Grant, Carol

From: Ellis Riley and Son Ltd Riley <ellisandste@hotmail.co.uk>
Sent: 04 September 2026 08:56
To: Grant, Carol
Subject: Re: [OFFICIAL] AVA/2026/0520 -1 Flowery Leys Lane- consultation responses
Attachments: 2026-039(4).pdf

Follow Up Flag: Follow up
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Dear Carol,

Thank you for forwarding the consultation responses and for outlining your concerns regarding the relationship between Plots 5 and 6 and No. 43 Ley Gardens.

We have reviewed these matters and attach amended drawing 2026-039(4) Rev 2, which includes further dimensions and amendments addressing the comments received.

Highway matters

The proposed layout has been amended to include:

- A 2 m × 2 m pedestrian visibility splay at the eastern side of the shared access.
- A note confirming that there will be no obstruction exceeding 600 mm in height within the pedestrian visibility splays.
- Realignment of the access and parking arrangements closer to 90 degrees to the proposed footway.
- Swept-path analysis demonstrating that a 3.5-tonne delivery van can enter the site, turn within the proposed turning area and leave in forward gear.
- Permeable tarmac throughout the turning area.
- Permeable block paving to all parking areas and the first 6.8 m of the shared access.
- Secure covered cycle storage at the required rate for each dwelling. Plot 5 will use its garage, with dedicated timber cycle stores provided to the remaining plots.
- Electric vehicle charging points for each dwelling.
- A bin collection point adjacent to the site entrance.

The proposed development would replace the existing builder's yard and its broad, relatively uncontrolled commercial frontage with defined residential access arrangements and a continuous 2 m-wide footway. The proposal would therefore provide a considerably more controlled and pedestrian-friendly arrangement than the existing situation.

We trust that the amendments address the matters raised by Derbyshire County Council Highways, and we would be grateful if the revised drawing could be forwarded to them for further comment.

Relationship with No. 43 Ley Gardens

The amended drawing now records the actual relationship between Plot 5 and No. 43, including the relevant separation distances, existing windows and boundary treatments.

The evidence demonstrates that this is not a conventional relationship between directly opposing principal residential elevations:

- Plot 5 is approximately 8.6 m from the boundary with No. 43.
- The relevant window-to-window/elevation distance is approximately 17.3 m and is now shown on the drawing.
- The elevation of No. 43 facing the application site contains two narrow secondary first-floor windows which are both obscure glazed.
- The principal clear-glazed windows at No. 43 are located on the adjoining elevation and are viewed at an oblique angle from Plot 5.
- The first approximately 8 m of the existing boundary enclosure from the corner of No. 43 is approximately 2.4 m high, with the remaining enclosure approximately 2 m high.
- The accompanying site photographs and aerial photograph confirm the orientation of No. 43, the substantial existing boundary enclosure and the present character of the intervening garden.
- The aerial evidence confirms that there is no defined patio or sitting area adjacent to the application boundary; this part of the garden is presently overgrown.







Although we appreciate that the whole private garden must be considered irrespective of its present condition, the evidence demonstrates that the proposal would not create direct intervisibility between opposing principal habitable-room windows. The combination of the oblique relationship, the obscure-glazed secondary windows, the separation distances and the substantial existing boundary enclosure would prevent an unacceptable loss of privacy.

Construction Environmental Management Plan

We also note the comments from Environmental Health regarding the absence of a Construction Environmental Management Plan. The Pollution Officer appears to have assumed that the current submission is an application for technical details consent pursuant to AVA/2025/0594.

For clarification, AVA/2026/0520 is a standalone full planning application and is not an application for technical details consent. It is therefore not subject to Note 8 of the earlier Permission in Principle decision.

Nevertheless, the applicant accepts that suitable controls should apply during demolition and construction. Given the scale of the development, we consider these matters can appropriately and proportionately be secured through a pre-commencement condition requiring the submission and approval of a Construction Environmental Management Plan. The applicant would be agreeable to such a condition.

Environmental Health have raised no objection regarding contamination or the submitted coal-mining information, subject only to an informative requiring a watching brief for unexpected contamination during groundworks.

We hope the amended information goes some way to address your concerns, we will await your further comments.

Best Regards

Stephen Riley