



ADDITIONAL / TO FOLLOW AGENDA ITEMS 2

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

**NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE**

Date: Wednesday, 20 July 2016

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Governance Officer: Catherine Ziane-Pryor **Direct Dial:** 0115 8764298

AGENDA

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PLANNING COMMITTEE

UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

20 July 2016

4b Former Blenheim Allotments, Bulwell

1. A further letter of objection has been received from an interested person who has raised the following concerns:

a) They are concerned to note the contents of paragraph 7.14 of the main committee report. In this, the objectors (whose comments have been summarised in the main report) consider that the proposal is contrary to Policy WCS 14 because, by their calculations, it would be worse for climate change than sending the waste to landfill, where energy is generated from the landfill gas. However, the report considers that the environmental information, submitted with the application, has demonstrated that the proposal is a sustainable form of development and that it is unnecessary to further explore the assumptions used by the objectors in relation to alternatives. The committee report considered that the proposal is not in conflict with Policy WCS 14.

With reference to the second sentence in this paragraph, the individual draws attention to section 5.6 of the report. The individual states that Chinook's calculation claims that 160,000 tonnes waste landfilled will produce net emissions of 36.19 tonnes CO₂ equivalent per hour (i.e. per hour's RODECS processing) – over 7,500 hours this would be 271,425 tonnes CO₂eq p.a. However, FCC's calculation, for Eastcroft, claims that 140,000 tonnes waste landfilled would produce net emissions of 36,095 tonnes CO₂ equivalent per year. They point out that the difference is that FCC assumes a well-managed landfill with 50% biogenic waste retained in the landfill, 75% of gases captured of which 65% used to produce electricity and the rest flared to produce CO₂ (underlined by the individual).

They state that FCC's calculation for net landfill emissions, 36,095 tonnes CO₂ equivalent per year, is of similar order to the figure calculated by UKWIN in their objection and they consider that this reinforces UKWIN's assertion that the proposals by the applicant are far from sustainable given (the applicants own calculation) the net CO₂ equivalent emissions of 33.09 tonnes per hour (248,175 tonnes CO₂ per year). They consider that the applicant's figures to be an understatement, given the incorrect emissions factor adopted for calculating the offset fossil power generation, and the fact that the effects of non CO₂ emissions (eg N₂O) appear to have been omitted.

Based on the applicants' figure and that of FCC, they consider that the proposals imply an additional Global Warming Potential of more than 200,000 tonnes of CO₂ annually. They therefore conclude that the environmental information should not be said to have demonstrated that the proposal is a sustainable form of development.

In these circumstances they consider that the report to the planning committee ('It is therefore considered that the proposal is not in conflict with Policy WCS 14') is

flawed. As the report points out elsewhere, 'WCS14 states that new facilities should be located, designed and operated to minimise impacts on, and increase adaptability to, climate change'.

They consider that the proposal represents a major step in conflict with this element of the Core Strategy and conclude that it would be perverse if permission were to be granted.

b) They consider that condition 15 in the draft decision notice ought, but fails to, make clear that, prior to being brought into use the Energy from Waste facility, must achieve Stage 1 (design information) R1 **Recovery** Status from the Environment Agency'. ie R1 equal to or greater than 0.65.

They state that no consideration appears to have been given to the situation appertaining when and if the installation is part built or ready for commissioning and Environment Agency indicates that it cannot grant R1 recovery status. Given that the applicants' performance figures suggest that this situation is a strong possibility, they consider that Planning Committee should be advised as to an appropriate condition in these circumstances.

2. A comment has been received from a local resident who has stated the following:

"A department delayed giving information. Could you explain why my community was not involved deciding Chinook's applications."

1. For waste planning, the issue of sustainability is dealt with through the Waste Hierarchy, as defined by the Waste Framework Directive (WFD); the whole purpose of which is to promote more sustainable methods of wastemanagement. It is the WFD which introduces the R1 efficiency calculation to determine whether the operation of an incineration plant can be considered as a waste recovery operation or a waste disposal facility. This is the primary tool which the planning process can use to determine whether an EfW facility is a recovery operation that moves waste up the hierarchy as required by Policy WCS 3, and therefore promotes sustainable development.

Policy WCS14 seeks to ensure that the likely impacts of new or extended waste management facilities are considered and addressed in terms of overall climate impacts. It seeks to address impacts of the proposed development in policy terms and is not based on absolute calculations or assessments of alternative waste management facilities.

The policies of the Waste Core Strategy (WCS) must therefore be read as a whole and not taken in isolation.

It is the responsibility of the Environment Agency (EA), as technical experts, through the Environment Permitting and R1 application process to determine whether the emissions levels are appropriate and that the efficiency of the EfW facility is sufficient to achieve recovery status. If the proposals satisfies EA criteria in both respects and can be deemed to be recovery, as defined by the R1 efficiency calculation, it is clearly more sustainable than landfill, which is a diminishing resource and should be the last resort.

The WCS therefore seeks to encourage more sustainable waste management options but cannot be used to insist on the absolute most sustainable

development. If the applicants can demonstrate that is likely to comply with R1 then in planning terms it can be dealt with as recovery and is therefore considered more sustainable than disposal via landfill in EU, national and local policy terms.

2. It is considered that the wording of condition 15, as imposed on the 2014 planning permission, is sufficiently robust to ensure that the EfW facility is required to achieve R1 status prior to being brought into use.

3. The statutory period for all types of publicity expired on 13th July 2016. It is considered that the planning application has been subject to an appropriate level of public consultation that satisfies statutory requirements. 20 site notices have been posted in the locality, an advert has been posted in the local newspaper and 85 residents have been directly notified.

(Additional background papers: Email of representation from Mr T Hill of Hathersage 18.07.16. Email from a resident of Lime Street, Bulwell 18.07.16)

4d Site at corner of Bull Close Road and Thane Road

The applicant has now submitted a Sequential Test which demonstrates that there are no available and suitable sites in areas of lower flood risk.

The Sequential Test is considered to be satisfactory.

(Additional background papers: Eastwood and Partners Sequential Test Assessment dated July 2016)

4e 14 Victoria Crescent

Further representation received from neighbour at 16 Victoria Crescent raising the following points about the report:

- Paragraph 7.11 is incorrect in relation to the specified height.
- Paragraph 7.12 is misleading in relation to the distance between the buildings.
- Paragraph 7.2 states that the height of no. 14 will be increased by 1.55m. This needs clarifying.
- Section 5. The wording from the Civic Society does not wholly reflect what they said.
- Section 5. The paragraph detailing comments from no 16 in relation to amended plans does not include all of the points raised in their letter. Understand that these have been raised by other neighbours, but should be amended to ensure the report is an accurate representation.
- In addition to the comments detailed in the main report the owners of 16 Victoria Crescent would like to clarify that they also raised the following concerns:
 1. Concern re the look and design of the development. Out of keeping and will not sit well with existing homes nearby.
 2. That it will have a detrimental impact on the conservation area by detracting from the older grander properties which is contrary to the Mapperley Park and Alexandra Park Conservation Area Appraisal Plan that states that the newer infill properties should sit quietly between the older properties to maintain the character of the area.

3. That we have concerns that by allowing the bungalow to add a second storey will set a precedent for other single storey dwellings to do the same thus resulting a further dilution of the character of the area.

The level difference between number 16 and the application site has been clarified. The exact figure is approximate, due to differences along the length of the boundary. Paragraph 7.11 should therefore read “.....16 Victoria Crescent sits above the application site by approximately 2.8 metres”.

The distance of 11 metres quoted in paragraph 7.12 refers to the distance that the highest part of the roof of the proposed extension will be from the boundary with number 16, NOT the distance between the dwellings.

Drawing no. 248.11 F, received on 11.07.16, clarifies the overall height of the proposal, and drawing no. 248.12 A, received 11.07.16, shows the existing elevations superimposed on to the proposed elevations. The increase in the overall height of the building would be 1.55 metres.

The impact of the proposal on the character and appearance of the conservation area is considered in the report.

Further representation received from neighbour at 21 Richmond Drive raising the following points:

- Really disappointed to see that the many of the comments we made on the original proposal have not been included in your report in any detail at all, noting that our second comments on the amended proposal have been.
- Concerned that the report does not cover the issue of the risk of 'permitted development' to the rear of the property. For us, at the rear, this is a big concern as you will no doubt appreciate.
- I am so disappointed that the council are condoning this development in such a lovely environment. When describing the situation to friends and colleagues, all I can describe the proposal as is 'think of an out of town retail fast food joint'. I cannot agree with your comments around the design contributing to the conservation area. There is not one similar example of such a cheap looking building anywhere in the conservation area as far as I know, and I am very concerned that a decision taken tomorrow is the start of the erosion of this beautiful residential area.
- In addition to the comments detailed in the main report the owners of 21 Richmond Drive would like to clarify that they also raised the following concerns:
 1. Concerns about the proposed materials to be used, which are more akin to industrial premises than a conservation area;
 2. Concerns about the development eroding the views and treed landscape;
 3. Request for consideration of a building of variable heights.

In relation to Permitted Development Rights, under current legislation, development within a Conservation Area is restricted to single storey in height with a maximum depth of 4 metres from the original rear elevation. These rights are available to the original dwelling and it is not considered necessary or reasonable to withdraw them in the context of an application for extensions to the property.

In terms of any potential use of the proposed flat roof this has been covered by way of recommended condition 5. The materials are subject to condition and separate approval.

The impact of the proposal on views is considered to be acceptable.

The proposed design is considered to be acceptable in its own right, and has been the subject of negotiation with officers since originally submitted.

Comments from Nottingham Civic Society in full:

Nottingham Civic Society has reservations about the replacement of a bungalow at 14 Victoria Crescent in Mapperley Park Conservation Area with a 2 storey dwelling. Although the removal of the bungalow is not a problem in itself, its replacement with a building two storeys in height could have a greater impact on the settings of heritage assets (original Edwardian houses) nearby as demonstrated in the Design & Access Statement submitted.

The bungalow was built in the garden of an original house and would have been designed to keep a low profile with respect to its neighbour. This element of the character of the conservation area - glimpsed views of Edwardian gables emerging through mature planting, would be weakened by the introduction of an additional storey including its shallow pitched roof, which itself appears somewhat at odds with the traditional Mapperley Park roofscapes of steeper pitches. Therefore the Civic Society is concerned about the effect of the additional height, demonstrated by the sections, on the character of the conservation area.

(Additional background papers: E-mail dated 15th July 2016 from Sarah Goonan 16 Victoria Crescent. E-mail dated 19th July 2016 from Jennifer Guiver 21 Richmond Drive)

4f 79 Holgate Road

The agent has now requested that the planning application be withdrawn and this has been actioned.

(Additional background papers: Email from agent dated 15.07.2016)

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