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Our reference:
Your reference:

Date: Wednesday, 4 November 2020

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 12 November 2020

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

Yours sincerely



Sanjit Sull
Monitoring Officer

AGENDA

4. Planning Applications (Pages 1 - 10)

The report of the Executive Manager – Communities is attached.

Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: N Clarke, P Gowland, L Healy, A Major, D Mason, J Murray,
F Purdue-Horan, C Thomas and D Viridi

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20/01817/FUL

Applicant Fazilat Foundation UK

Location 173 Loughborough Road, West Bridgford, Nottinghamshire, NG2 7JS

Proposal Change of Use from Dental Surgery (Use Class D1) to A Place of Worship (Use Class D1)

Ward Lutterell

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Further objections

RECEIVED FROM: General Public

SUMMARY OF MAIN POINTS:

Since the publication of the Officer's committee report and recommendation, a further 10 individual representations have been received from members of the public, objecting to the application.

The main issues raised within these objections relate to parking, traffic and congestion, principal of development, including interpretation of policy, as well as noise and disturbance to residents.

An unsigned (electronic) petition has also been submitted by the 'Chaworth Road (and neighbouring road) Residents' which has with it an accompanying parking survey carried out by the residents as well as information regarding capacity at the property. The submission was also accompanied by photographs of the streets/parking situation in the vicinity of the site and a plan showing the distribution of objectors and supports of the proposal generally within the West Bridgford area. It is understood that this information has also been sent directly to Councillors on the Committee.

PLANNING OFFICERS COMMENTS:

Further comments on the principle of development:

The Council has received further comments in respect of the principle of a community facility such as a place of worship in this location. Attention is drawn to Policy 12 of Local Plan Part 1 which requires that *new community facilities should:*

- a) *be located within District, Local Centres or Centres of Neighbourhood Importance, wherever appropriate;*

- b) *be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility; and*
- c) *where possible, be located alongside or shared with other local community facilities.*

Attention is also drawn to this site not being a District, Local Centre or a centre of Neighbourhood Importance and it has been put to the Council that this development is therefore contrary to the development plan.

However, paragraph 3.12.8 of Local Plan Part 1 (supporting text to Policy 12) identifies that dentist (amongst other uses) are considered to be a community facility as well as places of worship. The proposal therefore does not propose a “new” community facility but rather the changing of the type of community facility at an existing site. The changing of one community facility for another, is not contrary to the development plan and would not undermine the existence or importance of other formal centres within the locality. Furthermore, it should be noted that the policy specifies that community facilities should be located within one of the described centres, ‘wherever appropriate’. Whilst not within, the site is close to the Wolds shopping parade, which is identified as a Centre of Neighbourhood Importance.

In relation to criterion b) of Policy 12 (2), for the reasons outlined in the committee report, the site is in a location which is accessible by a range of sustainable transport modes suitable to the scale and function of the facility.

It is therefore the view that, when considered in the round, appreciating the supporting text of Local Plan Part 1, this isn’t a creation of a “new community facility” as the current authorised use of the premises is as a community facility already site and, together with the other reasons stated, it is not considered that the proposed use would give rise to any conflict with the development plan in this regard.

Further comments on Highway Safety and Parking:

The Highways Officers advice on the matter of Traffic Impact is clearly set out in their consultation response which clarifies that, based on expected 58 two way movements (this being the worst case “peak” scenario”) would be unlikely to cause a severe traffic impact, with development related traffic disbursing quickly on the highway network. This is the case even when applied to “peak hours” in this locality.

This therefore shows that, even when the site is at maximum capacity (based on data from live examples of similar sized facilities) there would not be a severe traffic impact in this location, taking account of the specific site context with good access to public transport and its location close to a residential area.

In terms of parking provision, a residents parking survey has been provided to the Council for consideration.

In respect if parking matters at this site, the Highways Officers response is clear on a number of points. Firstly, that there will be an increase in parking demand from the existing use as a dentist to the proposed use of a place of worship. This increase has the potential worst case scenario to be up to 37 parking spaces. It is important to point out that this data arises from a similar size facility and therefore is broadly representative of the level of use likely to be accommodated at this facility. It is also important to note that this is the “worst case scenario” figure. It is not the figure which is to be applied to all prayer times on all occasions. There is of course a lower end of the spectrum where the parking deficit on site will be lower.

The Highways Officers response is also clear that the Parking Beat Survey provided by the applicant was carried out at Friday lunchtime as the TRICS data shows this period as being the busiest and therefore the period which would create the most parking demand (identified as 37 spaces).

At this time, when on street parking demand is likely to be its highest, according to the data available, the Parking Beat Survey found sufficient on street parking provision within a suitable distance to easily accommodate the overspill vehicles (23 spaces).

The residents have carried out their own parking survey and claim that the parking survey data provided by the applicant doesn't reflect the true picture and was done in wholly unrepresentative times which omitted the key evening period – when residents arrive home and stay home. Accordingly, the resident's parking survey was apparently conducted on Wednesday 4th November at 8pm and 9pm.

The data shows that, whilst Chaworth Road, North Road and West Avenue were essentially “full” (reporting a surplus) capacity did exist on South Road (average 18 spaces), Northwold Avenue (average 34 spaces) and Giles Avenue (3 spaces). The total on street capacity therefore amounted to approximately **55 available spaces**. A figure which far exceeds the worst case overspill level of 23 spaces required for the site.

Furthermore, the residents have not justified the survey time. It must be noted that they have submitted no evidence to suggest that operations at this site would be at peak at these times and therefore would generate the worst case scenario overflow requirement of 23 spaces. For these reasons, whilst the parking survey is helpful to show the situation in the immediate vicinity for a snapshot in time, they do not, in the view of the Planning Officer, challenge the data provided by the applicant and the formal view of the Highway Authority on this matter.

Users of the site:

The residents have also put forward a plan which purports to show location/distribution of residents who have either objected or supported the application (C1 and C2 of the residents' submission). The maps show that generally, objectors appear to live closer to the application site with supports being spread further afield.

Within the residents' submission, a number of general assumptions are made in respect of the "users" of this site, using the data contained within plans C1 and C2. Firstly, that the data "suggest that the number of potential users and supports within the immediate local area is very limited and that much of the support come from other areas of West Bridgford. The residents suggest that as this is the case, it's likely that a high portion of users will opt to drive to the site as the live beyond walking distance.

Whilst this data is helpful to show the geographical position of the supporters and objectors to the application, it does not necessarily provide an indication as being suggested by the residents. This is because now all supporters would use this facility, many support the application for other reasons than expressing a view to use it. Conversely, there may be many potential users within the immediate locality who simply chose not to comment but could have intentions on using the site. It is therefore Officers view that the data does not necessarily provide the assumptions the residents suggests it does in their submissions.

Refusals at 153 Loughborough Road:

The site of 153 Loughborough Road is an established place of worship which benefitted from the grant of a lawful development certificate in 2011 for the change of use of residential property to a mixed use of the premises for residential purposes and a place of worship. As such, no hours of use were able to be imposed upon this site. Subsequent applications for extensions to this facility were found to be unacceptable due to the potential harm which could arise to nearby residents.

Those applications for extensions to the facility at 153 Loughborough Road were materially different to this application as the Council would not have been able to retrospectively impose hours of use conditions. However, with this application, the Officer recommendation is made on the basis of the inclusion of condition No.4 (hours of use restriction) and therefore, there is no direct comparison to be drawn between previous refusals at 153 Loughborough and the recommendation on this application.

Other matters:

The Officers report contains two minor errors to draw to Councillor's attention.

Paragraph 68 of the Officer Report incorrectly reports that there were no restrictions on the hours of operation as a dentist. This is incorrect as the hours were restricted by condition No. 6 on planning permission 02/01580/COU and allowed the dental surgery to be open for business between the hours of 0800 – 1800 Monday to Friday and 0900-1700 on Saturdays. This does not alter the recommendation of the Officer.

At paragraph 10 of the Officers report it states that Section 19 of the application form explains the specific hours of use proposed. However, in fact, these are

contained with the Design and Access Statement and are not stipulated on the application form. This has no material effect on the consideration of the merits of the case.

The Planning Committee will need to consider the points discussed above, however Officers do not considered it necessary to amend the recommendation put forward in the Late Representations issued on Monday 9th November 2020.

20/01313/FUL

Applicant Mr Andrew Gatehouse

Location Land East Of 75 Walcote Drive, West Bridgford

Proposal Demolition of existing garages and erection of 5 no. dwellings with associated parking.

Ward Lutterell

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Consultee comments

RECEIVED FROM: Nottinghamshire County Council
Highways

SUMMARY OF MAIN POINTS:

The Nottinghamshire County Council Highway Authority provided comments in response to the revised layout plans dated 25 September. They consider that the amended layout would not result in a significant impact on the public highway and therefore their original comments received on 14 September still apply.

PLANNING OFFICERS COMMENTS:

The revised comments from Highways are noted.

20/01749/FUL

Applicant Mr Harry Warren

Location 201 Musters Road, West Bridgford, Nottinghamshire

Proposal Proposed Demolition of the Existing Dwelling and to Construct a Block of 5 Apartments

Ward Musters

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Object

RECEIVED FROM: 10 further representations have been received from no's 2, 5, 8, 10, 12, 14, 17, 18 Muster Crescent and 203 Musters Road

SUMMARY OF MAIN POINTS:

- a. Maintain objections already made – apply whether 5 or 6 apartments.
- b. Disappointed not consulted and having to comment again.
- c. Dangerous street parking.
- d. Bungalow is being demolished so probably dealing with a fait accompli.
- e. Not all parking spaces are usable (third closest the building). The approved planning has adequate parking.
- f. No amendment to the bin store.
- g. Lack of green space.
- h. No reply to previous objections and new application without appropriate notification.
- i. Reduces visibility.
- j. Design - totally out of keeping.
- k. Design and Access Statement – the suggestion that permitted development rights were not removed from the 2 dwellings a veiled threat of what might happen if this application is not approved.
- l. Does this not go against preventing terracing effect?
- m. The design acknowledges there is a massing issue by including a central glazed feature on the front elevation.
- n. Design and Access Statement - there is no single storey rear extension
- o. The Design and Access Statement still refers to 7 and 6 apartments.

PLANNING OFFICERS COMMENTS:

Matters raised have, for the most part, already been addressed in the Officer report. The demolition of the bungalow has already been authorised through the grant of the previous application, which remains extant, and the act of commencing this work is not considered to be a breach or pre-emptive of the possible outcome of the current application. There are very limited permitted development rights for apartments and none that generally permit extensions. Changes were introduced to the General Permitted Development Order earlier in the year permitting additional storeys on purpose-built blocks of flats, however, these rights do not apply to blocks constructed after 5 March 2018.

The Design and Access Statement has been revised, this still makes reference in places to 7 units, including with reference to the comments from the highway authority on the original submission. However, under the heading of proposed development the application is described as a proposal for '5 No. C3 dwellings'. Furthermore, the revised description of development refers to 5 units and the revised plans being considered clearly show 5 units. The change in number of dwellings has not been the subject of further consultation as the size and outward appearance of the building has not changed. The previous representations received object principally to the development of this site with apartments along with associated issues including concerns over amenity, parking/highway issues and the design and scale of the building and, as such, are still relevant to the consideration of the revised scheme and number of units now proposed.

2. NATURE OF REPRESENTATION: Clarification

RECEIVED FROM: Agent

SUMMARY OF MAIN POINTS:

The agent has confirmed that they have spoken with their lawyer and there is no covenant that would stop the undertaking of the proposed planning permission if granted, subject where necessary to appropriate indemnity being secured. In any event no comments were raised relating to the title on this particular application.

PLANNING OFFICER COMMENTS:

Concern had been expressed regarding a covenant on the previous application ref 19/02393/FUL. A covenant is a private matter and not a material consideration in the determination of the planning application. The existence of a covenant would not prevent planning permission being granted. It is for the applicant to ensure that this matter is addressed outside of the planning system. In this regard the applicant has advised that there is no covenant that would prevent the development taking place. The recommendation in the committee report includes a Note to Applicant in respect of a potential covenant. The purpose of this is to draw the applicant's attention to the matter, however, given that there has already been discussion on

the issue and the applicant is aware of the issue, the note would now appear to be superfluous. It is therefore recommended that the note is omitted.

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