

## **PLANNING COMMITTEE**

**WEDNESDAY, 5 FEBRUARY 2025**

Present: Councillor D Bagshaw, Chair

Councillors: S P Jeremiah (Vice-Chair)  
P J Bales  
G Bunn  
G S Hills  
G Marshall  
D D Pringle  
H E Skinner  
P A Smith  
D K Watts  
R Bullock (Substitute)  
J M Owen (Substitute)

Apologies for absence were received from Councillors L A Ball BEM, R E Bofinger and S J Carr.

Councillor P J Owen was present as Ex Officio.

The officers present were R Ayoub, R Dawson and K Newton.

### 44 **DECLARATIONS OF INTEREST**

Councillor S P Jeremiah declared a non pecuniary, registrable interest in items 5.1 and 5.2 as he was a member of the Stapleford Town Board. Minute numbers 47.1 and 47.2 refer.

Councillor P J Owen declared a non pecuniary, non registrable interest in item 5.3 as he had been involved in the Kimberley Means Business bid. Minute number 47.3 refers.

### 45 **MINUTES**

The minutes of the meeting of 8 January 2025 were confirmed and signed as a correct record.

### 46 **NOTIFICATION OF LOBBYING**

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

47 DEVELOPMENT CONTROL

47.1 APPLICATION NUMBER 24/00863/VOC

Variation of condition 2 approved plans of application reference number: 23/00051/REG3 to revise the position of the approved MUGA Stapleford Town Football Club, Hickings Lane Recreation Ground, Hickings Lane, Stapleford, Nottinghamshire

The application was brought to the Committee as the applicant was the Council.

The Committee noted the items including two comments opposing the proposed scheme.

There were no public speakers.

Having given due regard to all the evidence before them, the Committee commenced the debate. It was considered that the alterations to the site of the pitch constituted a relatively minor change to the proposed development.

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

- 1. The development to which this approval relates shall be begun no later than 7 July 2026.**

**Reason: 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. The development hereby permitted shall be carried out in accordance with the following plans:**

- Site Location Plan**
- Utility Survey 45652\_T\_UG Rev. 0**
- Topographical Survey 45652\_T Rev. 0**
- Existing Site Plan 0101 Rev. P02**
- Existing Building 0016 Rev. P01**

**(All received by the Local Planning Authority 19/01/23)**

- Proposed Floor Plans 0010 Rev. P07**
- Proposed Roof Level Plan 0012 Rev. P05**
- Proposed Elevations 0015 Rev. P09**

**(All received by the Local Planning Authority 11/10/24).**

- Full Size APG and 7v7 Pitch 00 Rev 04
- Site Section 13
- Proposed MUGA Drainage Strategy 12 Rev 01

(Received by the Local Planning Authority 24/12/24).

Reason: For the avoidance of doubt.

3. The development to which this relates shall be carried out in accordance with materials as approved by the Local Planning Authority 23/10/24.

Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

4. 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.

Reason: In the interest of public health and safety in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.

5. The development to which this relates shall be carried out in accordance with landscaping details as approved by the Local Planning Authority 08/08/24.

Reason: To ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

6. The development to which this relates shall be carried out in accordance with the Landscape and Ecological Management Plan as approved by the Local Planning Authority 08/08/24.

Reason: In the interests of securing an environmental net gain and habitat protection in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.

7. The development to which this relates shall be carried out in accordance with the Construction / Demolition Method Statement as approved by the

**Local Planning Authority 08/08/24.**

**To protect the amenity of neighbouring residents in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.**

- 8. The development to which this relates shall be carried out in accordance with the cricket club relocation plan as approved by the Local Planning Authority 15/04/24.**

**Reason: To ensure suitable relocation of the cricket club is secured in accordance with the aims within Part 8 - Promoting healthy and safe communities of the of the National Planning Policy Framework 2021.**

- 9. No part of the development shall be brought into use until a detailed renewable energy and sustainability management plan has been submitted to and approved by the Local Planning Authority. Details should include the siting, design and required maintenance of any renewable energy structures.**

**Reason: In the interests of sustainability in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Part 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF 2024.**

- 10. Prior to development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.**

**Reason: In the interest of public health and safety in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019**

- 11. Suitable ventilation and filtration equipment shall be installed to suppress and disperse odour created from food preparation operations on the premises. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved by the Local Planning Authority prior to the installation of the any ventilation and filtration equipment. Equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.**

**Reason: In the interest of public health and safety in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 12. 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 the parking bays clearly delineated in accordance with drawing number Full Size APG and 7v7 Pitch 00 Rev 04. 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 and unloading of vehicles.

Reason: 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 in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

13. No part of the development shall be brought into use until illustrative details of the siting and design of the bin and cycle storage facilities has been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.

Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

14. No part of the development shall be brought into use until a scheme detailing the developments adherence to Secured by Design principles has been submitted to and approved in writing by the Local Planning Authority. All measures detailed in the scheme shall thereafter be implemented and within an agreed timeframe which shall be set out in the submitted details.

Reason: To reduce the potential for crime in accordance with Part 8 - Promoting healthy and safe communities of the National Planning Policy Framework 2024.

15. No part of the development shall be brought into use until a Noise Management Plan has been submitted in writing and approved in writing by the Local Planning Authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance to those living in the vicinity. The Noise Management Plan shall be complied with for the lifetime of the development.

The Noise Management Plan must include:

- the design measures which will ensure that the surrounding fence meets the 'best practical means' to reduce impact noise,
- repair and maintenance measures to ensure that these design measures are maintained,
- proposed measures to manage the behaviour of clients using the MUGA,
- proposed measures to prevent unauthorised use of the MUGA outside the permitted hours of use, and

- **proposed local community engagement measures to ensure that the impact of the development on residents is mitigated through effective communication and community liaison.**

**Reason: To protect nearby occupiers from noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 16. The lighting scheme for the new development shall be designed and operated to ensure that light intrusion into neighbouring residential windows shall not exceed 5 Ev (lux) measured as vertical luminance.**

**Reason: To protect nearby residents and road users from excessive light pollution in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 17. The floodlit MUGA shall only be used at the following times: Monday to Sunday 08.30-21.00 only.**

**Reason: To protect nearby residents and road users from excessive operational noise and light pollution in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 18. The pavilion building shall not be used except between 08.00 - 22.00 Monday to Sundays without the prior agreement in writing of the Local Planning Authority.**

**Reason: To protect existing residents from noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 19. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.**

**Reason: To protect nearby occupiers from excessive construction noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 20. The hereby permitted development shall be carried out in accordance with the recommendations contained within Section 6.3 of the Sustainable FRA and Drainage Strategy by Tunstall Smith King dated May 2023.**

**Reason: In the interests of flood risk in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Part 14 - Meeting the challenge of climate change, flooding and coastal**

change of the NPPF 2024.

21. 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, 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.

**Reason:** To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

#### **NOTES TO APPLICANT**

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the statutory 13-week determination timescale.
2. The applicant is advised that the proposed will require a Food Registration. Please contact the Councils Environmental Health Department on Tel 0115 9173485.
3. The internal layout, design and construction of the premises must meet the current Food Safety and Health and Safety requirements. The applicant must therefore contact the councils Food and Occupational Safety Section on tel :01159173485.
4. The applicant is advised that the proposed may require a Premises Licence. Please contact the Councils Licensing Department on Tel 0115 9173485.

(Having declared a non pecuniary, registrable interest Councillor S P Jeremiah left the meeting and did not vote thereon.)

#### 47.2 APPLICATION NUMBER 24/00864/VOC

Variation of condition 2 approved plans of application reference number 24/00175/REG3 to amend the approved drainage details  
Stapleford Town Football Club, Hickings Lane Recreation Ground, Hickings Lane, Stapleford, Nottinghamshire

The application was brought before Committee as the Council was the applicant.

The Committee noted the late items. There were no public speakers.

After giving due consideration to the matter before it, the Committee debated the item.

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

**conditions.**

- 1. The development to which this approval relates shall be begun no later than 6 June 2027.**

**Reason: 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. The development hereby permitted shall be carried out in accordance with the following plans:**

- Site Location Plan 02 00**
- Proposed Site Plan 03 01**
- Topographical Survey 01 00**
- Appendix E - Proposed Materials and Appearance**

**(Received by the Local Planning Authority 19/03/24)**

- Tree Protection Plan A**
- Tree Work Plan A**

**(Received by the Local Planning Authority 15/04/24)**

- Proposed Elevation 05 01**
- Proposed Perimeter Elevation - Page 1 08 01**
- Proposed Perimeter Elevation - Page 2 09 01**

**(Received by the Local Planning Authority 29/04/24)**

- Proposed AGP Drainage Layout 06 Rev 06**
- Proposed AGP Drainage Strategy 07 Rev 1**

**(Received by the Local Planning Authority 24/12/24)**

**Reason: For the avoidance of doubt.**

- 3. The development to which this relates shall be carried out in accordance with landscaping details as approved by the Local Planning Authority 15/11/24.**

**Reason: To ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.**

- 4. The development to which this relates shall be carried out in accordance with the Landscape and Ecological Management Plan as approved by the Local Planning Authority 15/11/24.**

**Reason: In the interests of securing an environmental net gain and habitat protection in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 -**



**Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.**

5. The development to which this relates shall be carried out in accordance with the Construction / Demolition Method Statement as approved by the Local Planning Authority 15/11/24.

**Reason:** To protect the amenity of neighbouring residents in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

6. The development to which this relates shall be carried out in accordance with the transitional cricket club plan as approved by the Local Planning Authority 21/08/24.

**Reason:** To secure the provision of a suitable interim arrangement for the cricket club to accord with the requirements of Exception 5 and to accord with Policy 13 - Culture, Tourism and Sport of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 25 - Culture, Tourism and Sport of the Broxtowe Part 2 Local Plan 2019.

7. The AGP shall not be brought into use until the replacement cricket ground identified in the Cricket Club Relocation Plan has been delivered and made available for use. The replacement provision should be provided to an equivalent or better quality and equivalent or greater quantity than the playing field to be lost and should comply with Sport England and ECB design guidance.

**Reason:** To ensure that a suitable replacement facility is provided and made available to accord with the requirements of Exception 5 and to accord with Policy 13 - Culture, Tourism and Sport of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 25 - Culture, Tourism and Sport of the Broxtowe Part 2 Local Plan 2019.

8. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the 3G pitch and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

**Reason:** To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy 13 - Culture, Tourism and Sport of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 25 - Culture, Tourism and Sport of the Broxtowe Part 2 Local Plan 2019.

9. Use of the development shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met

**FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Policy 13 - Culture, Tourism and Sport of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 25 - Culture, Tourism and Sport of the Broxtowe Part 2 Local Plan 2019.**

- 10. No part of the development hereby permitted shall be brought into use until a football pitch railing removal plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate the location of the existing football club perimeter railings located within the south-west area of Hickings Lane Recreation Ground to have been removed.**

**Reason: To improve access to open space within the park in accordance with Policy 16: Green Infrastructure, Parks and Open Space of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 28: Green Infrastructure Assets of the Broxtowe Part 2 Local Plan 2019.**

- 11. No part of the development shall be brought into use until a scheme detailing the developments' adherence to Secured by Design principles has been submitted to and approved in writing by the Local Planning Authority. All measures detailed in the scheme shall thereafter be implemented and within an agreed timeframe which shall be set out in the submitted details.**

**Reason: To reduce the potential for crime in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.**

- 12. The floodlit artificial pitch shall only be used between the following times: 08:00-22:00 Monday to Friday, 09:00 to 20:00 Saturday and 09:00 to 18:00 Sunday only.**

**Reason: To protect nearby residents and road users from excessive operational noise and light pollution in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 13. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.**

**Reason: To protect nearby occupiers from excessive construction noise in accordance with Policy 17 - Place-making, Design and**

**Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 14. The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Drainage Strategy McA014 (13 January 2025).**

**Reason: In the interests of flood risk in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Part 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF 2024.**

- 15. The hereby permitted development shall be carried out in accordance with the noise mitigation measures contained within the submitted Noise Impact Assessment Revision B (dated 22/04/24) and Noise Management Plan (received 22/04/24).**

**Reason: To protect nearby occupiers from noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 16. The hereby permitted development shall be carried out in accordance with the floodlighting control measures contained within submitted Appendix D - Lighting Design Statement (compiled by Christy Lighting Masts Ltd dated 02/02/24) and Appendix A - Floodlighting Performance Report (compiled by Christy Lighting Masts Ltd).**

**Reason: To protect nearby occupiers from light in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

- 17. The 3G pitch hereby permitted shall not be constructed other than in accordance with the design and layout details set out in the planning application, Design and Access Statement and Drawing No 04 (Proposed ATP Plan).**

**Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy 13 - Culture, Tourism and Sport of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 25 - Culture, Tourism and Sport of the Broxtowe Part 2 Local Plan 2019.**

- 18. 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, 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.**

**Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.**

#### **NOTES TO APPLICANT**

- 1. The Council has acted positively and proactively in the determination of this application by working to determine it within the statutory 8-week determination timescale.**
- 2. Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.**
- 3. Informative: Guidance on preparing Community Use Agreements is available from Sport England**  
<http://www.sportengland.org/planningapplications/>.

(Having declared a non pecuniary, registrable interest Councillor S P Jeremiah left the meeting and did not vote thereon.)

#### **47.3 APPLICATION NUMBER 24/00687/REG3**

Construct 2 buildings (5 units) Use Class E(g)(iii) employment starter units  
Land Off Shilo Way, Awsworth, Nottinghamshire

This application had been brought before Committee because the Council was the applicant. The proposal also represented a departure from the Broxtowe Part 2 Local Plan 2019.

The Committee gave consideration to the late items, which included an objection, a correction to a spelling error in the report and a consultation response supporting the proposed development from Awsworth Parish Council.

Stuart Ashton, the agent on behalf of the applicant, made representation to the Committee prior to the general debate.

The Committee noted all the information pertaining to the application. The debate focused on the defensibility of the Green Belt once the boundary of Shilo Way had been breached, increased traffic and disappointment that the development could not be closer to Kimberley, as the funding for it has come from the Kimberley Means Business scheme.

**RESOLVED that planning permission be granted subject to conditions outlined in the appendix.**

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**

**Reason: To comply with the requirements of Section 91 of the**

**Town and Country Planning Act 1990 as amended.**

**2. This permission shall be read in accordance with the following plans:**

- **1001 P03 Landscape Plan**

**(Received by the Local Planning Authority 24/01/25)**

- **1000 P07 Location Plan**
- **1001 P05 Existing Site Pan**
- **1002 P05 Existing Detailed Site Plan**
- **1010 P01 Masterplan**
- **1011 P07 Proposed Site Plan**
- **1012 P06 Proposed Detailed Site Plan**
- **1015 P04 Proposed Site Sections**

**(Received by the Local Planning Authority 22/01/25)**

- **32 Proposed Sub Station**

**(Received by the Local Planning Authority 10/01/25)**

- **20 P02 Unit 1 GA Plan**
- **25 P02 Unit 2 GA Plan**
- **22 P05 Unit 1 Elevations**
- **27 P04 Unit 2 Elevations**

**(Received by the Local Planning Authority 16/10/24)**

- **21 P01 Unit 1 Roof Plan**
- **23 P02 Unit 1 3D View**
- **26 P01 Unit 2 Roof Plan**
- **28 P01 Unit 2 3D Views**
- **30 Cycle Shelter**
- **31 Bin Store 1**
- **D53703/JB/A External Lighting Plan**

**(Received by the Local Planning Authority 03/10/24)**

**Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**

**3. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy HSP2024-C4713-C&S-FRAS1-2499, September 2024, hsp consulting., 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 and NPPF Paragraph 175.**
- **Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.**
- **Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details of any attenuation system, the outfall arrangements and any private drainage assets.**

**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 30 years and 1 in 100 years plus climate change return periods.**

**- No surcharge shown in a 1 in 1 year.**

**- No flooding shown in a 1 in 30 years.**

**- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.**

- **Evidence to demonstrate the viability (e.g. Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.**
- **Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.**
- **Evidence of approval for drainage infrastructure crossing third party land where applicable.**
- **Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.**
- **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 effectiveness.

**Reason:** To ensure the proposed development has sufficient surface water management in accordance with Policy 1 - Climate Change of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014, Policy 1: Flood Risk of the Broxtowe Part 2 Local Plan 2019 and Part 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF 2024.

4. No development hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:
- a) The means of access for construction traffic;
  - b) parking provision for site operatives and visitors;
  - c) the loading and unloading of plant and materials;
  - d) the storage of plant and materials used in construction / demolition the development;
  - e) a scheme for the recycling/disposal of waste resulting from construction / demolition works / site clearance; and
  - f) details of dust and noise suppression to be used during the construction phase.

The approved statement shall be adhered to throughout the construction period.

**Reason:** To protect the amenity of neighbouring residents in accordance with Policy 17 - Place-making, Design and Amenity, Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019 and Policy BED 3: Design Principles of the Awsworth Neighbourhood Plan 2021.

5. **Statutory Biodiversity – Deemed Condition**

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.

The effect of the relevant paragraphs of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- a. a Biodiversity Gain Plan has been submitted to the planning authority, and
- b. the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Broxtowe Borough Council.

**Key Requirements:**

**A Biodiversity Gain Plan (BGP) must be submitted to the Local Planning Authority, in writing no earlier than the day after planning permission has been granted and should be in accordance with the BNG Metric received by the Local Planning Authority on 21 January 2024, prepared by Charlotte Mercer Principal Ecologist M.Sc. B.Sc. (Hons).**

**The biodiversity gain plan must include:**

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;**
- (b) the pre-development biodiversity value of the onsite habitat;**
- (c) the post-development biodiversity value of the onsite habitat;**
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development;**
- (e) any biodiversity credits purchased for the development; and**
- (f) any such other matters as the Secretary of State may by regulations specify.**

**When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant**

**Template available here;**

**<https://www.gov.uk/government/publications/biodiversity-gain-plan>**

**The development shall not commence until a Habitat and Monitoring Management Plan (HMMP) has been submitted to ensure that the development meets all the requirements of the Biodiversity Gain Plan (BGP).**

**The Habitat Management and Monitoring Plan (the HMMP) must include:**

- (a) a non-technical summary;**
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;**
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;**
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and**
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,**

**Template available here;**

**<https://publications.naturalengland.org.uk/publication/5813530037846016>**

**Notice in writing shall be given to the Council when the:**



- (a) HMMP has been implemented; and**
- (b) habitat creation and enhancement works as set out in the HMMP have been completed.**

**No part of the development hereby approved shall be occupied until:**

- (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and**
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority**

**The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.**

**Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.**

**Reason: To ensure the development delivers a biodiversity net gain on or off site in accordance with the relevant paragraphs of Schedule 7A of the Town and Country Planning Act 1990.**

- 6. No development above slab level shall commence until written and illustrative details of the number, siting, and design of the electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No commercial unit shall be occupied until the electric vehicle charging points have been provided in accordance with the approved details.**

**Reason: To future proof the development and in the interests of air quality in accordance with Policy 1 - Climate Change of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014, Policy 17 - Place-making, Design and Amenity and Policy 20: Air Quality of the Broxtowe Part 2 Local Plan 2019.**

- 7. 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 the parking bays clearly delineated in accordance with drawing number 207 56 THP XX XX DR A 1012 P06 (received 22/01/25). 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 and unloading of vehicles.**

**Reason: In the interests of highway safety in accordance with Policy 17 - Place-making and Design and Amenity of the Broxtowe Part 2 Local Plan (2019) and Policy TT 2: Car Parking of the Awworth Neighbourhood Plan 2021.**

- 8. No part of the development hereby permitted shall be brought into use until the highway works as shown for indicative purposes only on drawing number 207 56 THP XX XX DR A 1012 P06 (received 22/01/25) have been provided to the satisfaction of the Local Planning Authority.**

**Reason: In the interests of highway safety in accordance with Policy 17 - Place-making and Design and Amenity of the Broxtowe Part 2 Local Plan (2019) and TT 1: Traffic Management of the Awsworth Neighbourhood Plan 2021.**

- 9. The approved landscaping shall be carried out in accordance with the approved drawing 1001 P03 Landscape Plan (received 24/01/25) not later than the first planting season following the substantial completion of the development or occupation of the building, 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.**

**Reason: To ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan (2019).**

- 10. The development hereby approved must be carried out in accordance with the precautionary working measures, ecological enhancement measures and an Ecological Clerk of Works ECoW is used to undertake checking surveys for species prior to the commencement of works contained within Section 4.0 Potential Impacts and Recommendations of the submitted Ecological Appraisal produced by AES-LTD (Received by the Local Planning Authority 03/10/24).**

**Reason: In the interests of securing biodiversity enhancements and the protection of protected species in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014, Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019 and Policy GI 3: Biodiversity of the Awsworth Neighbourhood Plan 2021.**

- 11. The development hereby approved must be carried out in accordance with the tree protection measures contained within Appendix 3 of the submitted BS 5837:2012 Arboricultural Report, Impact Assessment and Method Statement produced by Treefellas Arboriculture Limited (Received by the Local Planning Authority 03/10/24).**

**Reason: To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area is not impaired, in order to comply with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014, Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019 and Policy GI 5 Local Woodlands, Tree Belts & Hedgerows of the Awsworth Neighbourhood Plan 2021.**

- 12. The premises shall not operate except between 07.30-22.00 hours daily.**

**Reason: To protect the immediate residents from excessive operational noise in accordance with Policy 17 - Place-making, Design and Amenity,**

**Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019 and Policy BED 3: Design Principles of the Awsworth Neighbourhood Plan 2021.**

- 13. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.**

**Reason: To protect nearby occupants from excessive construction noise and vibration in accordance with Policy 17 - Place-making, Design and Amenity, Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019 and Policy BED 3: Design Principles of the Awsworth Neighbourhood Plan 2021.**

- 14. No materials produced as a result of the site’s operational activities, development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions whilst the activities are in operation.**

**Reason: To protect nearby residents from excessive air pollution in accordance with Policy 17 - Place-making, Design and Amenity, Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019 and Policy BED 3: Design Principles of the Awsworth Neighbourhood Plan 2021.**

- 15. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.**

**An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.**

**Reason: In the interest of public health and safety in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.**

#### **NOTES TO APPLICANT**

- 1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.**
- 2. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is 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. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk) for details.
4. As this permission relates to the creation of a new unit(s), please contact the Council's Street Naming and Numbering team: [3015snn@broxtowe.gov.uk](mailto:3015snn@broxtowe.gov.uk) to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.

#### 47.4 APPLICATION NUMBER 24/00700/FUL

Retain outdoor seating/smoking area to extend commercial area of property.  
Construction of sound absorbing fence and swing gate (revised scheme)  
The Berliner, 6 High Road, Chilwell, Nottinghamshire, NG9 4AE

Councillor G Marshall had requested that this proposal come before Committee.

There were no late items.

Katie Elnor, the applicant, made representation to the Committee prior to the general debate.

The Committee considered all representations before it commenced the debate. It was noted that the development was next door to a public house with a garden, and that there were a number of bars with similar outdoor spaces in the immediate vicinity. It was also noted that two neighbours had sent in letters of support for the application, with one against. It was noted that the permission was for the development as it stood, and did not include a condition for acoustic fencing.

**RESOLVED that planning permission be granted with the precise wording of the approval and conditions, to include hours of operation and plans, delegated to the Chair of Planning Committee in agreement with the Head of Planning and Economic Development.**

#### **Conditions:**

1. The development hereby permitted shall be retained and completed in accordance with:
  - Drawings received by the Local Planning Authority on 11 October 2024, and
  - Site Location Plan 1 :1250 and Block Plan received by the Local Planning Authority on 14 November 2024.

**Reason: For the avoidance of doubt.**

- 2. The beer garden shall be cleared and not be used by customers for activities associated with the premises including consumption or for customer smoking except between 12.00-22.00 hours Monday to Friday, 12.00-22.00 hours Saturdays, Sundays, Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.**

**Reason: To protect nearby residents from excessive operational noise and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).**

- 3. No Amplified music, amplified speech, live music or live speech shall be permitted in the beer garden at any time.**

**Reason: To protect nearby residents from excessive operational noise and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).**

- 4. Refuse shall not be deposited in or collected from the rear car park bin area except between the 09.00-18.00 hours daily.**

**Reason: To protect nearby residents from excessive operational noise and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).**

#### **Note to Applicant**

- 1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.**
- 2. The granting of this permission and associated conditions does not preempt any formal action under Statutory Nuisance or Nuisance legislation being taken against the applicant by the Council.**

## **48 INFORMATION ITEMS**

### **48.1 APPEALS**

The Committee noted the appeals decisions regarding application number 23/00836/FUL 50 Derby Road, and 24/00209/FUL 90 Ullswater Crescent.

### **48.2 DELEGATED DECISIONS**

The delegated decisions were noted.