

# Amber Valley Borough Council

## Planning Board

## Annual Report

# 1 January to 31 December 2016

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## **Foreword by the Chairman of the Planning Board, Cllr Jack Brown MBE**



This is the eighth Annual Report of the Planning Board and sets out the work undertaken by the Planning Board over the period from 1 January to 31 December 2016. The report is also accompanied by a review of enforcement work undertaken in 2016.

Meetings of the Planning Board are normally held every month and focus on the consideration and determination of the most significant planning applications received by the Council.

The Planning Board is probably the most high profile of the meetings held by the Council. The public regularly attend in large numbers to hear debate on planning applications and it is crucial that we demonstrate our commitment to achieving and maintaining the highest possible standards in our decision-making.

We continue to look to ways to improve the format and content of Planning Board meetings, in order to provide members with the quality of information necessary to help them reach what are often difficult decisions, whilst at the same time enabling the public to fully understand and appreciate the Planning Board's decisions.

We also facilitate appropriate training for Planning Board members each year, to ensure that they have up to date knowledge of legislation, policies and other information to support effective decision making.

I hope you will take the opportunity to read this Annual Report and to feedback any suggestions as to how we can improve our performance.

I would like to thank all members of the Planning Board and officers for their excellent work over this year and for the support that they have provided for me in my role as Chairman.

Cllr Jack Brown MBE

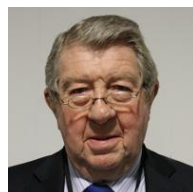
## The role of the Planning Board

The primary role of the Planning Board is to determine planning applications and other functions relating to Town and Country Planning and Development Management. The Board also has powers to approve and adopt Supplementary Planning Documents and other non-statutory planning guidance, where these supplement the policies of the adopted Local Plan and other Development Plan Documents.

## Members of the Planning Board 2016



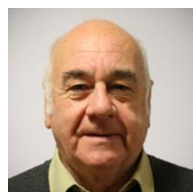
**Chairman**  
(retired May 2016)  
**Cllr A G Cox**  
35 Royston Drive,  
Belper, Derbyshire  
DE56 0EL  
Tel: 01773 828107



**Chairman**  
(from May 2016)  
**Cllr J W Brown MBE**  
Leyland House,  
Old Stone Bridge,  
Ironville, Nottinghamshire  
NG16 5NE  
Tel: 01773 528729



**Vice Chairman**  
(until May 2016)  
**Cllr D H Taylor**  
'Wits End', The Green,  
Ildridgehay, Belper,  
Derbyshire, DE56 2SJ  
Tel: 01773 550573



**Vice Chairman**  
(from May 2016)  
**Cllr R P Ashton**  
28 West Avenue,  
Ripley, Derbyshire  
DE5 3JD  
Tel: 01773 745420



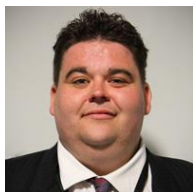
**Cllr C N Bull**  
214a Sandbed  
Lane, Belper,  
Derbyshire  
DE56 0SN  
Tel: 01773 825405



**Cllr S M Evanson**  
117 Broadway,  
Duffield, Belper,  
Derbyshire  
DE56 4BW  
Tel: 01773 842333



**Cllr B Gratton**  
10 Lower Dunstead  
Road, Langley Mill,  
Derbyshire  
NG16 4DP  
Tel: 01773 710659



**Cllr K Hill**  
(from May 2016)  
2 Gillott Street,  
Heanor, Derbyshire  
DE75 7LZ  
Tel: 01773 270667



**Cllr P A Hillier**  
3 Derwent Avenue,  
Milford, Belper,  
Derbyshire  
DE56 0RB  
Tel: 01773 882802



**Cllr E Johnsen**  
(from May 2016)  
10 Millers Way,  
Milford, Belper,  
Derbyshire  
DE56 0RZ  
Tel: 01773 880226



**Cllr B J Lyttle**  
23 Thurston  
Avenue,  
Somercotes,  
Alfreton, Derbyshire  
DE55 4JP  
Tel: 01773 607916



**Cllr J Nelson**  
(retired May 2016)  
4 Wilmot Road,  
Belper, Derbyshire  
DE56 1JF  
Tel: 01773 823112



**Cllr J Orton**  
Brun Meadows,  
Brun Lane, Kirk  
Langley,  
Derbyshire,  
DE6 4LU  
Tel: 01773 828107



**Cllr J A Walker**  
'Homely', 40 Ley  
Gardens, Alfreton,  
Derbyshire,  
DE55 7GZ  
Tel: 01773 831727



**Cllr R A Walker**  
(retired May 2016)  
42 Market Place,  
Ironville,  
Nottinghamshire  
NG16 5NH  
Tel: 01773 608349



**Cllr M Wilson**  
7 Bowler Street,  
Ripley, Derbyshire,  
DE5 8HZ  
Tel: 01773 835375

## **Officers supporting the Planning Board**

Support to the Planning Board is provided by a range of officers.

Reports on planning applications and other matters are presented by the Planning Manager and the Principal Planning Officers, with support from other Planning Officers as necessary.

Legal advice is provided by the Council's Principal Solicitor, whilst the Democratic Services team service the meetings and make arrangements for the distribution of agendas, reports and minutes of the meetings.

The Technical Administration team within Development Management are responsible for compiling the agendas for the Planning Board meetings, notifying applicants and those who have made representations on applications of the date and time of the meetings and preparing electronic presentations for the Planning Board.

## **Meetings of the Planning Board**

Between 1 January and 31 December 2016, there were 12 meetings of the Planning Board, with 3 site visits being undertaken by the Planning Board to view application sites, prior to the consideration of those applications at a subsequent Board meeting.

Applicants, any members of the public who have made representations on an application, and local ward members (or their nominee) are all able to speak at the Planning Board meetings, according to the arrangements set out in the Council's Constitution.

## **Determination of planning applications**

Between 1 January and 31 December 2016, 1133 applications were determined by the Council. The majority of these applications (1091, equivalent to 96.3%) were determined in accordance with the Council's delegated procedures, with the remaining 42 applications (3.7%) being determined by the Planning Board.

Of the applications determined by the Planning Board, 39 (92.8%) were approved with conditions, with 3 applications (7.2%) being refused.

## **Other decisions of the Planning Board**

In addition to the determination of planning applications, the Planning Board also determined other matters including confirmation of Tree Preservation Orders, and applications to vary the terms and conditions of agreements made under Section 106 of the Town and Country Planning Act 1990.

## **Training**

All Planning Board members have access to a programme of training activities. All other members are also invited to attend the training sessions.

Following on from the Induction Training for New Members of the Council on 9 May 2016, a further training session was delivered on 3 August 2016 covering neighbourhood planning and the determination of planning applications.

Training material was, and is, made available in the Members' area of the intranet.

## REVIEW OF PLANNING ENFORCEMENT 2016

### INTRODUCTION

This report sets the context of planning enforcement work during 2016 and makes comparisons with work over previous years. The report includes a review of complaints received, investigations carried out, and action taken.

### COMPLAINTS

The statistics below show a decrease in the total number of complaints received in 2016 compared to the previous year. However this total is in line with the average figure (400) received over the 7 year period. The number of cases closed throughout 2016 is slightly down on the overall average (405), but in addition, inroads have been made in reducing the level of historical cases.

Year	Cases opened	Cases closed
2010	484	508
2011	377	402
2012	318	302
2013	293	320
2014	428	396
2015	504	502
2016	385	399



## **INVESTIGATIONS**

At the end of 2016 there were 226 open cases under investigation. This figure is down slightly from the previous year when the Council were considering 242 cases. However, the number of existing open cases is substantially lower than the 280 cases that were open and under investigation as of July 2016.

Throughout 2016 the department have successfully resolved a number of long standing cases that were historically subject to formal enforcement action. In 2017 there will be a drive to ensure that older cases are resolved, thus reducing the total number of open complaints and allowing the department to focus on new and recent cases.

## **PROCESSES**

The Council recently joined the Central Midlands Audit Partnership, who undertook a review of the section in 2015 and provided a number of recommendations including the following points.

- Acknowledgements were not always being sent to complainants within the 5 day timeframe advised to the public on the Council's online enforcement request form.
- Site visits were not always being undertaken within the timeframes specified by the Council's documented Enforcement Processes.
- The results of site visits and officer actions were not being kept uniformly and enforcement files were being held both electronically and in a paper format with no consistent approach being taken as to what information was held in each format.
- Relevant parties were not always being informed of the outcome of an enforcement case, once all investigations had been concluded and relevant action taken.

In response to the recommendations changes have been made to the Councils working practices these include:

- All complaints are now acknowledged within the 5 days required. An electronic system has been set up to ensure an email acknowledgement is automatically generated at the end of the working day that the complaint is inputted into the computer system.
- Initial site visits are currently being undertaken in accordance with agreed timeframes.

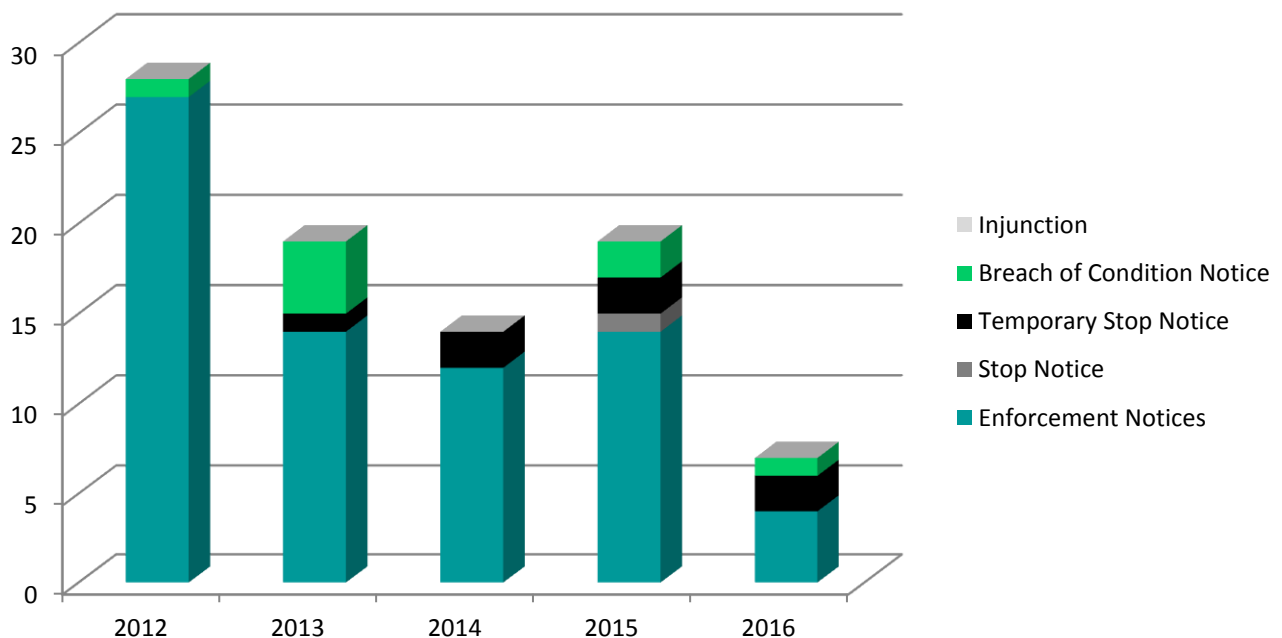


- Complaints records are now entered in electronic form only to ensure a consistent approach to record maintenance.
- Complainants are kept up to date with the progress of cases. A computer system allows officers to track complainant responses, and the department acknowledges the importance of updating complainants to ensure transparency.

## **FORMAL ACTION**

The following table illustrates enforcement action taken. This shows the information provided on the Government PS1/PS2 returns but excludes some types of action, for example Section 215 Untidy Site Notices.

Year	Enforcement Notices	Stop Notice	Temporary Stop Notice	Breach of Condition Notice	Injunction
2012	27	0	0	1	0
2013	14	0	1	4	0
2014	12	0	2	0	0
2015	14	1	2	2	0
2016	4	0	2	1	0



## **FORMAL ACTION TAKEN DURING 2016**

The following table sets out the Notices issued during 2016 and their current status.

<b>Case Ref</b>	<b>Site Address</b>	<b>Breach</b>	<b>Notice</b>	<b>Comments</b>
ENF/2014/0125	Oak Mill Farm, Smalley Mill Road, Horsley	Caravan with conservatory	ENF	Appeal pending: -Public Inquiry, Feb 2017
ENF/2015/0176	Quarry Houses, Cromford Road, Langley Mill	Construction of a concrete wall	ENF	Notice complied with
ENF/2014/0422	Moorwood Moor Farm, Moorwood, South Wingfield	Siting of 1 Caravan	ENF	Notice complied with
ENF/2014/0388	Cromford Road, Langley Mill	Siting of 3 Caravans	ENF	Appeal dismissed: -Compliance required Feb 2017.
ENF/2015/0473	Primrose Woods, Crich Lane, Belper	Importations of waste materials	TSN	Activity ceased
ENF/2015/0367	32a Hazelwood Road, Duffield	Non-compliance with planning condition: provision of a screen	BCN	Remedial works undertaken: -breach mitigated
ENF/2016/0106	The Firs, Hazelwood Road, Duffield	Demolition of property and outbuildings	TSN	Activity ceased

The following table provides an update in relation to notices served in 2015.

<b>Case Ref</b>	<b>Site Address</b>	<b>Breach</b>	<b>Notice</b>	<b>Comments</b>
ENF/2014/0283	Barn at The Field, Shipleigh, Heanor	Ancillary garage being used as separate residential accommodation	ENF	Appeal allowed -enforcement notice quashed
ENF/2014/0018	Smalley Mill Farm, Smalley Mill Road, Horsley	Barn not constructed in accordance with approved plans	ENF	Appeal dismissed -new planning application submitted for alteration to barn. Remediation work to barn implemented

Case Ref	Site Address	Breach	Notice	Comments
ENF/2015/0109	14 Golden Valley, Riddings	Parking of Catering Vans at residential property	ENF	Notice complied with
ENF/2014/0396	The Vicarage, 30 Moorside Lane Holbrook	Construction of tree house	ENF	Appeal dismissed -The structure has been converted into a pergola with tiled base
ENF/2015/0100	7 Casson Street, Ironville	Change of use running sweet shop from shed	ENF	Appeal dismissed-activity ceased
ENF/2014/0083	Flat 1, 82 Bridge Street, Belper	UPVC windows installed	ENF	Appeal dismissed-windows replaced
ENF/2015/0214	Land rear 10-12 Ashbourne Road, Kirk Langley	Storage container and motorhome on land	ENF	Prosecuted in Court for failure to comply with enforcement notice
ENF/2015/0036	15 Chesterfield Road, Belper	Construction of close boarded fence adjacent to highway	ENF	Appeal dismissed -Wooden fencing removed
ENF/2014/0383	The Wesleyan, Kilbourne Road, Belper	Work to listed buildings	LB ENF	Housing Section considering further action.

## Contact

For further information about the work of the Planning Board, or planning enforcement, please contact:

Sarah Johnson  
 Planning Manager  
 Amber Valley Borough Council  
 Town Hall  
 Ripley  
 Derbyshire DE5 3BT

Telephone: 01773 841511  
 Email: [sarah.johnson@ambervalley.gov.uk](mailto:sarah.johnson@ambervalley.gov.uk)  
[www.ambervalley.gov.uk](http://www.ambervalley.gov.uk)