

17/02658/FUL

Applicant Mr Kevin Hard

Location 21 Kendal Court, West Bridgford, Nottinghamshire

Proposal Demolition of bungalow and erection of 10 apartments with associated parking.

Ward Abbey

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Updated Ecology Report relating to Hedge Planting and Management, and to Lighting

RECEIVED FROM: The Applicant

SUMMARY OF MAIN POINTS:

It is not anticipated that shading by the adjacent building would cause significant harm to the hedge as native shrub species tend to tolerate a level of shading. Shade tolerant species e.g. hazel will be planted closest to the building. Species will also be chosen for their ecological value and to be in keeping with the surrounding area. The replacement hedge will be planted after the construction phase to avoid damage.

Hedgerow planting and management will be carried out by an external contractor, allowing for appropriate ecologically sensitive management. Vegetation should be managed to 1.5m in height as requested by the Canal and Rivers Trust.

No external lighting is proposed on the northern side of the building which faces the canal. The hedge will mitigate lighting from ground floor apartments. The site is located within a sub-urban area and it is anticipated that foraging bat species and other wildlife in the local area already have a certain level of tolerance to artificial lighting. Any external lighting on the building will be bat friendly where appropriate.

The report concludes *“provided the above recommendations are incorporated into the development design, significant ecological impacts are not anticipated as an appropriately managed native hedgerow and/or planting of shrubs of ecological value, alongside a sensitive lighting scheme would allow for continued ecological connectivity.”*

PLANNING OFFICERS COMMENTS:

This additional clarification is welcomed, however, the matter of the proposed hedge and external lighting has already been covered in the committee report and no further comment or alterations to the recommended conditions are considered necessary.

2. **NATURE OF REPRESENTATION:** Objections

RECEIVED FROM: Three local residents and the management company for Kendal Court

SUMMARY OF MAIN POINTS:

Concerns relating to the scale and massing of the development, its impact upon the character of the area, overbearing impact and loss of privacy for residents of Kendal Court and Rutland Road, loss of habitat, harm to nature and wildlife, ground stability and drainage, inadequate parking and access, loss of amenity for users of the canal towpath and the history of the site. In addition, the visuals submitted by the applicant are inaccurate, the canal is much narrower than they have shown; they have provided their own visuals and photographs of the site.

Other than comments relating to the points above the land management company asks if the developer plans to take land within their ownership. Whether or not a trespass is proposed will result in the loss of parking for up to six vehicles along the current boundary of the bungalow. They question if vehicles will have the right to park within the private driveway (Kendal Court). Finally they question if the area of landscaping where three trees were removed forms part of the grounds demised to flat 16.

They do not agree with the contents of the Committee Report including, modern properties on Radcliffe Road are not within the sites immediate context as they do not border the canal, any development should not be significantly higher than the adjacent houses unless it's a landmark building, the landmark feature of the area is the historic hedge lined canal towpath, loss of light and overshadowing of 9-12 Kendal Court, only loss of evening sunlight was considered, the building would be visible from the public realm including the canal towpath and the junction of Regatta Way and along Radcliffe Road, no eyes on the street to enhance the safety and security of residents of Kendal Court and the safety and security of the north facing flats is compromised as they would not be allowed external lighting.

PLANNING OFFICERS COMMENTS:

The majority of the concerns raised have been addressed in the Committee Report. The visuals are indicative and not drawn to a recognised metric scale in the same way as the floor plans and elevation drawings. They are not given weight in the consideration of the application but can be useful for members of the public who are less familiar with interpreting scale drawings. The mock up visuals provided by residents show the proposed building to be almost three

times the height of the existing buildings on Kendal Court which is inaccurate. As covered in the Committee Report the proposed apartments would measure a maximum of 3.3m higher than the neighbouring properties on Kendal Court.

No information has been submitted to suggest that the development would be located on land within the ownership of Southern Land Security. The proposed parking spaces would be located wholly within the application site. Whether or not vehicles associated with the proposed apartments would have the right to park on Kendal Court is not a planning matter, this may be a civil matter. Regarding the area of amenity space at the rear of Flat 16 Kendal Court, there is no suggestion that the application includes land that is outside of the residential curtilage of 21 Kendal Court.

With reference to the comments made in response to the Committee Report, properties do not need to border the canal to be considered within the sites immediate context. A difference in height of 3.3m in the context of 8m and 11m high buildings is not considered to be significantly higher. Loss of light and overshadowing of the neighbouring properties throughout the day was taken into consideration, specific reference was made to evening sunlight as it was mitigated by the design of the building. The building would be visible from the canal towpath and other areas of the public realm surrounding the site but the point being made was that it would be predominantly screened from the area of Radcliffe Road adjacent to the site. The lack of clear glazed windows in the buildings south elevation facing Kendal Court would not increase natural surveillance but the need to protect the privacy of the neighbouring properties has been given more weight. Although external lighting would be controlled through a recommended condition, and this may preclude lighting on the north elevation of the building, the apartments would all be accessed via the south elevation so the lack of external lighting is not considered to be a significant security risk.

3. **NATURE OF REPRESENTATION:** Support
RECEIVED FROM: Member of the public

SUMMARY OF MAIN POINTS:

No comments made.

4. **NATURE OF REPRESENTATION:** Additional information
RECEIVED FROM: Applicant

SUMMARY OF MAIN POINTS:

They apologise for the concern caused by the removal of the hedge. The existing hedgerow was described as 'species-poor' in the preliminary ecology report and the replacement hedge will be species-rich, providing enhanced wildlife habitat. They are keen to implement the recommendations made by the ecologist, the Canal and River Trust and the Borough Council's Landscape and

Design Officer in relation to hedge planting and maintenance to enhance the canal environment. The company takes a responsible approach to the environment. Measures including solar panels, electric vehicle charging points, smart energy controls and sustainable construction are proposed. They are passionate about low energy construction and innovative energy solutions and aim to deliver an exemplar development on this site. Updated CGI visuals of the site have also been submitted.

PLANNING OFFICERS COMMENTS:

The applicant has provided further clarification of matters that have already been covered in the Officers Report. The apology relating to concerns over the loss of the hedge is welcomed.

17/02907/FUL

Applicant Mr & Mrs A Hill

Location White House, Nicker Hill, Keyworth

Proposal Erection of a detached, one-bedroomed dwelling with integral garage.

Ward Keyworth And Wolds

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Agent response to Officer report

RECEIVED FROM: Applicant's Agent

SUMMARY OF MAIN POINTS:

The agent representing the applicant has requested that Members attention be drawn to paragraph 45 of the report which states that the position of the proposed dwelling is located due south of the boundary shared with the neighbouring property 'The Orchard'. The agent contests this point and has provided the following commentary:

"The proposed dwelling is not located due south of the boundary shared with The Orchard. The boundary between The Orchard and The White House runs 35° east of north. The rearmost part of the boundary runs 47° east of north. In other words the boundary runs roughly north-east to south-west. Drawing TNH-201 includes a compass point in the rear garden of The Orchard which clearly indicates the direction of north.

In confirmation of this the OS extract included at page 73 of the Planning Committee agenda is aligned with north to the top of the page. The boundary in question clearly runs close to north-east to south-west.

The proposed dwelling will not cause any overshadowing of the rear garden of The Orchard in the early evenings. At this time of day the sun is in the west. Any overshadowing in the early evening will be caused by Firs Farm, Rivendell and The Orchard itself.

The proposed dwelling will not cause any overshadowing of the rear garden of The Orchard during winter months. At this time of year the sun rises between 90° and 130° east of north. At the equinox the sun will shine from the east through the space between the proposed dwelling and The White House before passing over and in front of The White House. In the middle of winter the sun will not rise high enough in the morning to clear The White House. At noon, when the sun is due south, it will shine through the gap between The White House and The Orchard. The removal of the garage adjacent to the boundary will improve the level of sunlight in the rear garden at this time of day."

PLANNING OFFICERS COMMENTS:

The agent's comments are noted and it is accepted that the boundary runs south-west to north east. The position and orientation of the site in relation to boundaries and neighbouring properties is clearly outlined in paragraph 2 of the report. The plans also clearly show the proposed siting of the dwelling in relation to site boundaries and neighboring gardens.

The impact of the proposal on the amenity of neighbouring residential properties has been carefully considered through the course of the application. The proposed dwelling is positioned to the south of a section of the rear garden to The Orchard and as such, would be subject to a degree of overshadowing during segments of the day, particularly when the sun is at a lower projection in the sky. This together with the existing shading caused by the White House and The Orchard itself would exacerbate the amount of shadowing to the rear garden of The Orchard and, therefore, would have a detrimental impact on the residential amenity of the occupiers of The Orchard.

17/02327/FUL

Applicant Mr Mike Garratt

Location Bunnistone Cottage, 1 Bunnison Lane, Colston Bassett

Proposal Single storey extension to north west elevation to create dining area and dormer extension above, addition of small store attached to garage, 2 roof lights to south east roof slope.

Ward Neville And Langar

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Colston Bassett Parish Council

SUMMARY OF MAIN POINTS:

The Parish Council has received the notification of the Planning Committee and invitation to register to speak and comment as follows:

“As you will understand in small parishes both voluntary personnel and retained-staff resources are exceedingly limited and I regret on this occasion and on this period of notice no-one is available to attend.

Please do not interpret this absence as any lack of interest in, or concern over, these Planning Applications. Contrary to the stated view of Rushcliffe Planning within their appraisal of these applications, Colston Bassett Parish Council itself places great weight on the views of their local residents and offers considered opinion in line with both positive and negative aspects of development across the Parish, measured against national standards and local conservation restrictions. The "local" views are best reflected by the Parish Council acknowledging, reflecting and sharing both the input of local parishioners and the clear lead now given by the content and emerging policies contained within the well-progressed Colston Bassett Neighbourhood Plan; that Rushcliffe evaluation has quite simply disregarded this Plan as "of no weight" as "unmade" is at best insulting to well-researched, proven and recorded local views and to the contributions made by the vast majority of local Colston Bassett residents to the Neighbourhood Plan process.

Both Applications have been deemed by the Parish Council as contrary (on various grounds) to the preservation of aspects of the Village Conservation Area and are also clearly contrary to both well-supported existing policies and to those emerging through the Neighbourhood Plan process. The recorded view to OBJECT is the local opinion of people living locally regarding the (de-)merits of these locally-impacting applications. Either the Rushcliffe Planning Process is capable and prepared to respect the value, weight and impact of local

engagement with (and of Localism par se on) the Local Planning Process, or we will continue to have further inappropriate development that is entirely contrary to proven local requirements, an established Conservation Plan and a very clear parishioner-steer still being imposed and allowed from afar.

Local Planning and Development is meant to reflect local need, local restrictions and local requirements, and is best served and led by local input reflecting proven local opinion in line with national guidelines, rather than an interpretation-from-afar that appears to wish to allow anything, anywhere, regardless of clearly identified and detrimental local impacts. This is not NIMBYism but rather the democratic reflection of local views that support appropriate development and reject inappropriate and/or detrimental applications.

The Parish Council and Borough Councillor have registered their Material and proven Objections on behalf of the parishioners. It will be interesting in terms of the credibility of Localism and of the Local Planning Process to see what "weight" is now afforded those "local" objections."

PLANNING OFFICERS COMMENTS:

The Parish Council has apologised for not attending the Planning Committee, in part due to the notice given of the meeting. All interested parties receive notification as soon as reasonably practicable, usually at the point the agenda is published, and where an email address is available, notification is sent by email, this was the case with the notification to the Parish Council.

Paragraph 14 of the NPPF emphasises that, at the heart of the Framework is a 'presumption in favour of sustainable development'. It goes on to state that, *"For decision taking, this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted."*

As the Neighbourhood Plan has not yet been adopted, for the purposes of Paragraph 14 of the NPPF, it cannot be treated as part of the development plan and would be deemed absent.

The report does not make reference to the emerging Neighbourhood Plan and does not, therefore, suggest that the plan is "unmade". However, whilst an emerging plan can be a material planning consideration, in legal terms it would be correct to state that, due to the infancy of the plan, it can carry no or very limited weight. In this instance, a draft plan/policies are yet to be submitted to the Borough Council.

The impact of the proposal on the appearance and character of the Conservation Area has been carefully considered. Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 places a legal duty on the Local Planning Authority to pay 'special attention' to the 'desirability of preserving and enhancing the character or appearance' of the Conservation Area. The current proposal has been the subject of consultations with the Conservation Officer and it has been resolved that, in this instance, the proposal would not result in harm to, and will therefore preserve, the character and appearance of the Conservation Area.

The Parish Council has stated that, "*The recorded view to OBJECT is the local opinion of people living locally regarding the (de-)merits of these locally-impacting applications.*" Applications are not determined on the volume of opposition, however, the Borough Council can only have regard for any representation it receives and whilst the Parish Council suggest that their objection is based on local opinion, only one formal letter of representation was received in respect of this application (the population of Colston Bassett being circa 399 (2011 census)).

17/02936/FUL

Applicant William Nuthall

Location 5 Harby Lane, Colston Bassett, Nottinghamshire

Proposal Demolish existing garage and construct two storey side extension.

Ward Nevile And Langar

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Colston Bassett Parish Council

SUMMARY OF MAIN POINTS:

The Parish Council has received the notification of the Planning Committee and invitation to register to speak and comment as follows:

“As you will understand in small parishes both voluntary personnel and retained-staff resources are exceedingly limited and I regret on this occasion and on this period of notice no-one is available to attend.

Please do not interpret this absence as any lack of interest in, or concern over, these Planning Applications. Contrary to the stated view of Rushcliffe Planning within their appraisal of these applications, Colston Bassett Parish Council itself places great weight on the views of their local residents and offers considered opinion in line with both positive and negative aspects of development across the Parish, measured against national standards and local conservation restrictions. The "local" views are best reflected by the Parish Council acknowledging, reflecting and sharing both the input of local parishioners and the clear lead now given by the content and emerging policies contained within the well-progressed Colston Bassett Neighbourhood Plan; that Rushcliffe evaluation has quite simply disregarded this Plan as "of no weight" as "unmade" is at best insulting to well-researched, proven and recorded local views and to the contributions made by the vast majority of local Colston Bassett residents to the Neighbourhood Plan process.

Both Applications have been deemed by the Parish Council as contrary (on various grounds) to the preservation of aspects of the Village Conservation Area and are also clearly contrary to both well-supported existing policies and to those emerging through the Neighbourhood Plan process. The recorded view to OBJECT is the local opinion of people living locally regarding the (de-)merits of these locally-impacting applications. Either the Rushcliffe Planning Process is capable and prepared to respect the value, weight and impact of local engagement with (and of Localism par se on) the Local Planning Process, or we will continue to have further inappropriate development that is entirely

contrary to proven local requirements, an established Conservation Plan and a very clear parishioner-steer still being imposed and allowed from afar.

Local Planning and Development is meant to reflect local need, local restrictions and local requirements, and is best served and led by local input reflecting proven local opinion in line with national guidelines, rather than an interpretation-from-afar that appears to wish to allow anything, anywhere, regardless of clearly identified and detrimental local impacts. This is not NIMBYism but rather the democratic reflection of local views that support appropriate development and reject inappropriate and/or detrimental applications.

The Parish Council and Borough Councillor have registered their Material and proven Objections on behalf of the parishioners. It will be interesting in terms of the credibility of Localism and of the Local Planning Process to see what "weight" is now afforded those "local" objections."

PLANNING OFFICERS COMMENTS:

The Parish Council has apologised for not attending the Planning Committee, in part due to the notice given of the meeting. All interested parties receive notification as soon as reasonably practicable, usually at the point the agenda is published, and where an email address is available, notification is sent by email, this was the case with the notification to the Parish Council.

Paragraph 14 of the NPPF emphasises that, at the heart of the Framework is a 'presumption in favour of sustainable development'. It goes on to state that, *"For decision taking, this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted."*

As the Neighbourhood Plan has not yet been adopted, for the purposes of Paragraph 14 of the NPPF, it cannot be treated as part of the development plan and would be deemed absent.

Paragraph 18 of the Committee report acknowledges that Colston Bassett has been designated as a neighbourhood area and that, "...so far no policies are available." Paragraph 29 also comments that, "Colston Bassett Neighbourhood plan is still in the initial stages of development, a draft document has not yet been submitted for consultation." The report does not suggest that the plan is "unmade". However, whilst an emerging plan can be a material planning consideration, in legal terms it is correct to state that, due to the infancy of the plan, it can carry no or very limited weight. In this instance, a draft plan/policies are yet to be submitted to the Borough Council.

The impact of the proposal on the appearance and character of the Conservation Area has been carefully considered. Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 places a legal duty on the Local Planning Authority to pay 'special attention' to the 'desirability of preserving and enhancing the character or appearance' of the Conservation Area. The current proposal has been the subject of consultations with the Conservation Officer and it has been resolved that, in this instance, the proposal would not result in harm to, and will therefore preserve, the character and appearance of the Conservation Area.

The Parish Council has stated that, "*The recorded view to OBJECT is the local opinion of people living locally regarding the (de-)merits of these locally-impacting applications.*" Applications are not determined on the volume of opposition, however, the Borough Council can only have regard for any representation it receives and whilst the Parish Council suggest that their objection is based on local opinion, no formal letters of representation (objection or support) were received in respect of this application (the population of Colston Bassett being circa 399 (2011 census)).