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Supplementary Agenda Item 10 – Late Representations Report



**North East
Derbyshire**
District Council

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Date: Monday, 6 December 2021

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee, to be held on **Tuesday, 14 December 2021 at 9.30 am in the Council Chamber, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.**

The meeting will be open to the public. However, because of the capacity limits on those who can be present in the Council Chamber, due to the Coronavirus (Covid-19) outbreak, the number of places will be restricted. Those wishing to attend will need to book in advance. **If you would like to attend this meeting then please contact the Governance Service: Governance@ne-derbyshire.gov.uk or phone: 01246 217391 to register your request.**

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

<https://www.youtube.com/watch?v=Mf6xRgFgdsw>

Yours sincerely



Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor William Armitage
Councillor Andrew Cooper
Councillor Peter Elliott
Councillor Mark Foster
Councillor Roger Hall
Councillor David Hancock
Councillor Lee Hartshorne

Councillor Maggie Jones
Councillor Heather Liggett
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Kathy Rouse
Councillor Diana Ruff (Chair)

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

AGENDA

10 Late Representations - Summary Update Report (Pages 3 - 10)

(Planning Manager – Development Management)

We speak your language

<p>Polish <i>Mówimy Twoim językiem</i></p> <p>Romanian <i>Vorbim limba dumneavoastră</i></p>	<p>Urdu ہم آپ کی زبان بولتے ہیں</p> <p>Chinese 我们会说你的语言</p>
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North East
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District Council



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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 14th December 2021

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: Apperknowle

APPLICATION: 20/01013/FL

CASE OFFICER: Colin Wilson

1. SOURCE OF COMMENTS: Derbyshire County Council Highways Officers

DATE RECEIVED: 29.11.2021

SUMMARY:

Please find additional highway comments regarding the above planning application, following receipt of amended plans, referred to this Authority on 12th November 2021 for further consideration.

Generally

Reiterating previous comments, each parking bay should measure a minimum of 2.4m x 5.5m and the gradient of the proposed spaces should not exceed 1:15. Whilst these should ideally be demonstrated on revised plans, it is considered these can be suitably conditioned.

Quarry Road & Moorland View

From the latest revised plans, the 4 spaces initially proposed to the south-eastern side of Quarry Road have been removed, this is welcomed by the Highway Authority, due to concerns being raised over emerging visibility.

The remaining parking spaces are considered acceptable in principle.

Sharman Close

The revised plans appear to show the same layout as original proposed, and whilst there are no highway objections in principle, clarification as what land the applicant is in control of should be sought so as to ensure appropriate visibility is available for emerging vehicles. As noted previously, the topography to Sharman Close, particularly at the northern most spaces, is likely to require some form of retaining structure to the rear to ensure gradients are not severe.

New Road

The proposed parking to New Road has been revised. It should be noted that there are conflicting layouts to the parking proposed along New Road. Comments are provided on the basis that the plan showing 9 spaces (rather than 2 spaces) is the most up to date plan. If this is not the case, please inform me and I will revise my comments accordingly.

The revised layout demonstrates spaces perpendicular to the highway, together with a section of new footway being provided between the spaces and carriageway, which is welcomed. It should be noted that there are two existing disabled parking bays located in the lay-by, these should be marked out in the new parking areas. It is considered this can be appropriately conditioned.

The existing highway boundary, shown below, should avoid the need to stop up an area of highway or require an area to be dedicated as highway. However, it should be noted that to undertake works within the highway a Section 278 Agreement will be required.



Highway Boundary Plan

In view of the above, there are no highway objections to the above proposal, subject to the following conditions being appended to any consent in the interest of highway safety.

1. Parking spaces shall be created to Quarry Road, Moorland View, Sharman Close and New Road generally in accordance with the latest application drawings, laid out, constructed, and maintained in perpetuity free from any impediment to its

designated use. With two disabled spaces marked out in the spaces along New Road, replacing the existing.

2. The gradient of the new parking spaces shall not exceed 1:15 from the nearside highway boundary. Where sloping towards the highway, measures shall be installed at the interface between each parking space and the highway to prevent the flow of surface water onto the highway.
3. The development hereby permitted shall not be utilized until the parking spaces have been surfaced with tarmac, or similar hard bound material (not loose aggregate) and, once provided, shall be so maintained in perpetuity.
4. Prior to the first use of the spaces along New Road, a new footway shall be provided connecting to the existing footway either side, laid out and fully constructed in accordance with details first submitted to and approved in writing by the Highway Authority. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Section 278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

In addition to the above conditions, the following notes should be appended to any consent for the applicant's information.

- a. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained via the County Council's website:

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/development-control/agreements/fees/development-control-fees-section-38-and-section-278.aspx> emailing ETE.DevControl@derbyshire.gov.uk or telephone 01629 533190 and asking for a member of the Highways Development Control Implementation Team. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

- b. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.

- c. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- d. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

OFFICER COMMENTS:

On the basis of the above DCC Highways consultation comments, Officers are satisfied that the proposed development would not result in any unacceptable impacts from a highway safety perspective.

PARISH: Ashover

APPLICATION: 21/01025/FL

CASE OFFICER: Alice Lockett

2. SOURCE OF COMMENTS: Mr K Moore Neighbour

DATE RECEIVED: 10/12/2021

SUMMARY:

Keith Moore requested that the text of his speech be read out to Planning Committee as he was unable to attend. Mr Moore was informed that this would not be possible but that his comments would be included as part of the Late Representations Report.

Retrospective Planning Ref; 21/01025.

I have no doubt that those members of the Planning Committee who have visited the site will have been impressed by the manicured appearance of the site and the quality of the workmanship. However, this development is supposed to be a wildlife project, not a manicured lawned garden. It is accepted that manicured sites are unsuitable habitats for wildlife projects.

A; The whole development is in breach of planning, and no attempt has been made by the applicant to rectify those breaches, or indeed to comply with the earlier DWT recommendations.

B; The larger pond is too deep and too steep sided to attract the establishment of amphibious wildlife and a water plant habitat. 4 years on, the pond remains bereft of any kind of wildlife or aquatic planting.

C; The applicant has created a fishing facility, not a wildlife project.

D; The original greenfield site project was granted planning consent for its biodiversity attributes. Sadly only about 5% of the sites current development can be considered to be a suitable wildlife habitat.

E; The pond is stocked with upwards of a thousand coarse fish.

F; 3.4 acres of productive agricultural land was taken out of production to create what can only be described as a fishing facility.

G; The tree screening of the development, when mature, will result in the enclosure of our Charlestown property away from the outside world.

H; The unauthorised activities now generated on this site adversely affect our home's countryside location, amenity and privacy.

95% of the site can only be described as being a purpose built fishing facility for the recreation of the applicant and his associates'. These fishing activities are much to the detriment of my family's amenity and privacy at our home which directly overlooks the site, which prior to this development, had enjoyed the peace and solitude of the once open landscape.

The development fails to satisfy all of the following planning policies:

GS6; GS7; NE1; NE3; BE1; SS9; SDC3; SDC4 and R6: It also fails to satisfy Ashover Neighbourhood Planning Policy, AP2 on all points.

Fishing ponds are **not** attributes regarded by scientists and other experts as being biodiversity assets.

I urge Council Members to refuse this application

Signed Keith Moore. By email.

OFFICER COMMENTS:

The application seeks to regularise the breaches of the original planning permission. Other comments received in the reps have been covered in the officer report to members.

PARISH: Ashover

APPLICATION: 21/01026/FL

CASE OFFICER: Alice Lockett

3. SOURCE OF COMMENTS: Mr K Moore (Neighbour)

DATE RECEIVED: 10/12/2021

SUMMARY:

Keith Moore requested that the text of his speech be read out to Planning Committee as he was unable to attend. Mr Moore was informed that this would not be possible but that his comments would be included as part of the Late Representations Report.

BUILDING Application 21/01026/FL

The design features which are illustrated within the current retrospective planning application are the same as those which were refused permission in December 2020. (ref; 20/00795/FUL)

The original planning consent was for the construction of an agricultural building on this agricultural land, but the current building is not designed for the purposes which set the precedent for planning permission to be granted. It is domestic in all respects.

The building has mains electricity, water supply and septic tank drainage installed. It is electrically wired, plumbed, plastered, painted and decorated throughout. I believe that the applicant intends to extend the building. Concrete foundations have already been installed alongside the building which will enable the building to be substantially enlarged. These have been covered with soil and grassed over to hide them from view.

The original 2018 application title for the building was “a boat store and bird observation shelter”, however, the building which is portrayed in this planning application is totally different to the original proposed which had set the precedent for approval. This building is of a domestic appearance, and with just a few additions the current building’s serviced accommodation, it could easily be lived in now.

Section 70(2) of the Town and Country Planning Act 1990 require that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises saved policies from the NEDDC local plan 2001-2011 (2005). The following planning policies apply to retrospective proposals for development in open countryside locations (such as this).

GS6; GS7; NE1; NE3; R6, and the emerging policy SS9.

The Ashover Neighbourhood Policy AP2 states that land outside of the defined limits to development for Ashover will be treated as countryside where development proposals will be carefully controlled and limited to that which;

- Support the rural economy and need to be in the countryside.
- Provide affordable housing to meet a demonstrable need.
- Re-use redundant or underused buildings

This newly built domestic looking building fails to satisfy any of the aforementioned planning policies.

This building is not designed to be used by the applicant for the purposes which have planning approval. Its appearance is alien in the countryside. Any deviation from the original boat store and observation shelter use and the original approved design features should be refused.

Signed Keith Moore. By email.

OFFICER COMMENTS:

The application seeks to regularises the changes made to the design during the construction of the building.

Officers have based their recommendation on the application before them. Any future changes to the use to the building would be a matter for a future planning permission or enforcement.

All other comments have been dealt within the committee report.

PARISH: Pilsley

APPLICATION: 21/00885/FL

CASE OFFICER: Emily Cartwright

4. SOURCE OF COMMENTS: Mr S Wood (Neighbour)

DATE RECEIVED: 13/12/2021

SUMMARY:

A number of legal documents which refers to land ownership have been submitted by a local resident. The full document is too large to share via this late reps document and is available online for Members to view.

OFFICER COMMENTS:

The document raises private land ownership issues that are not material to the determination of this application.