

## **PLANNING COMMITTEE**

**WEDNESDAY, 24 APRIL 2019**

Present: Councillor M Handley, Chair

Councillors: L A Ball BEM (Vice-Chair)  
J S Briggs  
T P Brindley  
M Brown  
T A Cullen  
R D MacRae  
G Marshall  
J K Marsters  
P J Owen  
J C Patrick (substitute)

An apology for absence was received from Councillor M Radulovic.

### 59 **DECLARATIONS OF INTEREST**

Councillor T A Cullen declared a non-pecuniary interest in item 6.2 as she was predetermined and had decided to speak on the item as a Ward Member, minute number 63.2 refers.

Councillor J C Patrick declared a non-pecuniary interest in item 6.4 as she had decided to speak on the item as a Ward Member, minute number 63.4 refers.

Councillor L A Ball BEM declared a non-pecuniary interest in item 6.6 as she had decided to speak on the item as a Ward Member, minute number 6.6 refers.

### 60 **MINUTES**

The minutes of the meeting held on 13 March 2019 were approved as a correct record and signed.

### 61 **NOTIFICATION OF LOBBYING**

The Committee received notifications of lobbying in respect of the planning applications subject to consideration at the meeting.

### 62 **PROPOSED STOPPING UP OF UNREGISTERED PUBLIC RIGHT OF WAY - LAND SOUTH EAST OF B&M STYRING STREET AND STATION ROAD, BEESTON**

An application had been received by the Council for a public path diversion order to stop up the footpath adjoining the building currently occupied by B&M Stores running from Styring Street to Station Road at the side of the former bus station.

**RESOLVED that the Stopping Up Order be made.**

63 DEVELOPMENT CONTROL

63.1 18/00763/FUL

Construct apartment block consisting of 4 flats following demolition of existing bungalow (revised scheme)  
2A Lily Grove Beeston Nottinghamshire NG9 1QL

Councillor T A Cullen requested this application be determined by the Committee.

The Committee noted the late items, which included amended plans which reduced the number of apartments from seven to four and the results of consultation on the amended plans which included a further 16 letters of objection. There was also additional information from a neighbour regarding the relationship between neighbouring properties and the proposed development and additional comments from the Council's Waste and Recycling team raising no objections to the proposed facilities for waste.

Mr Gavin Whyler, objecting and Councillor T A Cullen, Ward Member, addressed the Committee prior to the general debate.

There was concern amongst members of the Committee that there had been a large number of proposals for flats in Beeston that sought to maximise occupancy on plots, rather than provide quality family homes. Consideration was also given to the possibility of parking problems resulting from the proposed development and the impact on neighbour amenity. However, it was considered that the reduction in size of the application lessened the impact on the local area and made the development appropriate.

**RESOLVED that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing numbers 327 002 rev I and 327 003 rev J received by the Local Planning Authority on 01.04.19.**
- 3. No above ground works shall be carried out until samples and details of the manufacturer, type and colour of all external materials to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**
- 4. No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:**

- (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**
- (b) numbers, types, sizes and positions of proposed trees and shrubs**
- (c) proposed boundary treatments**
- (d) planting, seeding/turfing of other soft landscape areas**

**The approved scheme shall be carried out strictly in accordance with the agreed details.**

- 5. No part of the development hereby permitted shall be brought into use until:**
- a) the dropped vehicular footway crossing is available for use and has been constructed in accordance with the Highway Authority specification.**
  - b) the parking area has been surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 327 002 I.**
  - c) the parking area has been constructed with provision to prevent the unregulated discharge of surface water from the parking area to the public highway.**

**The parking area shall be maintained in the bound material with drainage for the life of the development and shall not be used for any purpose other than the parking of vehicles.**

- 6. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.**
- 7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) prepared by SCC, submitted in November 2018, and finished floor levels shall be set no lower than 27.76m above Ordnance Datum (AOD), as stated in section 3a of the FRA. The floor levels detailed above shall be retained for the lifetime of the development.**
- 8. The first floor windows in the north east and south west side elevations shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing, which shall first have been agreed in writing by the Local Planning Authority) before the respective apartments are first occupied and thereafter retained in this form for the lifetime of the development.**
- 9. No flat roof area above ground floor level shall be used as a balcony, roof garden, or similar amenity area, for the lifetime of the development.**

#### **Reasons**

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**

2. For the avoidance of doubt.
3. Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
4. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014)
5. In the interests of highway safety in accordance with Policy 10 of the Broxtowe Aligned Core Strategy 2014.
6. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H4 of the Broxtowe Local Plan (2004).
7. To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 1 of the Broxtowe Aligned Core Strategy 2014.
- 8 & 9. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

#### **Note to applicant**

1. The Council has acted positively and proactively in the determination of this application with amendments being sought during the course of the application.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. The developer should contact the Waste and Refuse team at Broxtowe Borough Council (0115 9177777) with regard to requirements for waste storage and collection.
4. The development makes it necessary to construct a vehicular crossing over the footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

As she had spoken as a Ward Member, Councillor T A Cullen left the meeting for the debate and did not vote thereon.

63.2 18/00377/FUL

Construct 14 houses, garages and associated access road following demolition of dwelling

Land to the rear of 13 Middleton Crescent, Beeston, Nottinghamshire

This item had been brought to Committee for consideration by Councillor S J Carr.

A number of late items pertaining to the application were noted including amended plans, 11 letters of objection to the amended plans and one letter stating no objection. The Nottinghamshire Wildlife Trust had also provided a response to the application with concerns regarding the conservation of Tottle Brook and the surrounding wildlife corridor.

Mr Rob Bailey, the Applicant, Mr Mark Lawrenson, Objecting and Councillor S J Carr, Ward Member, addressed the Committee prior to the general debate.

The Committee noted that the application had been recommended for refusal because there was an issue with section 106 contributions from the developer. During his representations to Committee the Applicant had indicated that he would be willing to make section 106 contributions on the site.

It was proposed by Councillor R I Jackson and seconded by Councillor L A Ball BEM that the item be deferred to enable a set of conditions to be drawn up and considered. On being put to the Committee the motion passed.

**RESOLVED that the application be deferred.**

Reason

To enable a set of conditions to be drawn up and considered, including information on section 106 monies.

63.3 18/00798/FUL

Construct 15 houses and 4 apartments, associated access and drainage infrastructure and demolition of existing buildings

Hilltop House Nottingham Road Eastwood Nottinghamshire NG16 3GN

The application had been brought before the Committee as the site would not provide the full policy compliant section 106 contributions.

It was noted that the Nottinghamshire County Council Flood Risk Management Team had submitted a late item raising no objections to the application, subject to a condition requesting the submission of a detailed surface water drainage scheme prior to commencement of development.

There were no public speakers on this application.

It was noted that the site had been vacant for a number of years and that the proposed development would constitute a substantial improvement.

**RESOLVED that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:**

- (i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out below.**
- (ii) the following conditions:**
  - 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
  - 2. The development hereby permitted shall be carried out in accordance with drawing numbers Existing Site Plan, 2525/P101, Site Sections, 2525/P400, Street Views, 2525/P401, Plot 1 – 3 Proposed Floor Plans, 2525/P200, Plot 4 – 11 Proposed Floor Plans, 2525/P201, Plot 12 – 19, 2525/P202 received by the Local Planning Authority on 27 November 2018, Location Plan, 2525/P100A, Plot 1 – 3 Proposed Elevations, 2525/P300A, Plot 4 – 11 Proposed Elevations, 2525/P301A, Plot 12 – 19 Proposed Elevations, 2525/P302A received by the Local Planning Authority on 29 November 2019, Materials Pallett received by the Local Planning Authority on 07 January 2019, Proposed Boundary Treatments, 2525/P500, Pergola and Bin Storage, 2525/P501 received by the Local Planning Authority on 19 February 2019, Proposed Site Plan, 2525/P102E, Proposed Drainage Plan, 18-210C01B received by the Local Planning Authority on 15 March 2019 and Soft Landscape Proposals, GL1090 01A received by the Local Planning Authority 01 April 2019.**
  - 3. All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme as detailed in Apex Acoustics report (re 7353.1, dated 7<sup>th</sup> February 2019 Revision A). No part of the development shall be occupied until all mitigation measures have been completed to the satisfaction of the Local Planning Authority.**
  - 4. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway access has been constructed and is available for use and constructed in accordance with the Highway Authority specification and the existing site access on Nottingham Road that has been made redundant and are permanently closed and the access crossings are reinstated as full height kerbs in accordance with drawing number 18/210/C01B.**
  - 5. No part of the development hereby permitted shall be brought into use until the access driveway to the site/parking/turning areas have been constructed with the provision to prevent the unregulated discharge of surface water from the driveway/parking/turning areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water shall be retained for the life of the development.**

- 6. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with parking bays clearly delineated in accordance with drawing number 18/210/C01B. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading/unloading of vehicles.**
- 7. No part of the development hereby permitted shall be brought into use until the lighting column has been relocated at the applicant's expense in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority and the bin store locations have been installed and made available for use in accordance with drawing number Proposed Site Plan, 2525/P102.**
- 8. No part of the development hereby permitted shall be brought into use until the footpath facing the site has been redirected and tactile paving relocated with a suitable barrier and one-way sign constructed in accordance with drawing number 18/210/C01B.**
- 9. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the buildings, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.**
- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no rear extensions shall be carried out to the dwellings hereby approved which falls within Class A of Schedule 2 Part 1 of the Order without prior written permission of the Local Planning Authority by way of a formal planning permission.**
- 11. No building operations shall be carried out above ground level until a detailed surface water drainage scheme based on the principles set forward by the Drainage Strategy 18-210- Report C01 – Rev A, February 2019, Dragon Structural Ltd., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:**
  - Demonstrate that the development will use SUDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.**
  - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to 5 l/s for the developable area.**

- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

### **Reasons**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To protect future occupiers from excessive road traffic noise.
4. In the interests of highway safety.
5. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
6. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
7. To facilitate the dropped kerb access to be installed and to ensure bins can be pulled onto the public highway on bin collection day.
8. In the interests of highway safety.
9. To ensure the development presents a more pleasant appearance in the locality.
10. In the interests of residential amenity.
11. The development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure satisfactory drainage.

### **Note to applicant**



1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848

Further information is also available on the Coal Authority website at:  
[www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

3. The development makes it necessary to construct a vehicular access crossing over a footway of the public highway, to reinstate the redundant vehicular crossing on Nottingham Road over a footway of the public highway, to direct the footway opposite the site, tactile relocation, barrier and one-way sign to be installed, on/over the footway of the public highway and to relocate the lighting column on the footway of the public highway.

These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities> or by contacting the County Council's Customer Services to arrange for these works on telephone 0300 5008080 to arrange for these works to be carried out.

4. Notice will be served on the developer to purchase the first time provision of bins. The residents will need to place bins at the curtilage of the property for collection. For more information, please contact Paul Wolverson on 0115 9173189 or email [recycling @broxtowe.gov.uk](mailto:recycling@broxtowe.gov.uk)
5. The recommendations outlined within the Bat Activity Survey should be followed to reduce the potential for disturbing bats.

#### 63.4 18/00490/FUL

Non-material amendment to construct single storey rear extension, two storey side extension and hip to gable loft extension with rear dormer (revised scheme)  
60 Bramcote Road Beeston Nottinghamshire NG9 1DW

Councillor J C Patrick had requested that this application be determined by Planning Committee.

There was one late item, namely additional information from the applicant stating the distances from the dormer to neighbouring properties.

Ms Olivia Marsh, Applicant, Mr Brian Cumberland and Councillor J C Patrick, Ward Member, addressed the Committee prior to the general debate.

The Committee noted dormer window had been granted planning permission, but had been built 30cm out of place because of the position of the roof joists. It was

considered that this would not impact upon the level of overlooking experienced by neighbours.

**RESOLVED that the non-material amendment be granted subject to the following condition:**

**The 'repositioning of dormer by 0.3m closer to the south west boundary of the site' as shown on the amended plan 'proposed plans and elevations - resituated dormer Rev 01' received by the Local Planning Authority on 12 March 2019 to planning reference 18/00490/FUL, is a non-material amendment and a revised planning application is not required.**

As she had spoken as a Ward Member, Councillor J C Patrick left the meeting for the debate and did not vote thereon.

63.5 19/00045/FUL

Construct glazed roof enclosure over new metal access staircase (revised scheme)  
The Queens Head 34 Main Street Kimberley Nottinghamshire

This application had been brought to Committee by Councillor S Easom.

There were no late items and no public speakers.

The Committee debated whether the extension would have a detrimental impact on the appearance and character of the conservation area in which the pub was a landmark building. It was noted that the building had been empty for a number of years and that the current occupiers had made significant improvements.

**RESOLVED that planning permission be granted, with the precise wording of the permission to be delegated to the Chair of the Planning Committee and the Head of Neighbourhoods and Prosperity.**

63.6 18/00865/FUL

Construct 4 dwellings comprising 3 conversions of agricultural buildings and 1 conversion and extension of an agricultural building together with garaging and visitor car parking spaces  
Field House Farm Cossall Road Trowell Nottinghamshire

Councillor L A Ball BEM had requested that this application be determined by the Planning Committee.

The late items for consideration by the Committee included a highways visibility assessment and swept path analysis were submitted by the applicant, confirmation from the Highways Authority stating that they had no objections and recommending additional conditions and an email response to the consultation on amended plans from a member of the public confirming their objection to the original proposal.

Mr Hayden Short, Applicant, Ms Joy Foulkes, Objecting and Councillor L A Ball BEM, Ward Member, addressed the Committee prior to the general debate.

Debate focused on the parlous state of the existing buildings, the provision of quality family homes, the conservation of historic buildings and the peaceful setting of the site. It was considered that there would not be a substantial impact on neighbour amenity.

**RESOLVED** that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing numbers A100 H (1:200), A20 B (1:100), A30 C (1:100), A40 D (1:100), A50 C (1:100); received by the Local Planning Authority on 28 February 2019.**
- 3. Prior to the commencement of any above ground works to construct the scheme the materials to be used in the construction of the extensions to House 2, House 4, House 5 and the garage for House 2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.**
- 4. Prior to the commencement of any above ground works to construct the approved scheme large scale details of all new windows, doors, roof lights, rain water goods, surface details and boundaries to be used for the subdivision of grounds shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.**
- 5. No development hereby permitted shall take place until an appropriate scheme of intrusive site investigations has been undertaken to establish potential risks posed by historic coal mining, and a report of findings and proposed scheme of remedial works submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.**
- 6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
- 7. a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**  
**b) No building to be erected pursuant to this permission shall be occupied or brought into use until: -**

- (i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and
  - (ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.
- 8. No part of the development hereby approved shall be commenced until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority. No building to be completed pursuant to this permission shall be occupied or brought into use until:
  - i) all appropriate measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
  - ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full.
- 9. No part of the development hereby approved shall be commenced until a management plan for the control of demolition and construction noise and the prevention of fugitive dust is provided to and approved in writing by the Local Planning Authority.
- 10. The development hereby approved shall be carried out in accordance with the findings and recommendations of the ecologist as detailed in the Bat Surveys and Barn Owl Survey Rev B, received by the Local Planning Authority on 20 February 2019.
- 11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no extensions, enlargements, alterations or the erection of new buildings, including outbuildings, shall be carried out on the site without the written permission of the Local Planning Authority by way of a planning application.
- 12. Prior to the first use of the site the visibility splays as detailed on drawing number FHF-BWB-GEN-XX-DR-TR-100 S2 P1 (1:1250) shall be cleared from a point of 1m above ground level so far as the land falls within the application site. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility, and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- 13. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and never exceeds 1:12 thereafter, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 14. No part of the development hereby permitted shall be brought into use until the access has been widened and the verge vehicular crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

15. The access driveway / parking / turning area (s) shall be constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

#### Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted and to ensure the satisfactory standard of external appearance in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 23 of the Broxtowe Draft Part 2 Local Plan (2018).
4. No such details were submitted and to ensure the satisfactory standard of external appearance in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 23 of the Broxtowe Draft Part 2 Local Plan (2018).
5. In the interest of public health and safety.
6. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
7. In the interest of public health and safety.
8. In the interest of public health and safety.
9. To protect the immediate residential properties from excessive operational impact.
10. In the interest of the protection of protected species identified at the site and to ensure that the proposed development could provide a net gain in biodiversity.
11. In the interests of retaining spacious plots where occupiers have a satisfactory degree of amenity and to ensure the buildings remain of a suitable size and scale which is appropriate within the Green Belt. This condition is in accordance with Policies E8 and H7 of the Broxtowe Local Plan (2004) and Policies 8 and 17 of the Broxtowe Draft Part 2 Local Plan (2018).
12. In the interest of highway safety.
13. In the interest of highway safety.
14. In the interest of highway safety.

15. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

**Note to applicant**

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at: <https://www.gov.uk/get-a-licence-for-coal-mining>

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

3. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

As she had spoken as a Ward Member, Councillor L A Ball BEM did not participate in the debate and did not vote thereon.

63.7 19/00182/FUL

Upgrade to the existing communications apparatus consisting of a replacement tower of 25m in height, supporting new antenna, dishes and ancillary apparatus along with new and replacement / relocated cabinets at ground level within the existing compound footprint, as well as incorporating an existing site sharers apparatus.  
Telecommunications Mast, Markham Road, Bramcote

Councillor S J Carr had requested that this application be determined by the Planning Committee.

There were no late items.

Councillor S J Carr, Ward Member, addressed the Committee prior to the general debate.

There was a discussion about extracting additional benefit for the community in exchange for hosting technological infrastructure and the appearance of the mast.

It was noted that as 5G internet is introduced, there could be a number of applications for telecommunications masts and the balance between encouraging new technologies and listening to communities was discussed.

It was proposed by Councillor T A Cullen and seconded by Councillor R D MacRae that the application be deferred to allow for the creation of a policy on telecommunications masts. On being put to the meeting the motion fell.

**RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the site location plan and drawings titled Proposed max config site plan and Proposed max config elevation, received by the Local Authority on 14 March 2019.**
- 3. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:**
  - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**
  - (b) numbers, types, sizes and positions of proposed trees and shrubs**
  - (c) planting, seeding/turfing of other soft landscape areas**

**The approved scheme shall be carried out strictly in accordance with the agreed details. The erection of fencing for the protection of the trees to be retained shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.**

- 4. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed**

or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.

## Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted, to ensure that the details are satisfactory in the interests of the appearance of the area and to ensure the existing trees are not adversely affected, in accordance with the aims of Policies E16 and E24 of the Broxtowe Local Plan (2004), and Policy 10 of the Aligned Core Strategy (2014).
4. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy E16 of the Broxtowe Local Plan (2004).

## Note to applicant

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## 64 INFORMATION ITEMS

### 64.1 APPEAL DECISION

The Committee noted the outcomes of a number of appeals.

### 64.2 APPEAL STATISTICS

The Committee noted that the position remained unchanged from that reported to it on 22 March 2017 and that the Council was not therefore at risk of special measures based on the figures reported to it on that date.

### 64.3 DELEGATED DECISIONS

The Committee noted the decisions determined under delegated powers between 23 February 2019 and 31 March 2019.



65 EXCLUSION OF PUBLIC AND PRESS

The exclusion of public and press was not necessary as the confidential item was withdraw shortly prior to the Committee with the permission of the Chair.

66 19/00009/ENF

With the permission of the Chair, this application was withdrawn prior to the meeting as a planning application had been submitted.