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Date : 11 October 2017



To all Members of the Planning Committee

Dear Councillor

Planning Committee – 12 October 2017

The following is a schedule of representations received after the agenda for the Planning Committee was finalised.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. B.', written over a light blue horizontal line.

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17/01883/FUL

Applicant Mr & Mrs P Avey

Location Hill Top Farm ,Cliffhill Lane, Aslockton

Proposal Erection of two storey dwelling and detached garage

Ward Cranmer

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Comments in support

RECEIVED FROM: Aslockton Parish Council

SUMMARY OF MAIN POINTS:

The Parish Council voted unanimously to support the application but did make a comment about information contained within the Design and Access Statement.

The Parish Council was surprised and disappointed to be told that, under the new procedures, only objectors are allowed to speak. They therefore felt compelled to write giving their opinion of the objections raised by the public which are strongly refuted, and many of which are not material planning considerations.

The objectors all state that the proposed dwelling will be in open countryside; however, the Parish Council are of the opinion that the proposed dwelling will not be in open countryside as it will be surrounded and enclosed by the existing barns and workshops.

Objectors state that this application has not changed from the previous application 96/00414/OUT. In that proposal the dwelling would have been in open countryside as it was to the north/west of the current site and beyond the existing farm buildings, so it is totally different as can be seen from the site plan.

The Rushcliffe Local Plan Part 2: Land and Planning Policies Further Options document, which is only a consultation and not policy, states that, in Rushcliffe's opinion, the development in Aslockton of 75 dwellings on the site to the South of Abbey Lane already contributes to the supply of land available for housing development over the next few years, and goes on to say that development of any further greenfield sites would not be sustainable. The proposal is for one dwelling only, not a development, and nor is it on a greenfield site. If you applied this argument there would never be another house built in Aslockton or Whatton.

The Parish Council has confirmed with the applicant that his son, a partner in the business, would live in the property and they consider that an agricultural

tie is not relevant as this is usually applied to development in isolated areas where development would not normally be permitted. With him living there it will help with the security of the yard and it will not change the working practice of the yard.

The question of contamination was raised by the objectors but Environmental Health, following an inspection, has recommended that a condition be applied.

The connection to the main sewer was suggested by an objector to be an unreasonable disruption. However, this would be a technical issue and not a material planning consideration.

In their objection the neighbours/local residents state “the dwelling in the application will not be in keeping with our properties”. However, the properties on Cliffhill Lane are predominately bungalows and modest detached houses. Therefore, the proposed dwelling will be in keeping with those properties and it will enhance the character of the road as it will hide one of the agricultural buildings from view of the road.

It has been suggested by residents of Speller Farm that it will have an adverse effect upon the views from the farm and their privacy. The proposed dwelling will be almost 400m from Speller Farm and the Parish Council consider that it will have no adverse effect upon the residential amenity of any of the neighbours.

In conclusion, the Parish Council is of the opinion that the proposed dwelling conforms with policies in the Non Statutory Replacement Local Plan and Local Plan Part 1, and the NPPF and as such planning permission should be granted.

At its October meeting, the Parish Council voted unanimously to approve and ratify the above comments, and the Parish Council would like it to be made clear at Planning Committee that it supports the comments the chairman and the clerk have made on its behalf.

PLANNING OFFICERS COMMENTS:

None.

2. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbours

SUMMARY OF MAIN POINTS:

There is a field gate next to the gate to the application site which the applicant intends to use to access his garages. Cliff Holme shares agricultural equipment with Speller Hill Farm on a regular basis which involves the use of this field gate. There is also another access to be created in the next few months with planning permission for access to/from Cliff Holme Mews, 25 metres from this field gate. Should visibility and road safety be re-addressed with this additional information?

The applicant does not have planning permission to site his double gate access, and the applicant should be made to re-apply and allow resident consultations for his oversight. Resident believes this was not an oversight as he was fully aware of the process when he applied for 2 large agricultural grain stores to be built over the last few years, in an attempt to make the dwelling "not isolated".

Who Is The Dwelling For? It is common knowledge that the applicant intends to build this house for his son. Resident believes the applicant has misled the Council. There are plenty of new houses being built in the village if the intention is to reduce his son's commute time to his place of work.

The information in the application with regard to contamination is incorrect. Oil and diesel tanks have been stored on the area designated for the dwelling for at least the last 10 years, and a contamination report should be obtained to any new application being considered.

The answer in the application with regard to access to foul water drainage is incorrect. The applicant's agent has written to the Council about a 60 metre trench to connect to the main drains outside Cliff Holme. This upheaval in front of the whole of Cliff Holme Mews' frontage is totally unacceptable. There is currently a 25' vent pipe outside Cliff Holme, what will happen to this and will the sewer still work? Resident think this needs addressing before a decision is made.

The new dwelling would be out of keeping with surroundings and crammed into a space with the rear aspect looking out to a tin grain shed. This is not in keeping with any other houses on Cliff Hill Lane which have open views to the rear across the countryside.

There would be more noise, nuisance and dust resulting from the increased occupation of the stockyard. A new "heavy duty access" to the rear is already being planned (part of field has not been ploughed) to provide access for large agricultural vehicles to gain access near to the hedge line with garden to neighbouring property, to get around the back of the planned dwelling.

Cliff Holme has a large lake less than 250 metres from the site. Has the applicant been asked to undertake a Great Crested Newt survey? Resident suggests this is requested immediately as it would have a detrimental effect on both the applicants' application and on the viability of his recycle/stockyard enterprise.

PLANNING OFFICERS COMMENTS:

It is understood that the 'field gate' referred to is a gated access between the application site and Cliff Holme Mews giving access from Cliff Hill Lane to the adjacent agricultural land. There are vehicular accesses in close proximity to each other along the adjacent stretch of ribbon development, as is the case on most residential roads. Accesses to residential properties are also often close to accesses serving non-residential uses. In this case on a stretch of road with a 30mph speed limit, it is considered that there should be no adverse impact on highway safety. Furthermore, County Highways have advised that visibility does not need to be re-addressed.

It appears that the earliest site history is the 1980 application referred to in the committee report for a change of use of an agricultural building and stock yard to an agricultural contractor's yard and premises (ref. 8/E1/80/D/297), although there are no plans relating to this application. There is also no reference to any applications specifically for vehicular accesses to the site or adjacent yard. However, it is likely that either a vehicular access to the site would have existed at the time of the 1980 application, or that a new vehicular access would have been considered under that application. In addition, aerial photographs from 1999 show the vehicular access to the site. In view of the above and as use of the access to serve one dwelling and the impact on highway safety have been considered under the current application, there would be no benefit in requesting the applicant to submit a separate application for the vehicular access to the site. It appears that the access to the adjacent yard was created between 2009 and 2013. Officers are giving consideration to this in terms of whether an application for its retention should be requested.

Whilst there may be a minor sustainability benefit from persons who work at the site living in the dwelling, as the rural and open character of the countryside would be preserved and there would be a good standard of amenity for occupants, the identity of occupants of the dwelling is not a significant consideration in this case.

Contamination, drainage arrangements, impact on the character of the area and potential additional noise are addressed in the committee report. In addition, it would be unreasonable to request the submission of a contaminated land report prior to the determination of the application, this is the subject of a recommended condition which requires the submission of a report prior to work commencing on site. Any disruption/inconvenience during works to connect development to the public sewer is not a planning consideration.

With respect to a new 'heavy duty access to the rear' being planned, speculation regarding the future intentions of a developer cannot be taken into account when determining a planning application. If a new access is created to the site or adjacent storage yard from adjacent agricultural land, and provided no hard surfacing is laid and any gates are no more than 2m in height, it is unlikely that planning permission would be required.

As the lake is on private land, a protected species survey could only be carried out with the owner's permission. If Great Crested Newts are present within 500m of a development site, development can only legally proceed subject to the granting of a European Protected Species Licence by Natural England. Advice has been sought from the Council's Environmental Sustainability Officer who considers that, as there is no known resident population in the area and the lake has low potential, he would not expect to find Great Crested Newts and, therefore, would not recommend the need for a survey. In view of the above, it is recommended the following note to applicant is included on the decision.

There is a lake in close proximity to the site where Great Crested Newts may be present. Great Crested Newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation

(Natural Habitats, etc) Regulations 1994. These statutory instruments protect both the species themselves and their associated habitats.

If great crested newts are discovered during work on the development, the relevant work should be halted immediately and Natural England should be notified and further advice sought. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months or both.

3. **NATURE OF REPRESENTATION:** Comments in support

RECEIVED FROM: Applicant's agent

SUMMARY OF MAIN POINTS

In many ways this is a simple application and with a simple and inevitable Officer recommendation that permission should be granted. The application is properly summed up in the officer report with the conclusion that there is no harm or adverse impact which will occur to neighbours or to the open countryside and that in such circumstances the benefits of the new single house, even if slight, means that the proposal constitutes the type of sustainable development envisaged by the NPPF. The Officer report has properly and correctly taken account of all neighbour consultation responses.

The NPPF is quite clear on the matter of when a proposed dwelling is considered to be 'isolated' within the open countryside and this has been further clarified by appeal decisions within Rushcliffe Borough. In view of these decisions the officer report correctly concludes that it would be unreasonable to maintain that the proposed dwelling is isolated within the open countryside or that harm to the open countryside would occur as a result of the proposed new dwelling. Indeed, the nature of the existing grouping of the adjacent agricultural buildings further reduces the chance of any impact on the open countryside beyond.

Regarding the late objections from the immediate neighbours:

The Highways Officer has confirmed that he has no objections despite the additional information supplied by the neighbours regarding their new access on to Cliffhill Lane.

The issues raised regarding the second agricultural access to the north of the application site are nothing to do with the application site and, if necessary, they can be addressed by a separate retrospective application.

Who the dwelling is for is not a material matter in the determination of the application, but the reality is that it is for the applicant's son. It would normally be regarded as desirable that housing is proposed for local people to be able to stay within the community where their family has lived and worked for many decades.

Contamination has been examined by the Environmental Health Officer who is satisfied that the matter can be dealt with by way of condition.

It has been demonstrated that there are technical solutions available for the disposal of sewerage from the site which will not affect the amenity or health of the neighbouring occupants. Any required digging in the highway to connect to the sewer is not a material matter in the determination of the application.

The modest dwelling proposed is totally in keeping with the all of the other properties on Cliffhill Lane although it is admitted that it is not of the same substantial massing and scale as the two most immediate neighbouring properties which are themselves perhaps out of keeping with the surroundings. However, to attempt to match them in scale or massing would no doubt give rise to an objection on the grounds of harm caused to the open countryside and inappropriate scale for the location.

It is difficult to see how the proposed new dwelling can give rise to increased disturbance to the neighbours. If anything, having a new dwelling adjacent to the existing dwellings would normally be considered to be a better neighbour than the existing storage yard.

It is noted that the Environmental Sustainability Officer has concluded that he "would not expect to find Great Crested Newts and, therefore, would not recommend the need for a Great Crested Newt survey." In addition, the nature of the existing yard is not conducive to encouraging Great Crested Newts, but the applicant will of course take note of the recommendation to look out for Great Crested Newts and take appropriate action.

It is noted that in light of the objections submitted by the immediate neighbours and by the Ward Member, the Parish Council have been minded to take the time to discuss this application at a second parish meeting. It is felt that it is significant that the Parish Council felt so strongly about this matter that they wished to do this and that they have submitted a detailed letter in support of the application in addition to their formal consultation response.

PLANNING OFFICERS COMMENTS:

None.

17/01629/FUL

Applicant Marston's Inns and Taverns and Wild

Location The Gamston Lock, Radcliffe Road, Gamston

Proposal Construction additional eight car parking spaces

Ward Gamston North

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

The distance from the nearest point of the parking area to the boundary fences, which measures 9m on the submitted plan, is queried.

The plan does not show extensions which have been added to the rear of the dwellings.

Earlier comments regarding the risk of burglary are re-iterated, notwithstanding the comments from Nottinghamshire Police.

No evidence of additional parking need has been supplied.

PLANNING OFFICERS COMMENTS:

The distance from the car park to the boundary fence has been measured on site and is 8m, not 9m as shown on the submitted plan. This discrepancy does not alter the assessment of the application or that the impact would be significantly different.

17/02096/CMA

Applicant London Rock Supplies Ltd

Location Land South Of Burrows Farm, Barton Lane, Barton In Fabis

Proposal The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.

Ward Gotham

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Support of Parish Council's Objection

RECEIVED FROM: Cllr Matthews

SUMMARY OF MAIN POINTS:

Cllr Matthews has written supporting Barton in Fabis Parish Council comments which fully supports the proposed recommendation from Rushcliffe Officers to object to this planning application and would like to record their thanks to officers for the very thorough analysis leading to the recommendation.

The Parish Council is making its own response to the County Council, but would like to summarise some of the key objections:

- The site is within the Green Belt and the application contravenes paragraphs 87 and 88 of the NPPF:

Para 87 states:

"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"

Para 88 states:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations"

The scale of the engineering / processing operations at Mill Hill, together with the associated urbanising effects, mean that the proposal would have a significant impact on the openness of the Green Belt and is therefore inappropriate. The proposed development by definition is, therefore, harmful and contravenes NPPF (paras 80 and 88).

- The County Council has stated that the current 'landbank' for sand and gravel exceeds government targets and currently stands at 10.29 years (October 2017) vs a minimum required of 7 years. There is therefore no need for a new site.

- The County Council is preparing a new Minerals Local Plan which will involve recalculating future demand and independently comparing all potential sites together. This application is premature and seeks to circumvent the MLP process.

- Building projects claimed to justify this application are either not due start for several years or are better supplied by existing or potential quarries nearer to those sites.

- The County Council's own assessment of the sustainability and environmental impact of this site resulted in its rejection and exclusion from the previous draft Minerals Local Plan.

- The site would result in a major impact on two SSSIs (Sites of Special Scientific Interest) Attenborough Nature Reserve and Holme Pit which are close to the site and on five SINCs (Sites of Important Nature Conservation) one of which will be destroyed altogether.

- The site is close to heavily populated areas at Clifton including Lark Hill retirement village which although not part of Rushcliffe would be impacted by noise and dust.

- There would be a major impact on the quality of life and visual amenity of local people, as well as the loss of peace and tranquillity in an area used extensively by a wider community for walking, fishing, horse riding, bird watching and other leisure pursuits. The loss of a significant area of countryside on the edge of a large city such as Nottingham damages the recreational opportunities that are increasingly important for the health and well-being of city dwellers.

PLANNING OFFICERS COMMENTS:

The Parish Council Comments will be taken into account by the County Council in their assessment of the planning application.

There is nothing to add to the officer report.

2. **NATURE OF REPRESENTATION:** Point of clarification

RECEIVED FROM: Nottinghamshire County Council

SUMMARY OF MAIN POINTS:

The published committee report refers to the applicant as being Nottinghamshire County Council. The County Council have pointed out that the applicant is in fact London Rock Supplies Ltd and not the County Council.

PLANNING OFFICERS COMMENTS:

No additional comments.