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Supplementary Agenda



**North East
Derbyshire**
District Council

Our Ref:

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Date: Monday, 14 September 2020

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 22 September 2020 at 10.00 am by Conference Call**. 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 required are to be made to Alan Maher, Senior Governance Officer by 4.00 pm on the day before the Committee meeting.

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

AGENDA

(c) Late Representations - Summary Update Report (Pages 4 - 23)
To Follow



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

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this agenda in
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**01246
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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 22nd September 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.

PARISH: Shirland Parish

APPLICATION: 20/00500/FL

CASE OFFICER: Emily Cartwright

1. SOURCE OF COMMENTS: Case officer - Emily Cartwright

DATE RECEIVED: 18th September 2020

SUMMARY: The Officer report identified 7 recommended conditions, the following additional condition is recommended:

Condition 8 - Should the use hereby permitted cease, the garage should revert back to C3 use.

Reason for condition: For the avoidance of doubt, in the case where the proposed use ceased.

CASE OFFICER COMMENTS:

N/A.

2. SOURCE OF COMMENTS: Neighbour comments (Bunting)

DATE RECEIVED: 18th September 2020

SUMMARY:

I am unable to attend this planning meeting due to work commitments however I would like to speak against the proposal to convert the garage at 11 Wellington Park, Shirland into a Beauty Salon.

The Wellington Park development is a cul-de-sac of family sized houses. My wife and I purchased this property on Wellington Park when our children were young. We were attracted to buying the property knowing that the children could play safely with other children & the deeds stated that the houses were to stay as residential homes. It seems to me that approval of these plans would make Wellington Park appear less family-friendly for the future.

If there was a business to open on the street this would increase traffic and would set a precedent for other businesses to open on the street. My house is situated on a turning point on the cul-de-sac & would be affected by this increased traffic.

It seems unreasonable to disrupt a residential development in this way when there are two retail premises within 200 metres of Wellington Park on the Main Road. Both these premises are currently empty and are advertised as available to rent as a beauty salon/ hairdressers.

CASE OFFICER COMMENTS:

These comments raise no new material considerations that are not already covered in the report to members.

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

NED/19/01202/FL – Land to Rear of Hamhill Close and 14 to 19 John Street, Hephthorne Lane

Construction of 4 no four bed detached dwellings with garages, land to rear of Hamhill Close and 14-19 John Street, Hephthorne Lane for Mr Featherstone (DF Blasting Contractors) c/o Mitchell Proctor.

Cllr N Barker

Cllr David Edinboro

Cllr Gail Blamire

Stephen Haslam

NED/20/00500/FL – 11 Wellington Park, Shirland

Change of use of double garage to beauty salon at 11 Wellington Park, Shirland for Mr Glen Gent.

Christopher Wynn - OBJECTOR

Proposed planning application: 20/00500/FL Change of use of double garage to beauty salon. 11 Wellington Park Shirland Alfreton DE55 6EQ

In respect of this planning application, I have sent my concerns which like others on Wellington Park highlight the level of nuisance that this proposal will cause. All these nuisance factors are intrinsically linked to the activities proposed by the change in use. We have no understanding of the detail of what the beauty salon will entail, we have since learned that children's parties are on the agenda which was not on the original application and will not only include the children but their parents as well. You can see the issues here, increased noise, parking congestion and waste generated.

The change of use here is almost complete and as residents we have suffered the renovation work with builders, inconsiderate parking, deliveries, dust, noise and trespass, with no consideration to our feelings or concerns.

Mr Gent has, as in previous planning applications been economical in providing detail to the council to make an objective decision plausible regarding this application. In 2012 Mr Gent applied for planning to construct a two-story extension and garage, which was approved. As condition 3 of this approval states, Mr Gent was instructed to maintain a 1.8m high close boarded fence as both his photos show at the time and as the council state "to safeguard the privacy of neighbours and in accordance with Policies GS5 and H5 of the local plan"

This has not been maintained, Mr Gent has installed open weave lattice fencing and not completed installing this from June 2020, where 6 fence panels have been left out. We have extraordinarily little privacy now. This is of relevance as Mr Gent has left these panels out to assist in the conversion of this salon development, it aids his builders and the proximity of the garage is so close to the boundary they cannot access it with fence panels in place. As part of the application in 2012 Mr Gent stated that the garage would be one metre away from the boundary so he would have no requirement to access neighbour property. The actual distance is possibly 30cm at its widest point.

All these issues are causing significant concerns around my own and family's mental health and wellbeing. These are underlying stressors which can ultimately initiate anxiety and health problems.

Privacy is an important issue here central to our own human rights and one which will be significantly affected should this application be approved.

I think there is merit in drawing your attention to the approved application in 2012 as the conditions have not been complied with as stated on previous applications to the detriment of neighbours on Wellington Park so what assurance can we have that future

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conditions will be adhered to? Who enforces these conditions when they are clearly in breach?

Mr C Wynn
Wellington Park,
Shirland

OFFICIAL-[SENSITIVE]

Madeleine Mapp – OBJECTOR

Mrs M J Mapp - Speech re Application 20/00500/FL

I will address the written application from Mr Gent and further correspondence he has submitted online or in letters to neighbours, where he states that his current partner Tanya will be running the salon.

In that application at (3) he states that the garage door replacement will be the same as the house. It is not.

At (14) he states that the garage is being used as 'storage'. This admission is clearly a breach of conditions imposed in 2012 when planning application conditions stated '*should be used for the parking of a motor vehicle only and not for general storage*'.

On 10th July Highways recommended spaced out appointments **to avoid multiple customers being on site at any one time.**

On 15th July I objected including concerns of safety to residents due to the number of extra vehicles on our road. This is based on the fact that Tanya is running a local salon, where children's make-up parties are held and over 650 photographs showing up to 9 children at a time have been posted on her website.

The following day Mr Gent responded on-line that: '*Regarding the children's parties, it is always **car share only.***'

He has obviously totally disregarded Highways recommendations and intends to pursue parties resulting in several cars at a time delivering children. How he thinks they can enforce car share conditions on parents is inconceivable. Neither could the authority enforce any such condition. Just imagine all those parents congregating and talking....and blocking the road!

Mr Gent has **NOT** mentioned, or amended his application, to include these parties, a significant omission in my opinion.

My office, lounge and bedroom are directly opposite this eyesore of a converted garage. Every day I witness inconsiderate parking by residents and visitors to No11, parking on the pavement, across the pavement (see photographs) and DIRECTLY opposite a service van we had recently - leaving no room at all for large or emergency vehicles to pass.

Every day I see children playing, children visiting their grandparents, grandparents visiting their grandchildren, wheelchair users, walkers, runners, retirees , one in her 80's, using this road. Often they have to bypass vehicles which have been abandoned on the pavement outside No11. Extra vehicles will simply aggravate this situation.

It is not part of an estate, it's not a busy road. It is a safe place to live and it should stay that way. ***** Word Count - 399

John Mapp – OBJECTOR

Mr John Mapp - Speech re Application 20/00500/FL We are here to discuss the proposed application but the problem is that the alterations to the garage have been fully developed by the applicant, prior to this meeting.

There are 21 residential homes on Wellington Park, and on the portal there are 16 objections but not one in support. This shows the community feeling towards this application for change of use.

This is unnecessary and unwanted development of a residential property into that of a business. This will have an adverse effect on the character and style of properties on this small residential cul-de-sac which is contrary to NEDCC (GS 7 and H12) Local Plan.

There is a suitable vacant commercial property in the village within 250 yards.

I live directly opposite number 11 and my daily life and privacy has already been interrupted by, and will continue to be so, as the development takes place and if the salon opens.

Our properties are at the narrowest part of Wellington Park. Parking has always been an issue. More traffic and more parking outside number 11 will become an even bigger problem to me and my neighbours as we drive on and off our properties.

The applicant states there will be one customer at a time and an allocated parking space on his drive. The applicant has three vehicles parked there every day of the week. I can categorically say that it is extremely rare to see more than three cars parked on the drive as his regular visitors generally park on the pavement. The dropped kerb at number 11 is narrower than the drive way itself - as can be seen by photographs already submitted.

The applicant cannot control where clients will park. We all know people will park where it is easiest to. Overlapping appointments created by those that overrun and those who arrive early will create parking problems.

48 vehicles live on Wellington Park, including those from properties on Main Road, plus visitors, delivery and builders vehicles as the residents continue to maintain their own homes. Wellington Park will become very congested, and we then have safety issues to seriously consider.

Everyone on Wellington Park, including the applicant, has signed their deeds which state that these properties are to be used for “residential purposes only”. We have to abide by these legal documents and so should the applicant. ***** Word Count - 392

Janine Price

Bruce Swift

Rebecca Parker

Ian Price

Kevin Goodison - OBJECTOR

I write to express my objections to the change of use of a double garage to a beauty salon, on the following grounds.

The Deeds of Covenant to our property restricts all buildings present and future to private use only, I have liaised with some neighbours and theirs are the same.

The proposed change of use is not in keeping with the residential nature of the cul-de-sac and would encourage additional vehicular and parking issues.

The applicant states that there would be a dedicated parking space on their drive, as you approach the property from the A61 there is a low wall to the property which would make it impossible to see the dedicated parking space. This would encourage roadside parking or pavement parking.

The highway outside number 11 is not only curved but also narrow and already makes it difficult for two vehicles to pass. To have to contend with potentially parked vehicles in that area too would be a cause for concern. There have never been so many young children living on Wellington Park as now and the proposed business will increase traffic to the quiet cul-de-sac resulting in potential safety concerns for the children

The applicant has stated on the Planning Application form that work had not started. This is not the case, the front façade of the garage already resembles the proposed elevation in the application and it is also clear that work has commenced internally. This is very disappointing that the applicant has gone ahead without any concerns about the planning process or the views not only of the neighbours but of the local community too.

There are empty commercial properties within Shirland that would be more suitable for the nature of the business intended by the applicant.

It is distressing that having lived on the residential cul-de-sac for 20 years we now find ourselves in a situation where this could be totally transformed with the proposition of a business property and the precedence this may set for future applications of this nature.

Many thanks

Kevin Goodison
Wellington Park
Shirland

Lynne Shelton - OBJECTOR

Objection Statement for planning application 20/00500/FL from Lynne Shelton

Parking – the cul-de-sac is narrow and is already subject to difficulties due to inconsiderate parking and parking on the pavements. The planned application will undoubtedly increase these issues and also pose an increased safety risk. Despite Mr Gent expressing that there are 5 parking spaces on his drive and that customers will park on there we all know in reality that just won't happen. The cars will end up parking at the top of the road which is opposite our house. Due to how the houses are numbered it is likely that they will drive down the road, turn around at the bottom and then make their way back up to park at the top. We have suffered recently with parking issues due to the building of the houses on the main road with builders using the road as a car park – this makes it extremely difficult (due to the bend in the road) to pull on and off our drive. If cars are parked at the top of the road both/either sides it could cause a hazard when turning into Wellington Park off the main A61 highway.

In addition any additional parking poses an increased safety risk to the young children resident on Wellington Park who play outside.

Serious attention must also be given to the risk that emergency vehicles would not be able to access houses at the bottom of the road.

Mr Gent's household and visitors up until recently (since this application has been submitted) typically park on the road and also completely on the pavement, if approved it is highly likely that this approach will resume.

Deeds of Covenant – all residents on Wellington Park have restrictions in their deeds. One of those is that the properties are residential only. If this application is approved it will set a precedent for anyone else on the road to be able to disregard any of the restrictions.

I completely understand that given the current Covid situation we are encouraged to work from home however that does not mean set up a business in a residential road thus bringing more people into contact with residents! What should be being considered is for businesses to be set up in our local towns to attract life and custom into what are in danger of becoming ghost towns, we all have a duty and obligation to do this. There are plenty of available premises in which to trade.

Not in keeping – this planned business is totally out of keeping with the immediate area and will have a negative impact on the residents and character of the neighbourhood. Also of serious concern is that the work has been completed without planning permission, this is a total disregard for neighbours, legislation, planning processes and the planning committee.

Glen Gent

NED/20/00435/FLH – 13 Westthorpe Road, Killamarsh

Erection of detached garage in rear garden for storage of classic cars at 13 Westthorpe Road, Killamarsh for Mr R Ley.

Councillor M Potts

Kathryn Scott – OBJECTOR

Hello, Kathryn Scott, neighbour at number 11.

I have lived in my home since 1990 & in the amazing outdoor space, my passion for gardening grew. Having lost my husband to a breakdown & finally cancer, the garden has become a place of reflection, creativity & energy, a hobby deep in my soul.

So how do I find myself 30 years later with 3 minutes to defend my right to peace, light, unpolluted air, in one third of an acre stretching 70 metres from the nearest road? **When the huge benefits of a peaceful garden to fitness, emotional & mental health are headlines on everyone's agenda during this unprecedented health crisis?**

To amplify my letter of objection;

1. The dimensions of the building are overbearing & on a commercial scale, will block sunlight from my garden & allotment, dominate my top boundary & be difficult to screen. It is grossly excessive for the storage needs of 3 old petrol cars. It's like building a library for 3 books. Then you add more.

Solution; **reduce dimensions to basic minimum with a FLAT roof. Not a working garage.**

2. In England **9%** of household vehicles are garaged. **6** residential garages are superfluous.

3. Each classic car driven once a day, equates to **42** vehicles along my boundary in one week. Plus the variety of vehicles around the triple garage & the towing trailers. Admirers may visit. The drive becomes a fully-functioning highway. **IS THIS NOT SIGNIFICANT NUISANCE?**

Solution; **put restrictions on usage of drive.**

I am not convinced **Mr Atarley/Ley** will adhere to any conditions when planning is granted as he's shown no regard for any neighbours during his 6-year project & flouted planning permission to suit his wishes. Examples are

1. built round the original dwelling, then demolished it from the inside; permission was to extend the building upwards.
2. used pneumatic drills & similar drilling tools constantly, 7 days a week. I became physically ill, on medication for a year & unable to be at home throughout the day.
3. delivery of scaffold at 7.15am on a Sunday in November woke the young grandchildren.
4. **Lockdown**, he doesn't live here, continued to work; constant drilling overrode any conversation with a neighbour. I asked politely if he could minimise the noise & was verbally abused & slandered by Mrs Ley for objecting to any of their applications.
5. large tree cut down whilst working up the garden; no warning so covered in wood flakes.
6. **Covid rules?** lit a garden fire at 12noon when grandchildren were in the garden, much smoke, all had to go inside. 1 of the children has asthma. Fire out around 5pm.

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The constant noise, disruption, huge vehicles & anti-social behaviour over such a long time has been extremely detrimental to my health & well-being & I cannot cope with much more. I am currently ill again.

Thank you. **3.0 minutes.**

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