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Our reference:
Your reference:
Date: Wednesday, 16 January 2019



**Rushcliffe Community
Contact Centre**
Rectory Road
West Bridgford
Nottingham
NG2 6BU

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 17 January 2019

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 read 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

4. Planning Applications (Pages 1 - 6)

The report of the Executive Manager - Communities.

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor J Stockwood
Councillors: B Buschman, N Clarke, M Edwards, R Hetherington, S Hull,
Mrs M Males, S Mallender, F Purdue-Horan, Mrs J Smith and J Thurman

In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

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18/02286/FUL

Applicant Mr Bill Nunn

Location Whitegates,9 Thelda Avenue, Keyworth

Proposal Demolish existing bungalow and erect 4no. semi-detached dwellings (resubmission)

Ward Keyworth And Wolds

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

The neighbour has provided a photo from the inside of their property to illustrate how close their property is to the proposed development and that the side windows to their lounge are not minor windows but the main source of light to the room in the late afternoon. They ask that this photograph is included in the committee presentation.

PLANNING OFFICERS COMMENTS:

As stated in the committee report, these side facing windows are secondary windows with a window to the same room within the front elevation. Therefore, in assessing the potential impact on this property, less weight would be attached to any issues of overshadowing or loss of light to these windows. In addition, these windows are high level and are already compromised to an extent by the existing bungalow within the application site.

18/02578/FUL

Applicant Mr Bolton

Location Land South West Of 98,Nicker Hill, Keyworth

Proposal Proposed erection of new dwelling.

Ward Keyworth And Wolds

LATE REPRESENTATIONS FOR COMMITTEE

2. **NATURE OF REPRESENTATION:** Consultation response

RECEIVED FROM: The Lead Local Flood Authority (LLFA)

SUMMARY OF MAIN POINTS:

The Lead Local Flood Authority (LLFA) have considered the application and have not made comments in relation to flood risk as it falls outside of the guidance set by the government for those application that do not require a response. They do, however, suggest the following recommendations:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed.

PLANNING OFFICERS COMMENTS:

The proposal involves a single dwelling and SUDS, and the future ownership and maintenance of such facilities, is normally only relevant to larger scale developments. It is not considered that the proposal will have any detrimental effect on an ordinary watercourse, there is no obvious ordinary watercourse in the immediate vicinity of the site. Given the scale of the development involved in this proposal, i.e. a single dwelling, it is considered that issues relating to the discharge of surface water from the site could be adequately addressed in an

appropriately worded note to applicant. Approval of the technical details of the means of disposal of surface water would fall to be considered under the Building Regulations

3. **NATURE OF REPRESENTATION:** Revised Plan

RECEIVED FROM: Applicant's agent

SUMMARY OF MAIN POINTS:

A revised site location plan has been received showing the red line boundary around the proposed parking area for 184 Mount Pleasant (the blue line around the curtilage of this property has now been omitted).

PLANNING OFFICERS COMMENTS:

It is recommended that the plans condition (condition 2 in the recommendation) is amended to include reference to the most up to date:

The development hereby permitted shall be carried out in accordance with the plans ref no. 2018-05-002 received on 07/11/2018 and revised plan ref no. 2018-05-001 received on 10/12/2018 and site location plan ref no. 2018-05-001 and location plan received on 09/01/2019.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

18/02716/OUT

Applicant Simon And Jane Horner

Location 63 Moor Lane, Gotham, Nottinghamshire

Proposal Development of one detached dwelling with new access (Outline application with all matters reserved except for access) (resubmission)

Ward Gotham

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Statement in support of the application (full statement available online)

RECEIVED FROM: The Applicant

SUMMARY OF MAIN POINTS:

- Applicant considers proposal to represent limited infill in a village – reference is made to descriptions of infill included on the Planning Portal and the Rushcliffe Residential Design Guide.
- Reference is made to case law on the interpretation of Green Belt policy – applicant considers that proposal involves limited infill within a village and therefore complies with criteria in NPPF for development which is not considered to be inappropriate. As such it is not necessary to consider the impact of the proposal on the openness of the area and it is not necessary to demonstrate very special circumstances.
- Information in the report on the status of the Gotham Neighbourhood Plan is incorrect and misleading – the plan has been subject to consultation (completed on 4 January) – the plan was submitted to Planning Policy last year and accepted as being legally sound.
- Applicant considers that starting point for consideration of the application is whether the proposal satisfies the Green Belt exception for 'limited infilling in villages' where there is no further need to assess the impact on the Green Belt or whether very special circumstances exist.
- Applicant contests that other similar developments have been allowed for infill development in the Green Belt based on policies within part 2 of the Local Plan – on one hand weight is given to the LPP2 but it is suggested only limited weight can be given to the Neighbourhood Plan.
- The site is in the village and countryside begins 4 dwellings further along Moor Lane to the east.

PLANNING OFFICERS COMMENTS:

The assessment of the proposal against Green Belt policy is contained within the report and it is not intended to revisit this matter in detail in this late representation report. However, it is accepted that the 'closed' list of development within paragraph 145 of the NPPF, which should be regarded as not inappropriate, includes 'limited infilling **in villages**' (my emphasis). This is where there is clearly a difference of opinion between the applicant and officers. It is officers' view that the site is not 'in' the village for the reasons set out in the report.

It is accepted that there are many different variants in defining the term 'limited infilling' and that neither local nor national planning policy gives a specific measurement for gap sizes in terms of what is deemed to be limited infilling and what is not. The Planning Portal Glossary defines it as 'the development of a relatively small gap between existing buildings', however this is treated as a guide and again is not specific in terms of actual distance. As this is the case it is therefore treating each case on its own merit and each case will be assessed separately to determine whether it constitutes limited infilling.

In support of the argument that the proposal involves infill development, the applicant relies to some extent on the advice contained in the Rushcliffe Residential Design Guide which refers to infill development and provides guidance on issues such as existing massing, building form and heights of buildings. However, the section on 'Infill Development' begins 'Infill development normally occurs in existing built up areas'. Therefore, it is considered that the guidance is provided principally in the context of development within built up areas to inform issues of design, scale, mass etc and is not intended to provide guidance on when a proposal constitutes infill development.

It is not considered that the information contained within the report in respect of the Gotham Neighbourhood Plan and the weight that should be given to this document is incorrect or misleading. At the time of writing the report, the plan was still subject to consultation, however, it is accepted that this has now been completed. However, the plan has yet to be considered by an Examiner and there are still a number of stages to be completed, including a referendum, until the plan can be adopted and become part of the Development Plan for the area. It is not therefore considered misleading to advise that only limited weight can be given to the plan. The applicant comments that the plan has been submitted to Planning Policy and accepted as legally sound. It will be for an Examiner to advise the Borough Council on the soundness of the plan, the Council accepted the plan on the basis that it met the tests of what is required for the document to constitute a Neighbourhood Plan before it could be progressed to the next stages of the process. In assessing the weight that can be given to the plan, consideration should be given to any outstanding objections to the plan which will need to be considered by the Examiner. Of particular relevance, there are outstanding objections to the proposals for the application site to be brought forward for development.

Other developments which have been referred to by the applicant were considered on their individual merits and in each case it was considered that the proposal involved a limited infill within existing built up areas, albeit, they were washed over by Green Belt. One of these applications predated the publication of Part 2 of the Local Plan and the plan would not have been given significant weight in the determination of these applications, indeed the officer's report in respect of the application received and considered after publication of Part 2 of the Local Plan makes no reference to the plan. However, in considering the current application, it is considered relevant that in each case referred to by the applicant, the review of the Green Belt involved insetting the settlements within the Green Belt. The current application site would remain in the Green Belt and the proposal should also be considered on its own merits.

The applicant also makes reference to the decision on application for development on Lantern Lane at East Leake, allowed at appeal. East Leake is not within the Green Belt and the proposal on Lantern Lane was subject to different considerations.