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Our reference:
Your reference:
Date: Wednesday, 10 January 2018

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 11 January 2018

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

Yours sincerely



Glen O'Connell
Monitoring Officer

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor J Stockwood
Councillors: B Buschman, N Clarke, R Jones, J Greenwood, Mrs M Males,
S Mallender, M Edwards, Mrs J Smith and J Thurman



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17/02451/OUT

Applicant The Harwood Family

Location Land West Of, Works Lane, Barnstone

Proposal Outline planning application for 5 x 2 bedroom affordable dwellings (rural exception site).

Ward Nevile And Langar

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** No objection

RECEIVED FROM: Borough Council's Sustainability Officer

SUMMARY OF MAIN POINTS:

The Preliminary Ecology Survey was carried out at a sub-optimal time but the findings of the report submitted are appropriate for the range of habitats found and the recommendations made. No protected species other than wild birds were found within the site. The habitats found within the site including hedgerow were all classed as low ecological value. The impact of the development on protected species is negligible but they recommend action is taken to mitigate any impacts and provide enhancement secured in part through planning conditions.

PLANNING OFFICERS COMMENTS:

It is considered that the proposal would lead to no undue harm to the ecology of the site including protected species and habitats. The scheme provides an opportunity to enhance the sites ecology and the negligible harm to protected species identified in the Preliminary Ecology Survey can be mitigated through the implementation of the recommendations made in the survey. Therefore it is considered that the proposal complies with Rushcliffe Local Plan Part 1: Core Strategy policy 17 'Biodiversity' which states inter alia "*1. The biodiversity of Rushcliffe will be increased over the Core Strategy period by: c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever possible.*"

Protected species and their habitats are protected by legislation outside the remit of planning controls, therefore, a number of informative notes have been suggested to safeguard protected species during the construction phase. The inclusion of a Landscape and Ecology Management Plan for this site is considered to be unreasonable given the low ecological value of the existing habitat on site and the small scale of the proposed development. The inclusion of the following additional condition and informative notes is recommended:

Additional condition:

11. No development shall take place until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The scheme shall include a buffer zone between the remaining agricultural field and the development, including a new native species hedge line, ditch and grass/wildflower margin. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant:

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees, hedgerows and vegetation concerned it is recommended that works including felling/surgery should be carried out between September and January if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk. For further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk.

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done:

<http://swift-conservation.org/Nestboxes%26Attraction.htm>

Advice and information locally can be obtained by emailing: carol.w.collins@talk21.com

The provision of bat bricks/lofts/boxes and bird nest bricks/boxes within the development site is recommended.

Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods.

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 English Nature 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.

2. **NATURE OF REPRESENTATION:** Support the Application

RECEIVED FROM: Waterloo Housing

SUMMARY OF MAIN POINTS:

Waterloo Housing is a member of the Trent Valley Partnership and work with Rushcliffe Borough Council to bring affordable housing schemes forward. They support this application for affordable housing development in this location.

PLANNING OFFICERS COMMENTS:

The support of Waterloo Housing as an affordable housing provider has been covered in the main report.

17/02252/FUL

Applicant Mr Dalminder Singh

Location 102 Mona Road, West Bridgford, Nottinghamshire

Proposal Residential development of three dwellings following demolition of existing dwelling. (Revised application to include basements.)

Ward Lady Bay

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objections

RECEIVED FROM: Two Neighbours

SUMMARY OF MAIN POINTS:

- a. The committee report does not provide a full and accurate picture of the site history as it does not mention that the current application is retrospective and that an enforcement order to stop the development has been place since August 2017. Meanwhile, the building work has carried on with no controls in place.
- b. The committee report does not summarise all the objections that have been made and omits references to the following key issues raised by local residents that the committee need to be aware of before it can make an informed decision:
 - The risk of underground flooding – while the report concentrates on the danger of the basement flooding due to raised river levels, it does not mention the risk of flooding caused by the basements themselves. The main tenor of our objection is the long-term risk of flooding due to the diversion and interruption of natural underground streams and waterways, coupled with the behaviour of the water table over time and the impact that a solid object has on raising the level of the water table further. This is a key risk factor that has not been assessed by either the council or the applicant or communicated to the planning committee.
 - The risk of flooding due to the impact of raising the ground level of the site to match that of the elevated floor level of the bungalow. The floors in the Bungalow have been constructed at 1m above the existing ground level to mitigate the risk of flooding. Levelling the ground to this height will mean that the ground on site will be at least 1m higher than neighbouring properties which will inevitably push flood waters on to neighbouring properties.

- The implications of the ‘lack of objections’ of the Environment Agency (EA) and the Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) have not been properly explained. Discussions with the EA have only considered the risk to the occupants of the properties in the development and not the risk of flooding of neighbouring properties caused by the basements. Also, contact with the LLFA has only centred around whether culverted watercourses have been moved or tampered with. They have not investigated the potential impact on the natural underground watercourses that exist in the area. The committee report suggests that because there are no formal objections from the EA or the LLFA, there is no risk of flooding. This is far from the case.
 - The report states that the bungalow is the weakest element of the proposal, but it will be less visible from the public realm. It fails to point out that, for neighbours, it will be an unsympathetic and dominant feature to be seen from all windows in all houses.
 - The objection relating to an unsympathetic planting plan gets no mention at all.
- c. The report shows no regard to boundary arrangements between the site and 100 Mona Road in the conditions. There is much detail about the need for a particular type of fencing to be erected on the western site boundary and the boundary with the Council’s playground. However, there is no mention of the need for similar fencing or protection along the boundary of 100 Mona Road. This is despite that boundary being the most significant boundary and that it will directly abut a driveway with lighting. Without sensible screening, the windows on the north and west facing elevations of the bungalow can be seen in their entirety from the rear living room and kitchen windows at 100 Mona Road.
- d. Due to the finished floor level of the bungalow, a 6ft fence along the western boundary would not be high enough to prevent overlooking/loss of privacy.
- e. The Design and Access Statement refers to ‘muck away’ being used to level the site. Any build-up of the height of the garden would increase visual intrusion to neighbouring properties.
- f. The EA and LLFA do not seem to consider that the development could increase the risk of flooding to neighbouring properties, and it is feared that they are not fully aware of the intention to raise the ground levels which could push flood water on to neighbouring properties.
- g. The conditions do not protect neighbours’ property from subsidence and the garage at 100 Mona Road is subsiding towards the application site.

- h. It is requested that conditions are attached to any permission to include:
- The need for adequate fencing on the border of 100 and 102 Mona Road.
 - The immediate need to reinforce the entrance appropriately to prevent heavy plant causing more subsidence and damage to neighbouring property.
 - The need to ensure that the ground level is not raised higher to meet the elevated levels of the ground floor in the bungalow.
 - The need to properly consider geology and hydrology of the site through a structural statement prepared and signed off by a Chartered Civil Engineer including supplementary geo-hydrology reports, a flood risk assessment of flooding of neighbouring properties and evidence of engagement with adjoining occupiers – before further work is carried out.
 - To prevent any increase in ground levels.

PLANNING OFFICERS COMMENTS:

There are a number of references in the report to the fact that work has already started on site and, therefore, it is considered that the report makes it clear that the application is retrospective. In any event, the fact that work has commenced on site should have no bearing on the consideration of the merits of the proposal.

The Council has not issued an enforcement notice with respect to work already carried out on the site and, therefore, there has not been an 'enforcement order to stop' development as suggested by the resident.

It is also considered that the report fairly summarises, albeit it concisely in places, the objections received.

The Environment Agency (EA) and Lead Local Flood Authority (LLFA) do not object provided the development is carried in accordance with the Flood Risk Assessment (FRA). In the absence of an objection from these technical consultees, the Council could not justify requesting further reports/information from the applicant. However, conditions are recommended to ensure that the development would be carried out in accordance with the FRA including mitigation measures, and to require the submission and implementation of a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development.

The FRA, which accompanied the application states that the development '*can be constructed and continue to operate safely in flood risk terms, without increasing flood risk elsewhere*'. The statutory consultees have been consulted on the application and supporting documents, including this FRA, and it is reasonable to conclude that if there were any concerns over possible flood risk to neighbouring properties or the wider area, they would have highlighted this in their response to the consultation.

The submitted plans for the bungalow show steps down to the garden from the accommodation and a window to serve the basement in the front elevation. The plans do not seem to suggest that ground levels will be raised

to the same level as the finished floor level of the bungalow. However, this matter can be addressed by the addition of an appropriately worded condition (see below).

The reference to the bungalow being the 'weakest element' of the proposal is the view of the Conservation Officer in assessing the impact of the proposal on the wider area.

A condition requiring submission of details of fencing to be erected along the western boundary is considered to be necessary as the rear windows of the proposed bungalow would directly face the rear windows of neighbouring properties on Pierrepont Road. This condition does not specify the height of such fencing and this would need to form part of the submitted details. Whilst the front and side windows of the proposed bungalow can be seen from the rear rooms and the rear garden at 100 Mona Road, the relationship would be different to the properties on Pierrepont Road, and there would be no windows directly facing each other. There is an existing hedge along the boundary with 100 Mona Road and it is considered that further appropriate planting, as part of a landscaping scheme, along the boundary with 100 Mona Road should provide adequate screening.

The comment from the resident about an 'unsympathetic planting plan' is believed to relate to details submitted to discharge a condition of the previous planning permission for the site. This condition, and the submitted landscaping scheme, was discharged in 2017. The recommended conditions included in the committee report for the current application include a similar requirement for the submission of a landscaping scheme and this matter can be revisited through consideration of any details to be submitted.

Any damage or impact to neighbouring properties, such as subsidence, arising from a development is not a material consideration in determining the application and would be a civil matter between the parties concerned.

In relation to the additional conditions suggested by one of the residents, the following advice is offered:

- The need for adequate fencing on the border of 100 and 102 Mona Road – this matter is addressed in the comments above.
- The immediate need to reinforce the entrance appropriately to prevent heavy plant causing more subsidence and damage to neighbouring property – this is not a material consideration and any damage caused would be a civil matter between the parties concerned.
- The need to ensure that the ground level is not raised higher to meet the elevated levels of the ground floor in the bungalow – this matter is addressed in the comments above and through the additional condition recommended below.
- The need to properly consider geology and hydrology of the site through a structural statement prepared and signed off by a Chartered Civil Engineer including supplementary geo-hydrology reports, a flood risk assessment of flooding of neighbouring properties and evidence of engagement with adjoining occupiers, before further work is carried out – some of these matters would be addressed through the Building Regulations. A flood risk assessment has already been provided with the application and considered by the relevant technical consultees.

The following additional condition is recommended:

None of the dwellings shall be occupied until details of any changes to ground levels on the site have been submitted to and approved in writing by the Borough Council, and changes to the ground levels shall only be in accordance with the approved details.

[[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

17/02455/FUL

Applicant Mr & Mrs Senior

Location Nettle Barn, Bassingfield Lane, Bassingfield

Proposal Single storey extensions to side and rear, first floor/two storey extensions to front and rear, new porch and construction of car port.

Ward Gamston North

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Ward Councillor

SUMMARY OF MAIN POINTS:

“First of all I object to the need for a Car Port in the Green belt, in addition to the extended property. The report states that that there are very special circumstances to allow the development due to security concerns. I do not see how having a Car Port located away from the building, facing out to the open countryside, is more secure than having cars in the double garage that form part of the property, if anything this will increase the risk of a break-in. I therefore believe there is no justifiable reason to go against the National Planning Policy Framework (NPPF) to allow the building of the Car Port.

My second objection is the glazed part of the extension. I believe this is completely out of keeping with the current building and the surrounding buildings in this small village, and this will be viewed by both neighbours and the many people who walk in and around the village.

I am very pleased to see this opinion is shared by the Design and Conservation Officer, who has objected to this development. I am, therefore, very surprised his opinion has been ignored by the Planning Officers, in addition to the NPPF as per my earlier point.

I would be happy to receive an application to extend the property, including extending the existing garages for 2 large cars as per the access and design statement. This is providing that the plans are in keeping with the existing building and the surrounding area, which this application is not. I therefore ask members of the Planning Committee to reject this current application.”

PLANNING OFFICERS COMMENTS:

The Design and Conservation Officer is a consultee and it is acknowledged that, in this instance, there is a difference of opinion with respect to design and materials, and discussions have taken place between officers. After careful consideration of the proposal, it was resolved to make a recommendation to grant planning permission. Often, as in this case, this can include a judgement

on the merits of a proposal, particularly in relation to matters of design. As the committee report states, and as the Design and Conservation Officer acknowledges, the property is not the best example of a barn conversion, and it appears that the original conversion involved a substantial amount of re-building, with the introduction of unsympathetic domestic features, resulting in the loss of much of the original agricultural character. The building is not listed, nor is it within a conservation area. Whilst the proposal would be visible from some public areas, it would not be highly prominent in the street scene.