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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 9 June 2021

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 10 June 2021

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 Director – Growth and Economic Development is attached.

#### Membership

Chairman: Councillor R Upton  
Vice-Chairman: Councillor Mrs M Stockwood  
Councillors: S Bailey, N Clarke, P Gowland, B Gray, L Healy, A Major, D Mason, F Purdue-Horan and C Thomas

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**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, 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:** Comments in support

**RECEIVED FROM:** Members of public

### **SUMMARY OF MAIN POINTS:**

Additional representations have been received from 19 members of public in support of the application with comments relating to the economic benefit for businesses associated with the activities at the site.

One consultee commented that the applicant has taken a proactive approach to installing an accounting system by asking a demonstration system to be installed.

### **PLANNING OFFICERS COMMENTS:**

The above points are noted.

2. **NATURE OF REPRESENTATION:** Report of recent event at site

**RECEIVED FROM:** Resident

### **SUMMARY OF MAIN POINTS:**

A resident of Cotgrave Road brought to the attention of the Borough Council that an event (wedding reception) was held at the site on 21 May 2021. The written submission included a log over a period of approximately 14 hours, principally detailing vehicle movements to and from the site including wedding cars, a stretched limo and a minibus. The submission was accompanied by photographs of some of the vehicles in question. The log also includes some instances when music or people could be heard from outside the site. The resident states that

they observed significant traffic issues, including difficulties in a stretched limo accessing the site, noise and disturbance, causing stress and harm. The resident expresses the view that this was a small event in comparison to what would occur if planning permission was granted for events at the site (5 or 6 times larger) and residents would suffer harm and stress, and also have to make observations and report to the Council for any enforcement to be considered.

**PLANNING OFFICERS COMMENTS:**

The site has been visited and the incident investigated by officers from Planning and Environmental Health, the latter to determine if Covid guidelines had been observed (although this is not a material planning consideration).

The investigations revealed that a wedding reception had been held at the applicant's property, not within the field where the tipis would be erected but within the curtilage of the dwelling itself. It is understood that the event was originally to be held in the garden in two marquees but due to weather conditions the reception had been moved into the dwelling. It is understood that the event involved up to 30 wedding guests, catering was provided and entertainment. The event was also the subject of a temporary events notice.

This event was of a scale that, if it occurred within the dwelling or its curtilage on a regular basis it would most likely be deemed a material change of use of the dwelling. However, it is understood that this was a one-off event with the intention to still hold events in the adjacent field, subject to planning. It is not deemed expedient to take action but the situation can be monitored in the future and if further events take place the matter can be revisited.

The applicant has provided CCTV footage from a camera at the entrance to the site. This shows that whilst the gate appeared to be closed when a stretched limo (hummer) arrived outside the site, when the gates were opened the vehicle could negotiate the access without any apparent difficulty.

3. **NATURE OF REPRESENTATION:**                      Comments

**RECEIVED FROM:**    Applicant

**SUMMARY OF MAIN POINTS:**

The applicant has raised concerns regarding the timescales of the proposed planning conditions as set out in the officer report:

- The planning determination has been pushed back several times but proposed temporary permission would expire in September. The business has been in lockdown for 15 months with some weddings postponed twice.
- Conditions 4, 8 and 9 require written approval from the Borough Council prior to events taking place.

- It is not possible to comply with condition 4, which requires noise monitoring for the first 3 events, and condition 12, which requires noise monitoring to include 3 events with 130 (+/- 5) guests, only one of the planned events would meet the requirements of both conditions.
- Condition 12 also requires a post-monitoring verification report to be submitted to the Borough Council for approval prior to further events being held, however two of the proposed events are on consecutive nights and therefore a quick turnaround is sought for their post- monitoring approval.

### **PLANNING OFFICERS COMMENTS:**

Planning permission was originally granted for this activity in October 2020 but for reasons set out in the report the permission was quashed. The grant of the permission at this time would have provided the applicant with the opportunity to discharge the conditions prior to the 2021 season and for the Borough Council to monitor the impacts of the activity over a full season (2021 season). This exercise would also have been made more difficult as a result of the ongoing restrictions on events/gatherings that have been in force during the coronavirus pandemic. It is accepted that the current recommendation to grant planning permission that would be for a limited time until the end of the current 2021 season (30 September 2021), together with the restrictions arising from the pandemic, present some challenges to satisfying the conditions, however, the purpose of a temporary permission was to limit the impact of the activity over a relatively short period of time, whilst providing the Council with sufficient information to assess the impacts.

As set out in the committee report, normally only one temporary permission would be granted to monitor an activity before considering granting permission on a permanent basis. In the circumstances, the current recommendation has been made on the basis that a further temporary permission may be necessary prior to considering the grant of a permanent permission.

In the event that planning permission is granted, officers consider that there are a number of options available, particularly in respect of the recommended condition limiting permission to a temporary period:

- i) Maintain the current recommendation for a temporary permission expiring 30 September 2021 – implications explained above
- ii) Grant permission for a temporary period of 12 months. This would have the effect that the permission would expire on 30 June 2022. This would mean that the permission would expire part way through a season, after which any information collected during the monitoring period would need to be evaluated and then considered as part of a subsequent application for continued use of the site. This may impact on the ability of the applicant to plan with confidence events for the remainder of the 2022 season.
- iii) Grant permission for a temporary period expiring on 30 September 2022 - this would provide the remainder of the current 2021 season, which may

still be impacted by coronavirus restrictions, and the 2022 season over which the activity could be monitored. This would however mean that any impacts on nearby properties would be experienced over an extended period, rather than the original intention that a trial period should take place over a single season.

It is recommended that conditions 4 and 12 are reworded as follows:

4. Within one month of the date of this permission, a final version of the noise management plan shall be submitted to the Borough Council. No events shall take place until such time that a management plan has been approved in writing by the Borough Council. The management plan shall include details of noise monitoring to be undertaken, required by condition 12, which would be sought for a minimum of the first three ~~wedding~~ events following the grant of planning permission and shall also include the hours of use, times of amplified/live music, controls to be put in place when guests are leaving the premises e.g. ensure no congregating guests, details of signs to be displayed on the premises (including number, content and location) to remind patrons/visitors that the venue is located close to other residential properties and to minimise disturbance when leaving the premises, particularly late at night, vehicles leave the premises in an orderly manner and during the evening entertainment that there are no groups of guests congregating near to any residential dwellings. The use hereby approved shall only be carried out in accordance with the approved noise management plan.
  
12. The approved use shall be subject to noise monitoring to include but not limited to 3 events with music entertainment and guest numbers at 130 (+/- 5) to verify that the noise levels at the nearest sensitive receptors as specified within by Noise Air Acoustic Consultancy and Solutions report ref P4271-R1-V3 dated 21/7/20 are as predicted. Before any monitoring is undertaken the applicant shall liaise with the Local Planning Authority to provide details of the event proposed for monitoring in order to agree noise monitoring locations. The post monitoring verification report shall be submitted to the Local Planning Authority for approval following the event and prior to further events being held, **save for where events are held on consecutive days and the information shall be submitted after the later of the events held.** The noise monitoring shall continue until 3 events have been held with guest numbers at 130 (+/-5). If any further mitigation measures are required by the post completion report these shall be fully implemented and maintained before further events are held.

# 21/01046/CTY

**Applicant** Nottingham County Council Children And Families

**Location** Land Off Widnall Drive, Bingham, Nottinghamshire

**Proposal** Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases (1st phase 1FE 210 place with 26 place Nursery) associated playing fields, car parking (including lighting columns 4m high), lit service areas and sprinkler tank, hard surfaced outdoor play and footpaths. Associated landscaping and covered areas to nursery/reception classes, sun canopies, fenced sprinkler tank and bin store, 2.4m high security fencing and gates to boundary, including lit path between Widnall Drive and Dunsmore Avenue, associated highway works and safe pedestrian movement.

**Ward** Bingham West

## LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Additional comments/recommendation
- RECEIVED FROM:** The Borough Council's Environmental Sustainability Officer

### **SUMMARY OF MAIN POINTS:**

#### **Ecological Survey**

The applicant has supplied a preliminary ecological survey report with surveys carried out in Feb 2021, this is outside the recommended season for most species surveys, but is suitable for identifying potential constraints and where further surveys are required. This survey is in date. The Local Planning Authority has been informed that eDNA surveys for Great Crested Newts have been carried out at an appropriate time of year, and these are negative, however these survey and assessment has not yet been supplied.

#### **Species and Habitats**

The application site consist of arable habitats, plantation woodland, tall ruderal habitats and wet ditch. It is not expected statutory or non-statutory designated nature conservation sites would be impacted.

A Brown Hare priority species was identified on site, there is potential for roosting and foraging wild birds, with numerous species present including Common Buzzard and Skylark. Potential for foraging bats was identified, habitat with potential to support reptiles and water vole was present.

No priority habitats were identified.

The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development.

Recommendations (including recommendations provided by any supplied reports, where applicable) which should be subject of conditions on any permission.

1. If works have not commenced by Feb 2023 an update ecological survey should be carried out and any recommendations implemented.
2. Immediately prior to works a survey for badgers should be carried out and submitted to the Local Planning Authority and any recommendations implemented.
3. A 5m exclusion buffer (sensitive ecological site) should be established alongside the wet ditch.
4. A demonstrated biodiversity net gain should be provided as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the means to implement in the long term and agreed by the local planning authority.
5. An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below and the recommendations in the consultant ecologists report.
6. The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented. In particular a 2m dark buffer zone should be provided alongside the woodland and wet ditch.
7. Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.
8. Permanent artificial bat boxes / bricks and wild bird nests (e.g. swallow, swift and house sparrow) should be installed within buildings. Hedgehog corridors and features should be provided. Reptile and amphibian habitats, enhancement features and hibernacula should be considered.
9. New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
10. Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
11. Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/lan>

- [dscapingandtreeplanting/plantingonnewdevelopments/](#) for advice including the planting guides.
12. Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
  13. Good practise construction methods should be adopted including:
    - a) Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
    - b) No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas.
    - c) All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, 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 any nests are found work should not commence until a suitably qualified ecologist has been consulted.
    - d) 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. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
    - e) Root protection zones should be established around retained trees / hedgerows and sensitive ecological sites so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
    - f) Pollution prevention measures should be adopted
  14. It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

#### **PLANNING OFFICERS COMMENTS:**

The Environmental Sustainability Officer's comments are noted along with the recommendations. Looking at the above 14 suggested conditions, officers are of the view that only "conditions" 1 and 2 fulfil the tests of imposing a condition.

Suggested condition 3 does not as the application is a full planning application and the “wet ditch” which runs along the western boundary of the site has approved residential development alongside it, within the 5m exclusion zone now being requested. Officers also note that part of the wet ditch will be culverted due to the approved road layout and therefore the suggested condition is not considered to meet the relevant tests as it is not reasonable (or presumably justifiable) for just the school site whilst not required for the rest of the residential development adjoining the wet ditch.

Suggested conditions 4, 5, and 6 are covered respectively by conditions 2, 3 and 12 as attached to the recommendation in the agenda papers. Similarly, from the above list, suggested conditions 10 and 11 are covered by conditions 5 and 6 in the recommendation and condition 14 is covered partly by Building Regulations and partly by condition 10, however the wording could form an informative note. Similarly, the above suggested “conditions” 7, 8 and 9, 12, and 13 are also matters that would be more appropriately covered as an informative note.

Therefore, additional conditions and Informative Notes are recommended:

- 14 If works have not commenced by the end of February 2023 an update ecological survey detailing any recommendations appropriate to the survey’s findings shall be submitted to and be approved in writing by the County Council. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.
- 15 Immediately prior to works commencing on site (including site clearance and site preparation works) a survey for badgers should be carried out detailing any recommendations appropriate to the survey’s findings shall be submitted to and be approved in writing by the County Council. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.

### **Informative Notes**

- Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.
- Permanent artificial bat boxes / bricks and wild bird nests (e.g. swallow, swift and house sparrow) should be installed within buildings. Hedgehog corridors and features should be provided. Reptile and amphibian habitats, enhancement features and hibernacula should be considered.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.

- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
- Good practise construction methods should be adopted including:
  - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
  - No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas.
  - All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, 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 any nests are found work should not commence until a suitably qualified ecologist has been consulted.
  - 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. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
  - Root protection zones should be established around retained trees / hedgerows and sensitive ecological sites so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
  - Pollution prevention measures should be adopted
- Consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

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