

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Applications to be determined under the Town & Country Planning Acts

Planning Site Visits held on 27th October 2023 commencing at 10:00 hours.

PRESENT:-

Cllr Tom Munro, Cllr Rob Hiney-Saunders, Cllr Carol Wood, Cllr J Gilbody and Cllr J Ritchie.
N.B Cllr Gilbody met us at the site visit.

Officers: Sarah Kay

SITES VISITED

1. 22/00229/FUL – Amberleigh Manor, Blackwell
2. 22/00485/FUL – Red Lane, South Normanton

The meeting concluded at 12:00hours.

AGENDA ITEM 5 - 22/00229/FUL – AMBERLEIGH MANOR, BLACKWELL

Additional neighbour representation received 27th October from the neighbour who shares their common boundary with the site, adjacent to the 2 no. new build properties:

I have written now 4 times in relation to our concerns and objections mainly in relation to the proposed additional houses and the treatment of the boundary and boundary wall.

We have numerous mature fruit trees on the boundary, a fence which would be affected by any proposed work to the wall and a structure at the top of the garden which abuts the brick out building - if this was removed there would be no boundary and the pergola would collapse.

The ground on our side is much higher than the nursing home and the existing brick wall was there as a retaining structure - as it has been for the last 15 years we've lived here. Our fence foundations are therefore above the level of the land on the nursing home as are our trees.

We also have concerns about a loss of privacy and light with houses now proposed so close to our boundary - there has never been any window or means of looking into our property or garden previously- the existing house wall is circa 10m away with no windows on the elevation.

I have no problem with phase 1 or the work to the old home and I see it as a benefit that the site is improved. However the work up to our boundary is a great concern - there's are enough properties on the site without trying to cram these into the small space next to us.

My point is that I do not want to speak at the meeting but I do want our concerns to be taken into account - our property and living environment will be greatly affected by the 2 new houses and any work to the boundary and retaining wall. I'd be happy for this and any other objections we have previously raised to be read at the meeting - if needed I'd also be happy for the committee or officers to visit our property so they can see for themselves.

Details of the applications publicity and a summary of the representations received are contained in the officer report on pages 14 – 15 of the agenda pack. These include the representations received from this person. There are no additional points raised that require a separate or additional response.

Following observations made during the committee site visits, it is proposed that the wording of condition 20 is amended to give assurance that the boundary treatment detail reserved by condition that are still to be approved shall include details of any new features, as well as details to repair / make good any existing ones.

20. Prior to first occupation, a detailed scheme of works to all boundary treatments (that shall include details of those to be retained / made good and any new boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those details approved in writing shall be implemented in full and the agreed boundary treatment scheme shall then be maintained in perpetuity.

The agent is also not able to attend committee to speak, but has asked that the following comments are relayed to members:

Dear Members and Public,

Thank you for the opportunity to present represent my client at Committee, I am sorry but I have a prior engagement and unable to attend.

Phase I was approved in April 2021 following positive cooperation with the Council planning officers. Recently, the applicant has begun preparations to discharge pre-commencement conditions with the aim to start works early next year.

This Committee Application relates Phase II, the reuse of the vacant care home and erection of two units to the side.

As with both applications, the viability assessment (revised 2023) demonstrated that Phase I and II would be below benchmark land value. Additionally, the applicant has been paying a hefty mortgage no income since care home closed.

Therefore, this proposal would be a sustainable form of development that complies with both the development plan and the NPPF (revised September 2023). It would

provide much needed housing for the Borough and bring back to life a site that has been subject to decay, vandalism and compromised residents that back onto it. There are no objections received from consultees / all matters resolved.

Once built, Phase I (16 units) and II (12 units) would provide 28 units. It would offer a good mix of housing to create a balanced community, good urban design that is landscape sensitive (TPOs) and sufficient parking and amenity space for residents. The development has been well-designed and has been in two phases due to financial reasons.

Finally, the proposal would offer more positive benefits than negative and kindly request Committee take the move into consideration when reaching their decision.

Successful Places SPD (2013) has been used in addressing any concerns relating to private amenity.

It is noted that paragraph 3.11.16 of the SPD states that family houses likely to require larger gardens and a preferable range of between 70 – 100sqm but not less than 50sqm.

Majority of the units under Phase II would provide the standards set out in Table 4 of the SPD. Where some units fall below the SPD, paragraph 3.11.19 does allow for the overall requirements to be relaxed where existing buildings are converted. This is because the SPD recognises that flexibility must be applied with residential conversions due to site characteristics and constraints.

When taken into context with Phase II (this application), the conversion needs to work with the existing building structure which does result in majority of the units above the standard of the SPD:

- Plot 1 (conversion) 3 bed providing 104.2 sqm – SPD 70 sqm minimum*
- Plot 2 (conversion) 3 bed providing 63.87 sqm – SPD 70 sqm minimum*
- Plot 3 (conversion) 3 bed providing 55.54 sqm – SPD 70 sqm minimum*
- Plot 4 (conversion) 3 bed providing 62.56 sqm – SPD 70 sqm minimum*
- Plot 5 (conversion) 3 bed providing 47.04 sqm – SPD 70 sqm minimum*
- Plot 6 (conversion) 2 bed providing 63.97 sqm – SPD 50 sqm minimum*
- Plot 7 (conversion) 2 bed providing 66.32 sqm – SPD 50 sqm minimum*
- Plot 8 (conversion) 4 bed providing 69.04 sqm – SPD 90 sqm minimum*
- Plot 9 (conversion) 2 bed providing 64.89 sqm – SPD 50 sqm minimum*
- Plot 10 (conversion) 2 bed providing 38.66 sqm – SPD 50 sqm minimum*
- Plot 11 ((new) 2 bed providing 47.16 sqm – SPD 50 sqm minimum*
- Plot 12 (new) 2 bed providing 49.24 sqm – SPD 50 sqm minimum*

NOTE: above excludes land at the front of the property not the side, but when front garden space is included (plots 5, 6, 7, 8, 9, 10, 11, 12 have front gardens), below:

- Plot 5 (conversion) 3 bed providing 55.64 sqm – SPD 70 sqm minimum*
- Plot 6 (conversion) 2 bed providing 70.78 sqm – SPD 50 sqm minimum*
- Plot 7 (conversion) 2 bed providing 75.92 sqm – SPD 50 sqm minimum*
- Plot 8 (conversion) 4 bed providing 76.35 sqm – SPD 90 sqm minimum*
- Plot 9 (conversion) 2 bed providing 72.97 sqm – SPD 50 sqm minimum*

- Plot 10 (conversion) 2 bed providing 51.43 sqm – SPD 50 sqm minimum
- Plot 11 ((new) 2 bed providing 54.65 sqm – SPD 50 sqm minimum
- Plot 12 (new) 2 bed providing 64.52 sqm – SPD 50 sqm minimum

Conclusion

Therefore, on balance, Phase II complies with the SPD. As it is recognised that garden areas should be applied reasonably having regard to site conditions and context. Phase II has worked with constraints associated with the existing building and its position to existing site boundaries.

Members will see that the plot sizes and private amenity sizes are already detailed in the officer report. There are no additional points raised that require a separate or additional response.

AGENDA ITEM 6 - 22/00485/FUL – RED LANE, SOUTH NORMANTON

Additional neighbour representation received.

Regarding the recent bad weather and high percentage of rain fall in the area.

The field in which the proposed new dwellings are to be built on HAS flooded! The field acts as a run off for excess rain water from the properties already stood on Red Lane so what is going to happen if we loose the field to new properties?

The flooding is only going to get worst with having no where for the rain water to go. This is all very concerning in a area that has suffered and continues to suffer from subsidence. We know standing water and poor drainage are all contributing factors to subsidence.

The extra disturbance and ground works can only cause this to become a nightmare of a problem risking the safety of the properties already in situe.

The bottom line is that the area CANNOT safely accommodate the proposed dwellings due to risking further flooding and subsidence problems to the properties that are already here.

Concerns were raised in earlier representations in respect of flood risk, as summarised on page 59 the report and relevant consultation responses in respect of flood risk are summarised on pages 50 (BDC Drainage Engineer), 52 (Derbyshire County Council (Flood Risk Management) and 56 (Severn Trent Water).

As discussed in the report on page 67, the relevant consultees are satisfied, based on the analysis and assessments that have been undertaken, including appropriate flood risk assessments, that the site can be suitably drained through the use of a suitably designed water attenuation feature that is shown towards the south eastern corner of the development site.