

Amber Valley Borough Council

Planning Board
12th Annual Report

1 April 2020 to 31 March 2021

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Foreword by the Chairman of the Planning Board, Cllr Mick Wilson



This is the twelfth Annual Report of the Planning Board and my second as Chairman and I would like to personally thank all Planning Staff and Members. This report sets out the work undertaken by the Planning Board over the period from 1 April 2020 to 31 March 2021. The report is also accompanied by a review of enforcement work undertaken in the same period.

As we look back over a year of unprecedented challenges, I am particularly pleased to report that the Development Management section has continued to significantly exceed both national and local performance targets, having dealt with more than 90% of all applications within agreed decision dates.

Since the start of the first lockdown everyone involved has worked as hard as possible to ensure that appropriate development in Amber Valley was not delayed. We were the first of the Council's committees to go online with our meetings, holding the first remote Planning Board in June 2020, and Members swiftly adapted to this new way of working and have considered a wide range of diverse planning applications throughout the year.

In September we welcomed Councillor Sean Carter and Councillor Eileen Hamilton to our ranks, and said a fond farewell to Councillor Brian Gratton who retired from the Board after more than six years' service, and will be very much missed.

We have actually held more meetings than usual this year, and although unable to welcome members of the Public into the Council Chamber, the meetings were livestreamed to the Council's YouTube channel for all to view, and those wishing to address the Board were able to take part via Zoom.

Planning applications have an essential role for the Planning Board, and officers and Councillors work hard to determine the right decisions for Amber Valley residents. Planning applications can be sometimes controversial, causing upset and concern for the local community, and our Board members are ever mindful of the potential impact of their decisions. I would like to take this opportunity to thank them for their ongoing commitment to achieving and maintaining the highest possible standards in considering each and every application, and also the officers that enable each meeting to be structured in a professional manner, reflecting the seriousness of the decision-making taking place.

**Cllr Mick Wilson
April 2021**

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 1 April 2020 – 31 March 2021



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**Cllr B Gratton
(to September 2020)**



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**Cllr A G Steven son
(to September 2020)**



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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 over the past year has been provided by the Council's Principal Solicitor.

The Democratic Services Officer (Regulatory & Standards) is responsible for compiling the agendas for the Planning Board meetings, distributing the reports, dealing with requests for public speaking, and preparing the minutes, whilst the Development Management Administration Team notify applicants and those who have made representations on applications of the date and time of the meetings and prepare electronic presentations for the Planning Board.

Meetings of the Planning Board

Between 1 April 2020 and 31 March 2021, there were 11 meetings of the Planning Board. In the interests of safety, no formal site visits were undertaken, but as always, Members of the Planning Board were encouraged to visit an application site themselves (when such a visit was permitted within government guidelines and taking the appropriate precautions) if they felt they would not have sufficient information to make their decision without doing so.

Applicants, any members of the public who have made representations on an application, and local ward members (or their nominee) may register their interest to speak at the Planning Board meetings.

Determination of planning applications

Between 1 April 2020 and 31 March 2021, 1183 planning applications were determined by the Council. The majority of these applications 1142 (96%) were determined in accordance with the Council's delegated procedures, with the remaining 37 applications (3%) being determined by the Planning Board.

The Development Management Section continues to significantly exceed both national and local performance targets and has dealt with **90%** of major applications and **96%** of minor applications within agreed decision dates.

Performance

The Development Management Section continues to significantly exceed both national and local performance targets and has dealt with 99% of major applications and 99% of minor applications within agreed decision dates.

The targets set nationally for major planning applications is 60% and non-major applications 70%, the Council's targets being 90% for both major and non-major planning applications.

Other decisions of the Planning Board

In addition to the determination of planning applications, the Planning Board also receives regular updates as to the applications determined under the Scheme of Delegation, details of planning appeals and approval of works to trees subject to a tree preservation order.

Training

Under normal circumstances Planning Board members have access to a programme of training activities, that other councillors are also invited to attend, however as with other Council Committees, the restrictions over the past year made this unviable.

Since the start of the pandemic, all Members of the Council have received at least one 121 session to support them in attending 'virtual' meetings using the Council's chosen platform Zoom. New Members to the Committee also received introductory training remotely, and existing training materials continued to be available for access in the Members' area of the intranet.

As we look forward to the year ahead with the hope of restrictions being eased, a survey of members and officers has been carried out to identify topics for the 2021/22 training programme.

Appeal Decisions 1 April 2020 – 31 March 2021

App Ref	Site Address	Proposal	Appeal Decision
Enforcement appeal APP/M1005/C/19/3228636	Yew Tree Inn, Yew Tree Hill, Holloway	The material change of use of the public bar areas to a dwelling and the material change of use of an area of car park to domestic garden	Enforcement notice quashed
AVA/2019/0509	Land off Kirkham Lane, Fritchley	Agricultural building, green house and hardcore track	Appeal dismissed
AVA/2019/0547 & 0548	The Old Court House, Chesterfield Road, Belper	Two storey side extension, lower ground floor partially underground	Appeals dismissed
Enforcement appeal APP/M1005/C/19/3234391	Land at 21a Peasehill Road, Ripley	Without planning permission, the construction on the land of a raised timber deck with associated posts and fencing	Appeal succeeded in part/enforcement notice varied/upheld
AVA/2018/0648	Land at Moor Lane, Kirk Langley	Residential development for up to 14 dwellings with associated landscaping and public open space (outline)	Appeal dismissed Appeal for award of costs dismissed
AVA/2019/0946	91 The Delves, Swanwick	Vehicular access and hardstanding	Appeal dismissed

App Ref	Site Address	Proposal	Appeal Decision
AVA/2019/0679	Land adj. to Thorpe Hill Drive, Heanor	Erection of eight dwellings (affordable tenure)	Appeal dismissed
AVA/2019/1235	36 West Avenue, Ripley	Bungalow	Appeal dismissed
AVA/2016/1020	Whitehouse Farm, 153 Belper Lane, Hilltop, Belper	118 dwellings including sustainable drainage and infrastructure, demolition of 153 Belper Lane and outbuildings, extension and enhancement of existing public open space including new recreational facilities, landscape and ecological enhancements	Appeal allowed Appeal for award of costs refused
AVA/2017/1128	Whitehouse Farm, 153 Belper Lane, Hilltop, Belper	65 dwellings including sustainable drainage and infrastructure, demolition of 153 Belper Lane and outbuildings, enhancement of public open space including new recreational facilities, landscape and ecological enhancements	Appeal allowed Appeal for award of costs allowed
AVA/2019/1062	19 Chestnut Close, Duffield	Two storey dwelling with access and removal of trees	Appeal dismissed

App Ref	Site Address	Proposal	Appeal Decision
AVA/2020/0129	18 Jessop Street, Waingroves	Two storey rear extension	Appeal allowed
AVA/2019/0450	146 Loscoe Denby Lane, Denby	Two no. 2 bed residential units	Appeal dismissed
AVA/2020/0243	10 Main Road, Whatstandwell	Certificate of Lawful Use or development for use of land for private purposes incidental to the residential occupancy of 10 Main Road	Appeal dismissed
AVA/2020/0069	Land at 25-29 St Johns Road, Smalley	Demolition of bungalow and erection of 10 dwellings with new drive	Appeal dismissed
AVA/2018/0668	Land to the South of B600 Lower Somercotes	99 dwellings with landscaping and recreational open space	Appeal allowed Appeal for award of costs allowed
AVA/2020/0197	3 Brittany Cottages, Butterley Park, Ripley	Workshop and hobby room	Appeal dismissed
AVA/2019/0188	Land off Stanley Street, Somercotes	Outline application for up to 180 dwellings with public open space, landscaping, suds, and access	Appeal allowed

App Ref	Site Address	Proposal	Appeal Decision
AVA/2020/0147	Ridgewood Cottage, Higg Lane, Alderwasley	Demolition of existing extension and conservatory and construction of new extension and conservatory.	Appeal dismissed
TRE/2019/0498	Little Haven, 2 Abells, Denby Village	High Hedge Remedial Notice	Appeal allowed in part and variation to the remedial notice
AVA/2020/0515	Chevin Quarry Lodge, Firestone, Hazelwood	Proposed dwelling	Appeal dismissed Appeal for award of costs dismissed
AVA/2020/0308	29 Langley Barton, Ashbourne Road, Kirk Langley	Demolition of conservatory and single storey rear extensions and construction of new extensions, dormer roof, felling of two trees and new hardstanding	Appeal dismissed
Enforcement Appeal APP/M1005/C/19/3234190 & 3234191	5 Brickyard Lane, Kilburn	Without permission the material change of land from residential to mixed use to include commercial dog breeding and animal sales, a single side and rear extensions, and outbuilding	Appeal succeeded in part/enforcement notice varied

Review of Planning Enforcement 2020/2021

Introduction

This report sets the context of planning enforcement work during April 2020 to March 2021 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 that 330 complaints were received in 2019/20, which is slightly below the average figure (338) received over a 4-year period. The 243 cases closed throughout 2019/20 is however well below the average figure (327) closed over the same 4-year period.

Year	Cases opened	Cases Closed	Open Investigations
2017	375	436	166
2018/19	344	320	198
2019/20	304	310	192
2020/21	330	243	278

Investigations

At the end of March 2021 there were 278 open cases and under investigation. This figure is up substantially from the year end in 2020 where the Council were considering 192 open cases. The start of the Lockdown in 2020 did see a high level of new complaints being submitted. Although the number of complaints currently under investigation has increased the Enforcement Team are still meeting the 90% target of undertaking the initial site visit to each new site within the required time period (2-days for category 1 cases, 10-days for category 2 cases and 20-days for category 3 cases).

There are also mitigating factors as to why cases have not been closed. In some instances, Covid restrictions and lockdowns have delayed people from resolving certain breaches. The submission of applications to seek a resolution to the breaches is also taking longer, but each site is still being monitored to ensure a full resolution. Although planning applications are taking longer to be submitted the Council are still receiving them, this is reflected in the amount of money which is being raised as a result of the Enforcement Teams visit. In 2020 the Council received £32,839 of funds generated by the submission of retrospective applications.

Formal Notices Served

The following table illustrates enforcement action taken. This shows the information provided on the Government PS1/PS2 returns.

Year	Enforcement Notices	Stop Notice	Temporary Stop Notice	Breach of Condition Notice	Injunction
2016	4	0	2	1	0
2017	8	0	1	1	1
2018/19	6	0	0	1	1
2019/20	7	0	1	0	0
2020/21	1	0	0	0	0

Formal Enforcement Action: April 2020 – March 2021

The following table sets out Notices issued during April 2020 to March 2021 and their current status.

Case Ref	Site Address	Breach	Notice	Comments
ENF/2020/0071	11 High Pavement, Belper	Installation of UPVC windows	ENF	Compliance date not yet reached

Historical Enforcement Notice Information

The following table sets out Notices issued during the period 1 April 2019 – March 2020, and their current status.

Case Ref	Site Address	Breach	Notice	Comments
ENF/2017/0190	Rakestones Cottage, Gorses, Kirk Ireton	Creation of a track and hard standing and storage building.	ENF	Notice complied with. Case Closed
ENF/2018/0303	Yew Tree Inn, Holloway	Change of use of the public inn to a single dwelling.	ENF	Enforcement Notice quashed at appeal
ENF/2017/0257	Charmaine, 5 Brickyard Lane, Kilburn	Change of use to a commercial dog breeding and animal sales operation and the construction of a single storey side and rear projecting extension and outbuilding.	ENF	Enforcement Notice varied at appeal. Planning permission granted for dog breeding activity.
ENF/2018/0309	Land at 21a Peasehill Road, Ripley,	Construction on the land of a raised timber deck.	ENF	Appeal dismissed. New planning permission granted for amended scheme.

Case Ref	Site Address	Breach	Notice	Comments
ENF/2019/0142	Denby Common Farm, 47 Breach Road, Denby Village	Change of use to a function and ceremony venue.	TSN	No further breach Case Closed
ENF/2019/0236	Boam Joinery, Queen Street, Langley Mill	Change of use to a general industrial paint spraying use.	ENF	Notice complied with. Case Closed
ENF/2016/0045	3 Albert Street, Belper	Removal of timber window frames and windows	ENF	Notice complied with. Case Closed
ENF/2018/0325	Land at Highfields, Belper Lane End	Change of use for the stationing of residential caravans and portable buildings	ENF	Enforcement notice not yet complied with (removal of caravans delayed due to Coronavirus)

Contact

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