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Our reference:
Your reference:
Date: Wednesday, 7 October 2020

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 8 October 2020

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

Yours sincerely



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

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20/01826/CTY

Applicant Uniper UK Limited

Location Ratcliffe On Soar Power Station, Green Street, Ratcliffe On Soar

Proposal Proposed development of the East Midlands Energy Re-Generation (EMERGE) Centre (a multifuel Energy Recovery Facility, recovering energy from waste material) and associated infrastructure

Ward Gotham

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Neither support nor object

RECEIVED FROM: East Leake Parish Council

SUMMARY OF MAIN POINTS:

- Support the need for a positive waste recycling strategy and clean energy re-generation in Rushcliffe and Nottinghamshire.
- Would, however, encourage both Councils to be more forward thinking and consider other options to improve arrangements for recycling.
- Concern expressed about potential odour, noise and air pollution from the site
- In addition, concern regarding potential impact on health, increased traffic on local roads, and how the waste product arising from incineration would be disposed of.

PLANNING OFFICERS COMMENTS:

These matters are addressed in the report.

2. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Four local residents

SUMMARY OF MAIN POINTS:

- This is a completely unnecessary site
- Creation of 48 jobs does not justify the proposal
- Better uses for the power station
- UK Government has declared climate crisis, incineration contributes detrimentally to this and is counter-productive to societal needs

- Main function is waste disposal, heat generation is side product
- Environmental and health risks
- Does not dissuade from reducing unsustainable waste practices
- Backwards move
- Would be incompatible with UK's net zero goals and County's Waste Strategy, both for carbon emissions and for best practice in waste management
- Carbon emissions are generally twice as high from incinerators as from their most common alternative – natural gas, and at least ten times as high as emissions from wind and solar installations.

PLANNING OFFICERS COMMENTS:

No further comments

3. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Cllr R Mallender

SUMMARY OF MAIN POINTS:

Writing in capacity as Green Party Councillor for Rushcliffe Borough and on behalf of the Rushcliffe Green Party:

- Burning waste is the wrong approach to take to climate change
- Application would make a mockery of RBC commitment to be carbon neutral by 2030
- Need to reduce and eliminate waste
- Deliveries of large amounts of waste by HGV and rail will produce more CO2

PLANNING OFFICERS COMMENTS:

Section 4.8 "Delivering Net Zero Greenhouse Gas Emissions by 2050" of the Environmental Statement Volume 1 – Main Report details the path to carbon neutral and also sets out that Uniper has also committed in its recent Sustainability Plan to achieve carbon neutrality for its power generation activities in Europe by 2035. The Borough Council's commitment to be carbon neutral by 2030 relates to its own operations.

4. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: Cllr S Mallender

SUMMARY OF MAIN POINTS:

- Country is committed to 'Build back greener' post-Covid in order to mitigate climate change
- RBC is committed to being plastic free and zero waste – we should not be burning waste from across the country
- RBC commitment to carbon neutral by 2030
- All material from human activity should be re-used, re-purposed, repaired and ultimately recycled
- No need for additional incinerator capacity
- Generation of CO₂ through bringing in waste by rail and HGV
- Site has opportunity to develop renewable energy and battery storage

PLANNING OFFICERS COMMENTS:

Section 4.8 "Delivering Net Zero Greenhouse Gas Emissions by 2050" of the Environmental Statement Volume 1 – Main Report details the path to carbon neutral and also sets out that Uniper has also committed in its recent Sustainability Plan to achieve carbon neutrality for its power generation activities in Europe by 2035. The Borough Council's commitment to be carbon neutral by 2030 relates to its own operations. Other are issues covered in officer report.

5. **NATURE OF REPRESENTATION:** Objection
RECEIVED FROM: On behalf of Nottingham Green Party

SUMMARY OF MAIN POINTS:

- Failed to demonstrate need for additional incineration capacity
- Understated quantity of residual waste and incineration capacity in surrounding area
- Promotes unnecessary transport of waste into Green Belt
- No realistic proposal to become carbon neutral
- Conflict with Policy WCS3, WCS4, WCS12
- Efficiency of energy production will be less than gas fired power station
- No weight should be given to proposed heat production

PLANNING OFFICERS COMMENTS:

Application of waste policies will be carried out by the Nottinghamshire County Council as determining authority. Heat production can only be given very limited weight.

20/00810/FUL

Applicant Ms Michelle Woodward

Location Overgrown Acres, Cotgrave Road, Normanton On The Wolds

Proposal Seasonal change of use, erection of 3 tipis each 10.3m diameter to be used from 1st May to 30th September annually to allow for 28 events to be held and erection of pagoda for wedding ceremonies, part use of existing dwelling as bridal suite (limited to bridal use during the 28 events only).

Ward Tollerton

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

Highway safety concerns regarding an incident on 27 September in which several cars were queuing on the highway waiting to turn into the site, due to the entrance gates being closed and unmanned when visitors were expected. Photos of the incident are on the planning file along with a detailed account of events. Concern that if the safe access for 3 cars cannot be guaranteed, then this has implications for 100+ cars attending a large wedding. The relevance of the applicant's highways assessments are questioned and do not appear to reflect the realities of the highway issues. Potential conflict between queuing wedding guests and heavy goods vehicles from the Swinglers site. Concerns regarding the potential for accidents, therefore the situation should be reviewed further by the Highways Authority and Borough Council.

PLANNING OFFICERS COMMENTS:

The Highways Authority as the competent authority do not object to the proposal and they have not raised concerns regarding the access arrangement. The application is supported by a Highway Report which stated that the gates shall be left open and monitored by security staff during events. The recent incident regarding the closed gate is a management issue relating to visitors to the site, it is unclear if this was connected to an organized event.

2. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

Query whether the items/structures/equipment listed in the '3 day package' would be permanently stored on site, whether they would be part of the planning application, when they would be delivered to the site and how many deliveries/removal visits would be required. Potential traffic hazard. They query whether the preparation would be considered a use of the land. The 3 day package starts at 1300 hours on the first day for the bridal party on the first day, vacating at 1100 hours on the last day, however assembly/dismantling etc. must take place outside of these times due to health and safety, resulting in a longer continued use of the land. Query whether these vehicle journeys have been taken into account in the traffic review.

PLANNING OFFICERS COMMENTS:

Paragraph 2a and 2b of the Design and Access Statement details the set- up times for events. The highway report notes that the seasonal retention of tipis would reduce vehicle movements compared to a scenario where they assembled and dismantled between events. The Highways Authority do not object.

3. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

The Environmental Health report only considers the impact of noise on local resident wellbeing in terms of sound levels, rather than the nature of the sound, its context, and time of day, which are identified in national policy as important factors. Even low level noise can cause annoyance and sleep disturbance if late at night. 28 events between May-Sept could result in disturbance every weekend throughout the summer months. They disagree with the Environment Health Officer that this matter is to do with amenity and not health.

It is requested that planning committee will specifically review and address the risks to health and wellbeing based on the submissions by residents rather than Environmental Health.

PLANNING OFFICERS COMMENTS:

The above comments are noted and have been brought to the attention of the Committee.

4. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

Concerns that there are matters not covered in the committee report relating to noise and impacts on health and wellbeing, in summary the following points should be considered:

- Personal impact of even low- level noise on residential amenity, health and wellbeing. This should be considered in the planning balance when deciding on “other harm” in relation to Green Belt policy.
- It is inappropriate to use the threshold of whether noise would cause a statutory nuisance - need to consider qualitative factors which are not considered in the report
- No reference has been made to the Noise Policy Statement for England and the harms that come from noise, independent of level. This document states that subjective experience of residents should be given significant weight in any planning decision-making process
- No reference to the National Planning Policy Framework in respect to guidance on noise
- The proposed mitigation only address the entertainment system and will have no effect on social noise, nor noise and disturbance close to midnight from vehicles and guests leaving the site
- The proposal would fall into the ‘Significant Observed Effect Level’ of noise disruption as defined in the National Planning Practice Guidance noise exposure hierarchy
- The above factors result in harm which should be considered in the judgement of whether very special circumstances exist for a development in the Green Belt.

PLANNING OFFICERS COMMENTS:

The Environmental Health Officers will have regard to all relevant policy and guidance on noise when commenting on planning applications. The Environmental Health Officer has confirmed that they consider applications in terms of whether it would cause a statutory noise nuisance or an adverse impact on residential amenity. She agrees that statutory noise nuisance is a higher threshold and therefore if applications were solely considered on statutory nuisance, they would be recommending approval on a good number of applications where there may be an adverse impact on residential amenity. The best example in this case would be that if concentrating solely on statutory nuisance, consideration would be given to only the entertainment system and the resultant noise levels at the residential receptors and whether the increase in noise level is likely to cause sufficient interference with the enjoyment of the

resident's property. To define statutory nuisance in a case like this there would have to be an increase in noise levels. Therefore, they have considered statutory noise nuisance and residential amenity, hence the reason for requesting the noise assessment to include all noise sources associated with the development including noise from guests and noise from vehicles. All the noise sources when operational are not predicted to increase the background noise levels and therefore it was concluded that the noise is unlikely to be a statutory noise nuisance and unlikely to have an adverse impact on residential amenity.

5. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

The neighbour has submitted photos of the tipis, which he wishes to make the committee aware of, these are visible on the planning file dated 5 October. The officer's presentation will also include photos of the tipis. He disagrees that the tipis would have a limited visual impact, given that they would be erected during the time of year when people are most likely to go for walks in the area. The tipis would have wooden floors which are a permanent fixture, implying a permanent change of use, setting an inappropriate precedent in the Green Belt.

PLANNING OFFICERS COMMENTS:

The above comments are noted.

6. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

Concerns that the committee report does not properly consider all of the harm arising when considering the 'very special circumstances' in the NPPF to justify inappropriate development in the Green Belt. The applicant has submitted no detailed information/evidence of economic benefits to qualify as very special circumstances. The report only considers visual intrusion in the context of Green Belt policy, rather than other forms of harm such as loss of amenity, traffic and disturbance. The visual intrusion would be for a significant period of time, although hidden from the road, the tipis would be visible to footpath users, neighbours in elevated positions and pilots. The tipi bases and grass reinforcement would harm the openness of the Green Belt due to their permanent nature. The proposal would conflict with the purposes of the Green Belt in the NPPF. The fall-back position of Permitted Development rights should be given limited weight as the annual 28 days of permitted use would include substantial time to remove and rebuild the tipi bases and structures, further limiting the

number of actual events. In considering ‘need’, there is plenty of countryside outside of the Green Belt where such facilities could be located.

PLANNING OFFICERS COMMENTS:

The above comments are noted. The applicant provided details of economic benefits in the Design and Access Statement and these are referred to in the committee report.

7. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

Objection to the application as the site is within the Green Belt and an accident black spot. There is a blind brow before the junction where waiting traffic cannot be seen, suppliers and contractors have been waiting in this area. Unclear how the site can cater for multiple cars arriving for an event. Noise impacts on local residents.

PLANNING OFFICERS COMMENTS:

The above comments are noted. These matters have been addressed in the committee report.

8. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Neighbour

SUMMARY OF MAIN POINTS:

Incident in which a car turning into the site had to reverse back onto the highway to let a car out, resulting in an obstruction of oncoming traffic in both directions, demonstrating its unsuitability as a wedding venue.

PLANNING OFFICERS COMMENTS:

The above comments are noted. Highway matters have been addressed in the committee report.

9. **NATURE OF REPRESENTATION:** Comment

RECEIVED FROM: Applicant

SUMMARY OF MAIN POINTS:

The applicant commented that there have been occasions when vehicles have been parked on Cotgrave Road which are unrelated to their activity and have caused disruption. Furthermore, they advise that there was a recent accident on Cotgrave Road involving a cyclist, no vehicles involved, which was again unrelated to their activity. The incident was attended by emergency vehicles which caused a temporary obstruction on the road.

PLANNING OFFICERS COMMENTS:

The above comments are noted. Highway matters have been addressed in the committee report.

20/01615/FUL

Applicant Mr Andrew Gatehouse

Location Garages South Of 15 Orchard Close Orchard Close Barnstone Nottinghamshire

Proposal Demolition of existing garages and erection of two no. 2 storey houses with associated parking. Creation of an area of hard-standing for use for 11 car parking spaces.

Ward Thoroton

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Local Resident

SUMMARY OF MAIN POINTS:

Object to new plan as this does not address resident's parking needs and the stop up whilst building is done, does not address how residents with disabilities and others in the cul de sac will be able to access the site to get to their homes and unload shopping.

PLANNING OFFICERS COMMENTS:

Highway and parking issues are addressed in the committee report. Any inconvenience caused during the construction phase would not give rise to a sustainable reason for refusal.

2. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Local Resident

SUMMARY OF MAIN POINTS:

- For the duration of the building, the area that residents have a right to for parking is to be cordoned off. This will make it impossible to park anywhere near their homes.
- Residents cars and vans will become easy pickings for passing opportunist thieves and vandals.

- It is also known that when work has been done in the village in the past, that the crime rate can, and has gone up, as it does when some people have been put into the rented homes, that vandalism and theft has been known to increase, as was the case a few years ago where other villagers were too afraid to come to Orchard Close, the signs of that are still visible on some of the garage doors.

PLANNING OFFICERS COMMENTS:

No further comments to make.

3. **NATURE OF REPRESENTATION:** Objection

RECEIVED FROM: Local Resident

SUMMARY OF MAIN POINTS:

Plans have been altered but residents not informed. Changes are considered to be major, involving residents losing front gardens to allow for parking.

PLANNING OFFICERS COMMENTS:

The applicant has indicated the provision of parking within the front gardens of some properties in response to concerns that the proposal would create on street parking problems in the area and also in response to comments from the Highway Authority. It should be noted that this work could potentially be undertaken in isolation of the current scheme and without the need for planning permission. The properties in question are within the ownership/control of the housing association.

4. **NATURE OF REPRESENTATION:** Update to officer's report

RECEIVED FROM: Agent

SUMMARY OF MAIN POINTS:

The unofficial access point to the adjacent horse shelters and paddocks to the south has been retained however, the proposed scheme only accommodates pedestrian access to the field through the site. MTVH are of the view that the existing access road via The Brambles (north east of application site) should be used for vehicular access to the field. Photographs have been submitted for information.

PLANNING OFFICER'S COMMENTS:

The pedestrian access to the Paddocks and horse shelter to the south of the application site would be retained through Orchard Close and this is indicated on

the submitted plans. Vehicular access to the site would be off The Brambles which is outside of the red line.

19/01500/FUL

Applicant Mr & Mrs Fletcher

Location P J Fletcher and Sons Ltd, Builders Yard, Cropwell Road

Proposal Demolition of existing offices, workshops and stores and erection of 4 two storey dwellings (Amended Description)

Ward Neville And Langar

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Update to committee

RECEIVED FROM: Planning Officer

SUMMARY OF MAIN POINTS:

The Parish Council make reference in their comments to alleged unauthorised works adjacent to the watercourse in the vicinity of the site which may impact on flood risk in the area.

PLANNING OFFICERS COMMENTS:

This has been investigated by the Planning Enforcement Team and the Internal Drainage Board. The bund has been removed and whilst small amounts of earth remain this cannot be considered to be an engineering operation on its own. The Internal Drainage Board are satisfied that the remaining earth can remain.

20/01772/OUT

Applicant Mr Peter Walker

Location The Paddock, 12 Main Street, Kinoulton, Nottinghamshire, NG12 3AE

Proposal Outline planning permission with all matters reserved for the erection of a dormer bungalow.

Ward Nevile and Langar

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Update

RECEIVED FROM: Case Officer

SUMMARY OF MAIN POINTS:

Since the preparation of the committee report, planning permission has been granted for extensions on the neighbouring dwelling at no.12 Main Street, Kinoulton.

PLANNING OFFICERS COMMENTS:

It should be noted that both developments could not be implemented and, in the event that the current application was approved, the applicant/property owner would have an option as to which permission they could implement.

2. **NATURE OF REPRESENTATION:** Objections

RECEIVED FROM: Residents

SUMMARY OF MAIN POINTS:

3 further written representations have been received making comments that can be summarised as follows:

- Proximity of building to boundary with neighbouring property will cause significant overshadowing.
- Overlooking and loss of privacy to neighbouring properties.
- Overdevelopment, height and mass of building make it a much more dominant structure in street scene, not in keeping with other properties in

- area.
- Reduction in open space will increase surface water run-off placing additional strain on drainage in area.
 - Changes to style of windows in rear elevation does not overcome concerns about overlooking.
 - Changes to plans do not overcome objections.

PLANNING OFFICERS COMMENTS:

The committee are reminded that the application seeks outline planning permission with 'all' matters reserved for subsequent approval. Therefore, the application seeks determination as to whether the development of the site is acceptable in principle and all comments regarding the size, scale, appearance of the dwelling cannot be considered at this stage. Similarly, issues of overlooking will need to be considered when the reserved matters are submitted and details of the positioning of windows are known. With regard to concerns over possible flooding, it should be noted that the site is within Flood Zone 1 for risk of flooding from rivers (lowest risk category) and the surface water flooding maps indicate that there is not significant risk from surface water flooding in the immediate vicinity of the site.

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