/2020

**SUMMARY:**

I write in response to the above planning application. I object strongly to the proposal of the site in this location and comment as follows:

I am concerned that if approval is granted the noise from vehicles going up and down the lane will be significant to us. Once approval is granted who will police the site for over agreed number of vehicles, type of vehicles and number of visitors or staff at any one time. This will soon be overlooked.

The site will be situated a considerable distance away from Mr Oughton's own home (2 Town End), screened by matures trees and shrubs, so the visual impact, appearance and noise level from the site will not affect his home, yet it will have a significant impact ours.

I can confirm that our neighbour from The Bungalow, Main Road, Shirland was not informed by NEDDC by letter or email of the prosed planning application, and the

site has a direct affect on them as well as ourselves, as their only vehicular right of access up the lane in question.

I do not agree with the planning application and wish for it to be removed completely.

**CASE OFFICER COMMENTS:**

Noise concerns are considered in the officer report to members and it is concluded that the low level of movements would not be detrimental to the amenity of neighbouring residents. Officers note that the site is not visible from public viewpoints or neighbouring properties due to it being screened by mature tree planting. The impact on neighbouring amenity has been considered in the report to members.

Officers can confirm that The Bungalow was not consulted during the course of the application, due to the Council only consulting properties which abut the application site. The Council was not aware that this property having access along this track and using a garage which abuts the application site. Nevertheless this neighbour has spoken to officers confirming that they were made aware of the application via site notice and raised no objection to the proposal. The right of access of this property has been taken into consideration in the report to members.

**2. SOURCE OF COMMENTS:** Email from local resident

**DATE RECEIVED:** 21/07/2020

**SUMMARY:**

I write in response to the above planning application. I wish to object strongly to the proposal of the site in this location.

Should the site go ahead it fails to consider several problems that will be resulting and the quality of the area in which it functions.

Relevant points I urge you to consider:

As you know number 2 Town End is a listed building. Listed buildings and their surroundings should be preserved and should the site be passed it then sets a precedent for all future planning proposals/developments of Listed buildings – which is totally wrong.

I understand that a Highways Survey was carried out to support the proposal and I consider this to be totally inadequate. The site fails to take into consideration the impact of the traffic going up and down the lane to and from the site that will potentially serve five properties and a business at the entrance. It will have a negative impact on the neighbouring properties and the overall appearance of the

listed building and its natural surroundings, let alone the significant impact of the wildlife which will be seriously disturbed should the intended area of mature hedging be removed.

NEDDC have granted us planning permission for two new build properties to the rear of our home (No 17), but you have failed to acknowledge this in every discussion and file entry. Should the proposed site go ahead the new homes will be significantly below the meterage you have suggested in your notes. My understanding is that the planner suggested that the site would be less than 40 metres from the nearest property, yet the new builds would be less than 10 metres.

In conclusion: we feel badly let down by NEDDC and the way in which this proposal has been handled. We have voiced our concerns from day one, sent various emails of objection and telephone conversations which have been dismissed. As you know we have felt ridiculed by the comments in a leaked exchange of emails which appeared on the portal then subsequently removed and then re-appeared. The proposed site has been particularly ill-considered as it is situated next to a Greenfield site, and commercial vehicles will both diminish the immediate area and from a distance harming the countryside scene. It will also cause unnecessary problems for the wildlife present in the area, neighbours and for local people. Furthermore, the site is located on the grounds of a Grade II listed building for which the aesthetics will be harmful, and this proposal seems to have completely overlooked this.

I urge you to remove this planning proposal.

We understand that our local councillor shares our concerns.

**CASE OFFICER COMMENTS:**

The impact of the proposal on the Grade II listed building, loss of hedgerow, impact upon the character of the area and matters relating to highway safety have been taken into consideration and are covered in the officer report to members. For clarity, the highways authority raised no objection to the proposal, subject to the inclusion of a number of conditions being included in any decision issued by the LPA. Permission for two dwellings is noted in the officer report to members and given due weight in the recommendation put to members. Officers have been open and honest in their discussions with neighbours, answering telephone calls and emails from the complainant, other neighbours and even offering a one to one site visit which was not taken up. Comments made by third parties in emails are not controlled by the LPA and have been addressed through the Council's complaints procedure.

**3. SOURCE OF COMMENTS:** Email from agent

**DATE RECEIVED:** 23/07/2020

**SUMMARY:**

Further to our discussion, my client has a concern about the rigidity of the above draft condition. It currently limits him to 1 customer per day. Whilst this is not a problem in terms of overall numbers across a week, it is a bit inflexible as there may be some days when no visitors attend and others when a few do.

Could we, therefore, request a tweak to this condition so that it allows a maximum of 6 customer visits per week, and 3 on any one day?

**CASE OFFICER COMMENTS:**

Officers note this request for the applicant to have more flexibility on when customers come to site and it is agreed that the impact on highway safety and neighbouring amenity would be negligible if the condition is amended.

The highways authority request that wording is added to any suggested condition to ensure that appointments do not overlap to reduce the chance of any potential conflict.

As such officers recommend that condition 10 be reworded as follows:

*“Customer appointments to the site shall be limited to a maximum of 6 customer visits per week, with a maximum of 3 on any one day. These shall be made strictly by appointment only and not overlap. A log shall be retained of appointments and submitted to the Local Planning Authority on an annual basis, on or within 28 days of the anniversary of the permission hereby approved being granted.”*

**PARISH: Dronfield**

**APPLICATION: 20/00095/FLH**

**CASE OFFICER: Kevin Figg**

**1. SOURCE OF COMMENTS:** email received from the applicant Mr Russ Thorpe

**DATE RECEIVED:** 23/07/2020

**SUMMARY:**

The plans for the proposed summerhouse were discussed with adjoining neighbours prior to the commencement of works and no objections to the scheme were expressed at the time.

The adjoining neighbour at number 23 had been wrongly advised by a third party that the summerhouse would extend on to land within her control, hence her later objection. Following discussions between the applicant and the adjoining neighbour,

the neighbour has been shown that this is not the case and the summerhouse would be built entirely on land within the ownership of the applicant.

Before the commencement of any works, the applicant had researched that the proposed summerhouse would be permitted development under Part 2, Class E of the General Permitted Development Order and would not therefore require the submission of a planning application. However, the applicant wrongly assumed that the 'no more than 50% of the garden developed' condition applied to the summerhouse only. It was not until the Planning Enforcement Officer explained that the 50% development limit also included the previous extensions at the property that the applicant was aware that planning permission was necessary for the summerhouse. By this time, all the materials for its construction had been purchased and works started on the building.

The summerhouse is to be used in relation to the domestic use of the dwelling only and no business use is intended. The applicant has an existing office within the dwelling when required but works mainly on site elsewhere.

During construction works for the extensions to the dwelling, every effort has been made to ensure that the highway was kept clear and contractors were requested not to park in front of the neighbouring property.

The applicant has worked with Building Control to ensure that any rainwater is directed correctly away from the site to avoid any excess water running onto neighbouring properties.

The applicant and his family have been living in an incomplete dwelling for months and is looking forward to being able to get the house finished.

**CASE OFFICER COMMENTS:**

The summerhouse has been assessed as a domestic outbuilding and any other future use of the building would require a further grant of planning permission.

**2. SOURCE OF COMMENTS:** Email from neighbouring resident

**DATE RECEIVED:** 23/07/2020

**SUMMARY:**

My objection to this application is in 3 parts:

Firstly, the Planning policies, Design & Landscape Impact



The building is not a Summer House as described in the application, in no way does this reflect that type of building, but rather an additional living or office space.

The applicant states that it is for domestic use, but he has registered his business, Thorpe Solutions at 21 Hogarth Rise, this leads us to conclude that the property will be used for a commercial purpose.

Having looked at planning information it appears that if over 50% of land is to be built upon, planning permission is required.

There will be significantly more than 50% built upon which must affect the ability of the land to soak away its own surface water.

As a result of the application for this part of the overall build being separate, you, as planners, cannot fully assess the impact in this way.

#### Secondly the Character of Neighbourhood & Impact on it

No21 is positioned at the pinch point entrance of the cul-de-sac, on the inside of a curve.

Even with the reduced amount of work being done recently, we have been able to see, on a regular basis, both private and construction vehicles parked outside, often parked blocking the only pavement, this means the entrance to the cul-de-sac is reduced.

The blocked pavement has a significant impact on the safety of pedestrians as they have to walk around in the middle of the road.

It is used by many people as the end of the cul-de-sac leads to a rural footpath, this is part of the link paths for the Dronfield Round Walk, which is being used more than ever at the current time.

#### Lastly regarding the attitude or honesty of the applicant in relation to planning matters.

Although it is accepted that the building work was started in good faith, the application form submitted, states INCORRECTLY work hasn't started. I feel it is also important to advise this committee that although told to stop work, it has continued, despite no planning decision having been made.

His previous planning application was granted on the basis that although parking was being lost a large garage was included, however this was built as accommodation by the applicant, as evidenced by the diagram, with this application.

The applicant was told by Enforcement that he needed to submit retrospective planning permission for this change and, as yet a year later he has not.

To me this shows that the applicant has no regard for the planning process and that any stipulations made are unlikely to be followed.

**CASE OFFICER COMMENTS:**

On the points raised above officers have the following comments:

The proposed building will be used for ancillary purposes associated with the dwelling. Due to the building exceeding 50% of the curtilage of the dwelling this does not represent permitted development, instead an application has been submitted for officers to consider. A full assessment has been undertaken and can be found in the officer report to members.

Workers vehicles being parked on a public highway is not material to the determination of this application and where accesses/footpaths have been blocked is a police matter or County Council matter.

The final point raised about the applicant is not material to the determination of this application.

**3. SOURCE OF COMMENTS:** Email from neighbouring resident

**DATE RECEIVED:** 23/07/2020

**SUMMARY:**

The photos below are evidence that further work has been completed during the period that this application has been on going.

This is despite the applicant stating on his resubmitted application on 4th June 2020 that work has not started and the fact that no planning permission had been approved.



We feel that this again shows the applicants total disregard for the planning rules and any restrictions/requirements put on him.

Since this picture was taken the applicant has erected a high fence which means we cannot show how much further development has been carried out.

Following our previous comments regarding the potential impact of the proposed development on parking and pavement access.

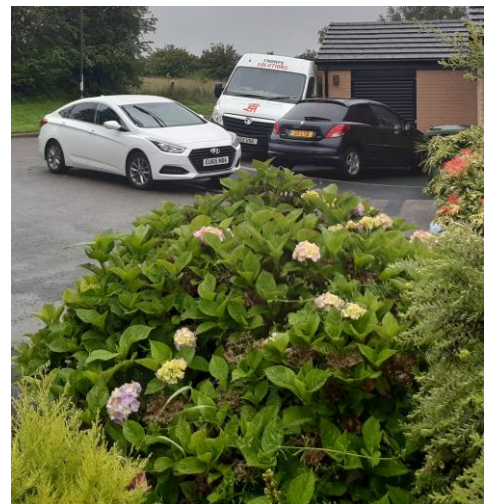
Over the past few months, we have been able to see on a regular basis that there has been a significant impact on the access to our cul-de-sac and on pavement access.

We have a number of images from a large number of dates but submit just 2 to give examples of the regular situation outside the house.

There is only 1 pavement on the road, the opposite side being a sloping grass verge. The pavement is used by many people as the end of the cul-de-sac leads to a rural footpath which is part of the link paths for the Dronfield Barn Rotary Round Walk, which is being used more than ever at the current time.

The pavement is blocked whenever the owner has both his work van and another car (which lives at the house) on the drive. This causes a hazard as explained previously.

The images also show that there are often a number of business-related vehicles parked at the property, blocking both the pavement and the road. We feel this is ample evidence of the property being used for business as well as showing the impact this is having on both the pavement and road access.



**CASE OFFICER COMMENTS:**

Officers note the works undertaken on site since the application was submitted, these works are undertaken at the applicants risk. Again blocking of the public highway is a matter for the County Council and police.

## **Text of Speeches to the Committee**

Those registering to speak have been requested to provide the text of their speech to the Committee. These will be read out on their behalf by the Clerk to the Committee if they are unable to join the meeting through the electronic conferencing call facility

**Application 3(a) NED/20/00095/FLH** - erection of a detached summerhouse in rear garden of 21 Hogarth Rise, Dronfield, S18 1QG for Mr Russ Thorpe.

**Steve Hibbert** - speech text - objector

Written Statement for Planning Committee Meeting, held 28<sup>th</sup> July at 10am  
By Steve Hibbert, 25 Hogarth Rise, Dronfield, S18 1QG

My objection to this application is in 3 parts

Firstly, the Planning policies, Design & Landscape Impact

The building is not a Summer House as described in the application, in no way does this reflect that type of building, but rather an additional living or office space.

The applicant states that it is for domestic use, but he has registered his business, Thorpe Solutions at 21 Hogarth Rise, this leads us to conclude that the property will be used for a commercial purpose.

Having looked at planning information it appears that if over 50% of land is to be built upon, planning permission is required.

There will be significantly more than 50% built upon which must affect the ability of the land to soak away its own surface water.

As a result of the application for this part of the overall build being separate, you, as planners, cannot fully assess the impact in this way.

Secondly the Character of Neighbourhood & Impact on it

No21 is positioned at the pinch point entrance of the cul-de-sac, on the inside of a curve.

Even with the reduced amount of work being done recently, we have been able to see, on a regular basis, both private and construction vehicles parked outside, often parked blocking the only pavement, this means the entrance to the cul-de-sac is reduced.

The blocked pavement has a significant impact on the safety of pedestrians as they have to walk around in the middle of the road.

It is used by many people as the end of the cul-de-sac leads to a rural footpath, this is part of the link paths for the Dronfield Round Walk, which is being used more than ever at the current time.

Lastly regarding the attitude or honesty of the applicant in relation to planning matters.

Although it is accepted that the building work was started in good faith, the application form submitted, states INCORRECTLY work hasn't started. I feel it is also important to advise this committee that although told to stop work, it has continued, despite no planning decision having been made.

His previous planning application was granted on the basis that although parking was being lost a large garage was included, however this was built as accommodation by the applicant, as evidenced by the diagram, with this application.

The applicant was told by Enforcement that he needed to submit retrospective planning permission for this change and, as yet a year later he has not.

To me this shows that the applicant has no regard for the planning process and that any stipulations made are unlikely to be followed.

**Application 3(b) NED/20/00371** - Application for side extension (Amended Plans) at Carberry Wood, Kelstedge Lane, Brockhurst, Ashover S45 0HP for Mr Simon Oxspring.

**Linda Kamkar** speech text – objector

Planning Application 20/00371/FLH  
26<sup>th</sup> July 2020

I wish to object to planning application 20/00371/FLH

My name is Linda Kamkar and I live at The Cottage Ashover Road which neighbours the Carberry Wood site. The proposed development is to extend the property by almost another 1/3<sup>rd</sup> of the original site. The extension would provide a 5 bed roomed bungalow which would include a vast master bedroom, en suite and dressing room which is approx. 13 metres in length.

I consider this would make the whole building out of character with other properties in the neighbourhood and as a result would have a detrimental impact on the landscape. It would not be unrealistic to assume that the proposed development, consisting of 5 bedrooms, would house a minimum of 5 people therefore one would expect there to be numerous cars at this site. Due to the driveway being in close proximity with the very busy A632, and next to a blind corner, it would prove hazardous and dangerous to other road users and pedestrians when cars are exiting and entering the site.

There is also a hedge bordering Carberry Wood and my property and runs the entire length of the site. There has been no mention of what the intentions are regarding the main centre hedge and the upper portion of hedge in the planning application.

Numerous birds and wildlife live in the hedge particularly the quite deep centre and upper section. Should these sections of the hedge be removed it would have a detrimental impact to the wildlife and the inhabitants of this hedgerow and the windows of Carberry Wood would look directly into my garden and into another neighbour's property.

The upper section of the hedge which also borders my property (marked as a fence on the plans although there has been a hedge there for at least 15 years and most probably well over 20 years) is situated to the side of my first floor decking area. Should there be any removal of this part of the hedge and trees then not only would wildlife again be affected but my upper decking would be unusable due to the lack of privacy as anyone on my decking would not only be visible to the inhabitants of Carberry wood but also to anyone using Kelstedge Lane and anyone driving down Matlock Road (A632) passing through Kelstedge towards Matlock.

I would therefore request that all hedges be retained should planning permission be granted.

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**Application 3(c) NED/20/00285** - Change of use from manege to commercial sale of vehicles (Affecting Setting of a Listed Building/Amended Title/Amended Plans) at 2 Town End, Shirland for Mr Oughton – Rightvan Ltd.

**Councillor Heather Liggett** – speech text – objector

I asked for this application to be heard by committee for several reasons .Its position in the centre of a residential area in the middle of the village and in the grounds of one of the only listed buildings in the village. It seems a strange place to passion a commercial business . But my main reason is probably not legally wrong but morally wrong to pass an application that uses a shared access drive and the other parties are so against it. Both Mr and Mrs Hind and the bungalow next to them use this access road. Both families have lived there for over twenty years. I am also concerned about the removal of 21metres of hedge to widen the access even if is not native hedge it is still a habitat for wildlife . 7.4 states to try to retain as much as possible then 7.8 asked for 21 metres to be removed .Also due to the position of the entrance onto the A61 on a sharp corner at the brow of a hill and such a narrow opening getting large vehicles in especially low loaders would be very difficult. it seems a very strange place to run this sort of business from . Whilst coursing great distress to the residents next door .