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Our reference:
Your reference:
Date: Wednesday, 13 November 2019



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To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 14 November 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 'Sanjit Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

4. Planning Applications (Pages 1 - 16)

The report of the Executive Manager - Communities.

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor Mrs M Stockwood
Councillors: K Beardsall, A Brennan, P Gowland, L Healy, A Major, J Murray,
F Purdue-Horan, C Thomas and D Viridi

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

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19/01507/FUL

Applicant HDD Edwalton Landmere Lane Limited

Location Land South Of Landmere Lane, Edwalton

Proposal Erection of two drive thru units (A3, A5), Retail Terrace (A1, A3, A5, D1), and Day Nursery (D1), with associated car parking and infrastructure.

Ward Edwalton

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Neighbour responses

RECEIVED FROM: General Public

SUMMARY OF MAIN POINTS:

Since the publication of the committee report, additional public objections have been received in relation to the proposed development. Photos have also been received showing the traffic at the Landmere Lane/Melton Road junction. A number of the representations made reference to the current traffic levels at the junction however, some also note that “although it was due to gas works on this occasion, accidents are happening on a weekly basis around the Wheatcrofts Roundabout and the current roads cannot cope”.

Other letters of support have been received since the publication of the committee report referencing that development will “lessen traffic into central Bridgford”. Another letter of support received finds “objections from the residents on the huge new housing estate hypocritical. The road was there when they moved in, they have added to the pollution (paraphrased).”

PLANNING OFFICERS COMMENTS:

The comments made within these objections received since the publication of the committee report are noted however, the points raised have been generally summarised in paragraphs 40 and 41 of the report and already assessed as part of the application. No further assessment is required in relation to these particular comments received, beyond the already published committee report.

2. **NATURE OF REPRESENTATION:** Ward Member Comment

RECEIVED FROM: Cllr Robinson

SUMMARY OF MAIN POINTS:

Cllr Robinson comments that “following extensive discussions with Officers and The Developer, my original objections have been countered by a mixture of Officers and the Legal Consultees. Consequently, I cannot offer tonight, any material planning objections to this application.

However, I would like to place on record, I was and still am very much against this application from the view that it does not offer any local amenities that are badly needed and I would have much preferred an alternative offering.”

Cllr Robinson firmly believes that the Council in the Edwalton Supplementary Planning Framework Document should have been more prescriptive to ensure future applications provide local amenities and services.

PLANNING OFFICERS COMMENTS:

The comments from Cllr Robinson are noted however, the original committee report considers the matters of the principle of the development and its compliance with the Edwalton Supplementary Planning Framework Document.

3. **NATURE OF REPRESENTATION:** Residents Group Representation

RECEIVED FROM: Edwalton Community Group

SUMMARY OF MAIN POINTS:

Officers have been provided with a copy of an email circulated to members of the committee from a representative of the Edwalton Community Group. The email raises matters of air pollution, noise, litter and traffic. The majority of these issues are re-iterations of matters raised in representations submitted in response to the application and already detailed in the committee report.

However, in response to comments relating to the air quality report, officers have again sought clarification from the Council’s Environmental Health Officers. The matter surrounds the Air Quality addendum provided to overcome concerns that idling vehicles had not been taken into account in the assessment of air quality. The community group suggests that reference to vehicles travelling at 5mph is inappropriate given the way in which drive thru’s function.

Further clarification from the Councils Environmental Health Officer is summarised below;

“The air quality modelling is designed to estimate the average level of road traffic

emissions at a specific location over an extended period of time, typically a year, as in most cases it is long term exposure to pollutants that correlates to adverse health impacts. Therefore, the factors that are fed into the model are also based on typical conditions over a longer time frame.

The model inputs include (amongst other factors) the number of vehicles using a section of road during the year (AADT) and also the average vehicle speed on that section of road; the average vehicle speed will take into account the effects of queuing, stopping, starting, etc. In this case the car park and drive thru facilities were assessed as areas and the average vehicle speed assigned to them would be based on the travel distance and time it would typically take for a vehicle to pass through that area (including stopping). The length and duration of queuing will vary with time of day, day of the week, etc.

5km.hr⁻¹ approximates to a typical walking speed which is a reasonable assumption to make for this drive thru and car park situation.

It is also noted that the number of vehicles using the proposed development will be small compared to the numbers of vehicles moving on the adjacent roads and junction so emissions from the development would be small in comparison.

It is noted that the model did not include factors to account for any expected future reduction in road traffic emissions so the results should represent a worst case scenario.

The final results include the background pollutant levels (i.e. pollutants that come into the area of interest from other sources). Taking all this into account the model indicates that the adverse impact from the proposed development will be negligible.”

PLANNING OFFICERS COMMENTS:

The comments from the community group are duly noted and the majority of the issues have already been addressed in the committee report. The new query relating to the comments made in the Air Quality Assessment Addendum relating to idling vehicles has been reviewed and the document together with its findings remain sound in that the development will have a negligible impact on air quality.

4. NATURE OF REPRESENTATION: Clarification

RECEIVED FROM: Case Officer

SUMMARY OF MAIN POINTS:

Having reviewed the report contained within the agenda, the case officer seeks to amend one paragraph to strike out a word included in error which changes the meaning of the paragraph. This relates to paragraph 93 which currently reads “it is **not** considered that the additional trips will **not** cause significant and

demonstrable harm to the overall amenity for these closest residents at peak times.”

One **not** should be removed so the paragraph should reads “it is **not** considered that the additional trips will cause significant and demonstrable harm to the overall amenity for these closest residents at peak times.”

Furthermore, paragraph 168 should be amended to remove the term “moderate” when concluding on the impact upon amenity and instead refer to the term “low”. This is then consistent with the summary paragraph of that relevant section (paragraph 102). Paragraph 168 should therefore read;

A **low** level of harm has been identified to the amenities of the nearby residential properties though an increase in traffic levels at more sensitive times of the day.

PLANNING OFFICERS COMMENTS:

The inclusion of the additional word “not” was made in error however, when read in conjunction with the relevant section of the report together with the conclusion it is obvious that the paragraph was drafted in error and therefore, when read as a whole does not change the recommendation or the conclusion reached within the assessment. The reference to the level of harm arising from the development is explained in detail within that section of the report and therefore, aligning the conclusions section with the assessment section is a matter of clarity and consistency.

5. **NATURE OF REPRESENTATION:** Amendment to condition

RECEIVED FROM: Officer update

SUMMARY OF MAIN POINTS:

Condition 18 of the recommendation requires the installation of the approved lighting scheme. It currently requires the entire lighting scheme to be installed prior to the occupation of the units. To enable a phased approach to deliver this development, it is proposed to amend this condition as follows:

- Prior to the first occupation of each unit, the approved lighting scheme (as shown on Drw street lighting layout LL1088/001 Rev C) relevant to that unit shall be fully installed. The lighting scheme shall then be retained and operated in accordance with the External Lighting Impact Assessment Rev B dated 13/06/2019 free from any impediment for its intended use in perpetuity.

PLANNING OFFICERS COMMENTS:

This amendment to the condition does not materially alter what is required to be delivered, but alters at which stage parts of the lighting scheme are required to

be provided. This a more proportionate approach and will allow certain units to be occupied and active while other units are still under construction.

6. **NATURE OF REPRESENTATION:** Community Infrastructure Levy (CIL)

RECEIVED FROM: Officer update

SUMMARY OF MAIN POINTS:

During the consideration of this application, the Council formally adopted the Community Infrastructure Levy and as this development is CIL liable the Planning Committee should note that this development will attract a CIL contribution of £58,150.00.

PLANNING OFFICERS COMMENTS:

Members are advised that this a material planning consideration and should be considered alongside the other benefits of the development which are outlined and discussed within the report.

19/01063/FUL

Applicant Linden limited

Location Land South Of Meadowcroft, Flawforth Lane, Ruddington

Proposal Demolition of existing buildings, construction of 56 dwellings, creation of new vehicular and pedestrian access and provision of associated public open space, landscaping, drainage and highways infrastructure.

Ward Ruddington

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Additional condition

RECEIVED FROM: Officer update

SUMMARY OF MAIN POINTS:

The adopted Local Plan Part 2: Land and Planning Policies sets out water efficiency standards for all new dwellings as set out under Policy 12 (Housing Standards). Criteria 3 of this policy requires all new dwellings to meet the Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

PLANNING OFFICERS COMMENTS:

The recommended additional condition is as follows:

- The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

2. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

The following concerns have been raised:

- Loss of privacy to Meadow Croft.
- Impact on the appearance of the area.
- Impact on trees and biodiversity.
- Impact on road safety and concerns regarding infrastructure, with reference to two Victorian bridges that would be put under additional strain. Concerns regarding an increase in traffic volumes and an exacerbation of the existing situation, query over what infrastructure is to be provided to support additional traffic, whether there would be parking provision in the village.
- Concerns regarding the ability for pedestrians to safely cross the A60 junction.
- Query regarding bus stop provision and location. Query as to why the allocated volume of dwellings has been exceeded by 10%, it is noted the plans include flats and other styles of property not previously identified.
- Concerns regarding drainage and the potential impact on the drainage system of Meadow Croft arising from heavy plant working on the land.
- Query as to the cubic litre capacity of water storage for the drainage plans and what the overflow arrangements are.
- Query as to what security fencing is proposed around Meadowcroft.

PLANNING OFFICERS COMMENTS:

The above comments are noted. Matters of amenity, highway impacts, drainage/flooding and biodiversity have been considered in the officer report and the responses from technical consultees in relation to these matters are set out in the consultee comments section of the report. With regard to the comments about ability of pedestrians to safely cross the A60, attention is drawn to the section 106 table which accompanies the report and, in particular, the requirement for the provision of a pedestrian crossing. With regard to the boundary treatment around Meadowcroft, the submitted plans appear to indicate that the existing natural growth/hedgerows would be retained.

19/00478/FUL

Applicant Mr B Meaden & P Buckingham

Location Numbers 49 To 55, Trent Boulevard, West Bridgford

Proposal Demolition of existing bungalows and erection of 4 no. detached dwellings, erection of boundary wall and associated parking.

Ward Lady Bay

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objections
- RECEIVED FROM:** Neighbouring properties (47 & 57 Trent Boulevard)

SUMMARY OF MAIN POINTS:

The proposal would represent overdevelopment.

Loss of light to living rooms, resulting in a significant detrimental impact and there is no discussion in the committee report relating to light and overbearing impact.

The proposal breaches the 25 and 45 degree guides.

Permission for a single and 2 storey extension at 49 Trent Boulevard has previously been refused on grounds that the size, scale, massing, siting and design would result in an overbearing form of development which would adversely affect the amenities of 47 Trent Boulevard. If a single storey extension was previously perceived to be overdevelopment, why is a 3 storey proposal now acceptable. This application (ref: 10/01693/FUL) is not referred to in the committee report.

Parking in Lady Bay is a massive problem. The existing bungalows have space for 10 cars and allow for on street parking. The development would reduce this to a maximum of 8 in total despite accommodating more people. Highways suggest 3 spaces per 4 bedroom home in normal circumstances and accepting 2 per dwelling is making situation worse rather than taking the opportunity to address an existing issue.

The environmental objective of the NPPF refers to minimising waste and pollution and mitigate and adapt to climate change including moving to a low carbon

economy, policy 1 (of Local Plan Part 2) encourages the use of renewable energy technologies. It is completely unacceptable in the current climate crisis and current policy guidance that the new dwellings aren't to the highest eco status.

The area faces an elderly population and bungalows are required to meet the community needs. Policy 8 (of the Core Strategy) states that consideration should be given to the needs of the elderly as part of the housing mix, therefore there is no justification for allowing overdevelopment and significant loss of amenity to neighbours for types of housing not required in the area.

The committee report contains numerous factual inaccuracies:

- The size of 47 Trent Boulevard is incorrectly shown on the plans, and living room is described as open plan with other light sources. It is a separate room with individual light requirements.
- Rushcliffe planning guidance points to a light survey being required in instances where there is a doubt of overshadowing or overbearing impact. Despite this clear guidance, a survey hasn't been requested in the report which is baffling given the rejection of two previous smaller applications for the same reason.

PLANNING OFFICERS COMMENTS:

Firstly, the above includes a summary of a document from the owner/occupier of 47 Trent Boulevard, which has already been emailed to members of the Committee, and the Ward Councillors.

It is considered that the report adequately describes the relationship of the proposed development with the neighbouring properties and provides an adequate assessment of the impact on the amenities with reference to relevant policies and guidance, including the 25 and 45 degree guides referred to in the Residential Design Guide. As the report states, it should be noted that the 25 and 45 degree guides are used as a 'guide' to the likely impacts of the development, and it is still necessary to have regard for the context of the proposal, the relationship with the neighbouring properties and whether the windows affected provide the sole means of light/outlook to the accommodation.

The description of the rear living area at 47 Trent Boulevard in the committee report is intended to reflect how the rooms appear to be used, ie, as a combined living, dining, kitchen, with the original rear living room benefitting from some daylight from the side windows and roof lights in the kitchen, and the rear patio doors. It is, however, accepted that the opening between the living room and kitchen/dining room is only the size of a door opening.

A daylight/sunlight report is only usually requested (very rarely) where officers are concerned about the impact of a development, and the onus is placed on the

applicant/developer to demonstrate that the impact would not be unacceptable. In this case, it is considered that there would not be any significant overshadowing/loss of light.

As stated in the committee report, as the site is in a sustainable location within close proximity to local services and bus stops, County Highways recommended that a minimum of 2 off-street parking spaces for each dwelling. In the absence of an objection from the Highway Authority, a refusal on grounds of insufficient parking and impact on highway safety could not be justified. Furthermore, the planning system cannot be used to address existing issues such as a parking problem.

The absence of any renewable energy technologies is acknowledged. As reported in a separate late representation, it is recommended that a condition is imposed to limit water usage of the development. It is not considered that the absence of other renewable energy technologies would be grounds to withhold planning permission.

As stated in the report, it is considered that a refusal on grounds of loss of two bungalows could not be justified.

Application ref. 10/01693/FUL related to a two storey side and single storey rear extension at 49 Trent Boulevard, which would be lower than the proposed dwelling at Plot 1. It appears that this application was determined prior to construction of the single storey side/rear extension at 47 Trent Boulevard and that the main concern was the impact on the original rear living room window at no. 47, which was the principal window serving the room (also served by two secondary side windows facing the site) and which was removed to facilitate construction of the single storey side/rear extension.

The footprint of 47 Trent Boulevard was shown slightly larger than is the case, and revised plans correcting this have been received. It is therefore recommended that Condition 2 be amended as follows.

- *The development hereby permitted shall be carried out in accordance with the following approved plans:*

Project No. 124 - 002 Revision F, 003 Revision F, 004 Revision F, 006 Revision F, 007 Revision F, 008 Revision F.

[For the avoidance of doubt and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

2. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Ward Councillor (Cllr S Mallender)

SUMMARY OF MAIN POINTS:

Cllr Mallender objects to the revised proposals on the same grounds as previously - overshadowing, overbearing, loss of light, privacy and amenity to neighbours on Trent Boulevard adjoining the proposal, opposite and on Fleeman Grove, increased traffic and parking affecting many residents in Lady Bay.

PLANNING OFFICERS COMMENTS:

The above matters are addressed in the committee report.

3. **NATURE OF REPRESENTATION:** Additional condition
RECEIVED FROM: Officer update

SUMMARY OF MAIN POINTS:

The adopted Local Plan Part 2: Land and Planning Policies sets out water efficiency standards for all new dwellings, as set out under Policy 12 (Housing Standards). Criteria 3 of this policy requires all new dwellings to meet the Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

PLANNING OFFICERS COMMENTS:

The proposed additional condition is as follows:

- *Construction of the dwellings shall ensure that water consumption of each dwelling shall not exceed 110 litres per person per day.*

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. **NATURE OF REPRESENTATION:** Consultation response
RECEIVED FROM: Severn Trent Water

SUMMARY OF MAIN POINTS:

A condition is recommended to ensure that the development does not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority, and the approved scheme has been implemented in accordance with the approved details before the development is first brought into use.

PLANNING OFFICERS COMMENTS:

It is not considered that drainage details need to be submitted and approved before work on the development commences; however, the following condition is recommended:

- *Prior to development proceeding above foundation level, details of the foul and surface water drainage shall be submitted to and approved by the Borough Council. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with the approved details.*

[To ensure that adequate drainage facilities are provided and to comply with policy 18: (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

19/01565/FUL

Applicant Mr Tom Daws

Location Land Off Old Grantham Road, Whatton, Nottinghamshire

Proposal Erection of a single, self-build dwelling with associated parking and access.

Ward Cranmer

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Letter of support written by the planning agent sent direct to Committee Members.

RECEIVED FROM: Planning Agent supporting the development scheme.

SUMMARY OF MAIN POINTS:

The agent has submitted a six page letter seeking to draw a number of matters to the attention of the committee members. In summary, the main points of highlight in the letter are:

- 1) The change in circumstance since the dismissed appeal (insofar as it related to the residential), with further industrial uses approved abutting the site. The agent considers this means the development site lies wholly within a linear form of development within the settlement of Whatton.
- 2) The site is not isolated and sits opposite 'Bellrock House' and 'the prison estate', as identified in the Environmental Health Officers Comments. It is clear therefore that the site lies within the settlement.
- 3) The agent identifies a number of 'precedent examples' of schemes he considers to be similar which have been approved. The agent suggests the Council needs to ensure consistency in its approach.
- 4) The improved 5 year land supply situation does not alter the Council's duty to consider all applications in context of the presumption in favour of sustainable development, or the requirement to consider the planning balance consistently.
- 5) The family has a local connection. The storage yard and building in association with the agricultural timber supply business will house valuable

plant and machinery, with part of the wood stock to be kept on an open part of the site. This makes it imperative the applicant lives on site to secure the premises.

PLANNING OFFICERS COMMENTS:

The matters identified by the agent are largely dealt with in the committee report, however for clarity the position on the identified matters can be outlined below, in sequence with the listed points from the agent's letter:

- 1) The full committee report acknowledges the changes and new permissions in proximity to the site and considers how this may impact upon the considerations that led to the original decision and subsequent appeal dismissal. It is officers' opinion that the linear form of development local to the site does not lie 'within' the settlement of Whatton. This is evidenced by the decisions on the applications for the industrial development such as 17/02853/FUL on land north east of the site, referenced by the agent. This application was assessed against open countryside policies, with 'small scale employment generating development' considered a possible appropriate use. This falls in line with previous land use. The above factors should be considered as appropriate guidance to the development of the land in the local area, a form of development extending into, and appropriate within, the open countryside, not representative of an extension to the village settlement form or boundary.
- 2) The officer report does not dispute the site is not isolated. Officers would strongly rebut the assertion however that if a site is not isolated, it must lie within a settlement. This is supported by numerous Inspectors' decisions where sites within clusters of development such as groups of dwellings are also not considered isolated. Clusters of houses alone though could not, for example, be considered a settlement.
- 3) Due note is given to the suggested 'precedents' as advocated by the agent. Members' attention is drawn to the requirement to determine every application on its own merits, and in accordance with the development plan in place at the time of determination. These previous schemes were all determined prior to the adoption of the Local Plan Part 2: Land and Planning Policies document, and were determined in a situation where the so called 'tilted balance' applied to all qualifying residential schemes due to the Borough's lack of ability to demonstrate a 5 year housing land supply. This requirement sets a higher threshold in terms of acceptable harm, in order to help foster greater levels of residential development to address any shortfall. It is right that officers and the planning Inspectors have therefore previously allowed schemes not entirely in accordance with the spatial strategy, however this was due to national policy requirements applicable to those applications made at the time of determination. It is however of great importance that members recognise the Borough Council can now demonstrate a 5 year housing supply following the adoption of the Local Plan Part 2. This is not a question of consistency as the agent

suggests, but a question of determining each application in accordance with the development plan as in force at the time of determination.

- 4) See Above.
- 5) The spatial strategy identifies that development in 'other settlements' will be for 'local needs only'. There is no doubt or question over the local connection of the applicant as suggested by the agent. The spatial strategy however makes clear that local needs housing in other settlements will be delivered through small scale infill development or on exception sites (3.3.17). It remains officer's opinion that this site does not meet that definition, as set out in the development plan documents.

With regards to the purported essential need to live on site due to security considerations, Policy 22 of the local plan part 2 does allow for agriculture, equestrian, forestry and other uses requiring a rural location, including, where justified, associated workers dwellings. This is however a stringent test and requirement as set out in paragraph 6.16 of the LPP2.

"6.16 Applications for workers accommodation related to agricultural, equestrian, forestry or other business operations that require a rural location must be supported by evidence that the operation is economically viable, there is a firm intention to develop the enterprise, there is an essential long term need for permanent and full time labour, there is a necessity for the worker to live in close proximity, and there is no existing dwelling available or suitable. Temporary accommodation should be applied for prior to any application for permanent accommodation, as this would enable the applicant to establish need and economic viability."

The applicant already resides locally to the site as advocated by the agent in his evidence of local need and connection. The benefits of living on site for the applicant are acknowledged, however the essential need to live on site for security is not considered to satisfy the stringent tests to qualify as an associated workers dwelling to the use, as required by policy 22.

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