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Dear Member

PLANNING COMMITTEE - THURSDAY, 11TH AUGUST, 2022

Please find attached an additional Schedule of Communication to be considered at the above Planning Committee.

Yours sincerely

Helen Brandham

Helen Brandham
Democratic Services Officer
helen.brandham@newark-sherwooddc.gov.uk

PLANNING COMMITTEE – 11 August 2022

Schedule of Communication Received after Printing of Agenda

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
<p>5</p> <p>Land Adjacent The Old Grain Store Old Epperstone Road Lowdham</p> <p>21/01830/FUL</p>	<p>Neighbour</p>	<p>06.08.2022</p>	<p>Letter omitted from yesterday's late representations</p>	<p>Attached</p>
<p>6</p> <p>Thurgarton Quarters Farm, Priory Road, Thurgarton, NG25 0RW</p> <p>22/00947/FUL</p>	<p>Agent</p>	<p>11.08.2022</p>	<p>1. Concern that the site should be regarded as previously developed land (PDL) as there is an equestrian use and car/van hire operating from one of the buildings which should be regarded as PDL. On this basis greater weight should be given to the re-use of this PDL for housing.</p> <p>2. Removal of Leylandii hedges would occur with the implementation of the Class Q conversion of Agricultural Building A such that the alleged harm through their loss would still arise irrespective of the fall-back position. The Class Q conversion would therefore be just as visible as the replacement scheme and the benefit of replacing with native planting should be given greater weight and would not be brought about by the Class Q scheme.</p> <p>3. Bankwood Farm was not assessed with the same comparison table that has been used in the committee report. The Bankwood Farm scheme approved dwellings with significantly larger combined floorspace than the Class Q fallback on the site but resulted in an overall reduction in built form which is the same in this application. There is no rationale for only comparing the scheme against the Class Q scheme.</p>	<p>1. The alleged equestrian and car/van uses are not lawful uses of the site and as such have not been given any weight in the assessment of whether the site should be regarded as PDL. Officers consider that the lawful use is agricultural and indeed it is asserted by the Applicant that the site is solely in use as part of an agricultural holding in order to qualify for permitted development rights under Class Q. As such this does not alter the assessment as set out in the committee report.</p> <p>2. The Class Q scheme did not provide any detail on the removal of the leylandii hedges. Nevertheless it is noted that this hedge is not protected and could be removed without consent. It is also not worthy of protection by TPO and this is explained in the committee report. The Class Q conversion would result in the same built form and massing as existing which is not comparable to the proposed scheme. As such this does not alter the assessment as set out in the committee report.</p> <p>3. Each application must be assessed on its own merits, however it is clear from reading the</p>

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				<p>bankwood farm report that there was an assessment of the difference between scale and massing between the proposed scheme and the fall-back position despite it not being articulated in numerical terms. The table included within the committee report is intended to set out clearly what the difference would be in this case to assist members. Officers remain of the view that it is pertinent to compare the reality of the fallback position with the proposed scheme rather than comparing all existing buildings/structures on site as they are typical agricultural buildings for this setting which are not required to be removed and would not otherwise be converted to residential use.</p>
<p>8</p> <p>Land at Post Office Farm, Ossington</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Page 3</p>	<p>Neighbouring Resident</p>	<p>11.08.2022</p>	<p>Letter received addressed to Members of the Planning Committee. In summary this letter:</p> <ul style="list-style-type: none"> • Reconfirms objection for reasons stated in the report. • Refers to the legislation (extract is enclosed) and states this is being ignored. • Building 1- applicant declared it wouldn't be used for cattle, this is being allowed which is wrong and 400m has not been mentioned or considered. The building is 56m from curtilage of resident's property. • Building 2 – the unauthorised use of building 1 gave credibility for this approval. Why were no checks made and why was 400m ignored? The building is 78m from curtilage. • Building 3 – 96m from curtilage. Objector has lived on farm for 40 years. No objections were made previously due to good will to the neighbour which is regretted now they live with activities 7 days a week with no controls. 	<p>The objections previously made have been summarised and reported in the main committee report. This raises no new issues.</p> <p>Page 76/77 of the committee report sets out the background/context for the consideration of this application and the position with regards buildings 1 and 2.</p> <p>The position with regards the 400m referred to is set out on page 78 of the Committee Report.</p> <p>This objection does not change the recommendation.</p>

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			Requests that Members check their understanding of the 400m rule and consider that the application is flawed. Asks Members to consider refusal or deferment to resolve the situation.	

For kind attention Lisa Hughes

WITH COMPLIMENTS

EDWARD S. POYSER

- ~~At 10:00~~
1. Many thanks for email of 2nd Aug 22
 2. An acknowledgment would be appreciated
 3. May I have copies of further representat~~ions~~?

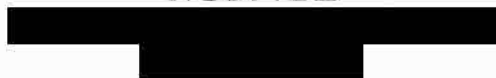
Many thanks

ELIMENT HILL FARM
OLD EPPERSTONE ROAD
LOWDHAM
NOTTINGHAM NG14 7BZ

6th Aug 22



**ELIMENT HILL FARM
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NOTTINGHAM
NG14 7BZ**



Planning Development Business Unit
Newark and Sherwood District Council
Castle House
Great North Road
Newark
NG24 1BY

6th August 2022

Dear Planning Committee

21/01830/FUL Retrospective Biomass Operation in the Nottingham Derby Green Belt

In relation to the Report to the Planning Committee of 11th August 2022 I make the following observations:

1. The principle of the recommendation for “Refusal” on planning grounds is, of course, welcomed. The further comments below are entirely without prejudice to that view.
2. Were the Committee to be swayed, as it was the last time this application was discussed in February 2022, to reject the recommendation, there are no conditions proposed generally to minimise the nuisances – chiefly noise and smoke - from which we have suffered so appallingly for over two years. The report advises that “The conditions that were attached to the 2018 permission do not ‘bite’ because of the relocation of the boiler outside of the original application site.”

If there is to be any control over these nuisances, and neighbours allowed quiet enjoyment of their house and garden, then there need to be conditions established in terms of hours of operation, noise and smoke.

Although my letter of 13th July 2022, referring to the nuisances, has been received by the Council it has not been published on the Council’s planning portal, even in redacted form.

3. The existence of the noise nuisance seems to be accepted and reference is made to conditioning the use of the chipper away from the site but that is not the only process which has made unacceptable noise. Further and stricter conditions are requested and reference is made in the report to 36db.
4. In relation to smoke, an actual PM2.5 reading of 156.5 micrograms per cubic metre was taken on 16th March 2022, the meter itself noting this as “very unhealthy” and photographic evidence has been sent to the Council. There have been other readings which the meter describes as “unhealthy” and a copy of the log of contemporaneous readings can be supplied on request.

It is understood that the Biomass Boiler can be used with wood which is too wet just as easily as it can with dry wood. This can give rise to unacceptable levels of particulates and, no doubt, to other noxious emissions. The Council has advised that it has no way of measuring the smoke (per letter from the Council dated 24th January 2021).

Clearly a comprehensive "Air Quality Assessment" needs to be carried out as a condition and this was interestingly recommended for a condition for the earlier 2016 permission (16/01271/FUL) but not apparently carried out at that time. At the very least the conditions should include those in the Notice of Decision for that permission for:

A. an air quality assessment to be provided after a complaint (condition 05) and

B. requiring moisture content for every load to be recorded (condition 06).

It is accepted that the applicant does not seem to have been particularly assiduous in keeping to the original conditions generally but at least having these there might provide some basis for follow up in the case of excessive or noxious smoke.

5. There are a number of 'non sequiturs' in the report over smoke and which rely on the, one suspects unlikely, assumption that the applicant is "...complying with appropriate conditions and in accordance with the equipment's guidelines.":

Just because "The site has been visited on a number of occasions by Environmental Health Officers and no smoke has been witnessed being emitted from the biomass boiler chimney" does not mean that noxious smoke is not being emitted at other times.

"With regard to a statutory nuisance, EH Officers have used their professional knowledge and experience to determine a nuisance has not occurred and would not occur subject to **complying with appropriate conditions and in accordance with the equipment's guidelines** (my emphasis)." The EH Officers 'professional knowledge and experience' can hardly replace factual measurements on a calibrated meter. Not being present they cannot know whether the conditions and guidelines are being followed generally at other times.

"... the applicant has made available recordings that have been taken of the moisture content of the wood. These show a selection of dates between January and July this year of between 10 and 20%." This is neither here nor there if it is the applicant making the selection of those which are favourable to his position; nor is the spot recording just at the time the equipment was serviced.

"...the certification to benefit from the Renewable Heat Incentive..." may indeed require the wood to meet these moisture limits but that does not necessarily mean that the applicant is following what is required by the certification and actually meeting those moisture limits in fact.

Reference is made in the report to the DEFRA's Biomass Emissions Screening Tool. This tool refers to actual readings being required and I will be grateful for their supply, under FOIA if necessary, which demonstrate via the Tool that "...it is unlikely that LAQM objectives would be exceeded...".

"...it would appear through other legislation [to planning] that measures are in place to prevent harm from smoke and particulates for larger capacity machinery. It would therefore indicate that these thresholds are in place as the starting point at which controls are needed to prevent detrimental impact on health." This surely doesn't follow if the smaller capacity machinery has capacity for causing harm as it clearly seems is the case.

6. The report repeats the canard included in the 15th February 2022 Officer report that “The complainant has stated that ... smoke is no longer the difficulty”: this is untrue as advised to the Council on more than one occasion. As the report says “the relocation has resulted in complaints from a different neighbour”: shifting the nuisance is not eliminating it but merely transferring it onto the next person’s patch.

7. Were permission given then some attention should surely some attention needs to be paid to aesthetics.

Yours faithfully

A large black rectangular redaction box covering the signature of Edward S. Foyser.

Edward S. Foyser
(The closest neighbour).