



Tuesday, 28 January 2025

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 5 February 2025 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 6.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:	D Bagshaw (Chair)	G S Hills
	S P Jeremiah (Vice-Chair)	G Marshall
	P J Bales	D D Pringle
	L A Ball BEM	H E Skinner
	R E Bofinger	P A Smith
	G Bunn	D K Watts
	S J Carr	

## A G E N D A

1. Apologies

To receive apologies and to be notified of the attendance of substitutes.

2. Declarations of Interest

(Pages 3 - 10)

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. Minutes

(Pages 11 - 34)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 8 January 2025.

4. Notification of Lobbying

5. Development Control

5.1 Application Number 24/00863/VOC

(Pages 35 - 50)

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

5.2 Application Number 24/00864/VOC

(Pages 51 - 64)

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

5.3 Application Number 24/00687/REG3

(Pages 65 - 106)

Construct 2 buildings (5 units) Use Class E(g)(iii) employment starter units

Land Off Shilo Way, Awsworth, Nottinghamshire

5.4 Application Number 24/00700/FUL

(Pages 107 - 118)

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

6. Information Items

6.1 Appeals

(Pages 119 - 122)

6.2 Delegated Decisions

(Pages 123 - 132)

## Report of the Monitoring Officer

### DECLARATIONS OF INTEREST

#### 1. Purpose of Report

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda. The following information is extracted from the Code of Conduct, in addition to advice from the Monitoring Officer which will assist Members to consider any declarations of interest.

#### **Part 2 – Member Code of Conduct**

##### **General Obligations:**

#### **10. Interest**

10.1 You will register and disclose your interests in accordance with the provisions set out in Appendix A.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Council. The register is publically available and protects you by demonstrating openness and willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting which allows the public, Council employees and fellow Councillors know which of your interests gives rise to a conflict of interest. If in doubt you should always seek advice from your Monitoring Officer.

**You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix A of the Code of Conduct, is a criminal offence under the Localism Act 2011.**

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#### **Advice from the Monitoring Officer:**

On reading the agenda it is advised that you:

1. Consider whether you have any form of interest to declare as set out in the Code of Conduct.
2. Consider whether you have a declaration of any bias or predetermination to make as set out at the end of this document
3. Update Democratic Services and the Monitoring Officer and or Deputy Monitoring Officers of any declarations you have to make ahead of the meeting and take advice as required.
4. Use the Member Interest flowchart to consider whether you have an interest to declare and what action to take.
5. Update the Chair at the meeting of any interest declarations as follows:

‘I have an interest in Item xx of the agenda’

'The nature of my interest is ..... therefore the type of interest is  
DPI/ORI/NRI/BIAS/PREDETERMINATION  
'The action I will take is...'

This will help Officer record a more accurate record of the interest being declared and the actions taken. You will also be able to consider whether it is necessary to send a substitute Members in your place and to provide Democratic Services with notice of your substitute Members name.

**Note: If at the meeting you recognise one of the speakers and only then become aware of an interest you should declare your interest and take any necessary action**

6. Update your Member Interest Register of any registerable interests within 28days of becoming aware of the Interest.

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### **Ask yourself do you have any of the following interest to declare?**

#### **1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

A "Disclosable Pecuniary Interest" is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land, Licences, Tenancies and Securities.

#### **2. OTHER REGISTERABLE INTERESTS (ORIs)**

An "Other Registerable Interest" is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
  - (i) exercising functions of a public nature
  - (ii) anybody directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of general control or management.

#### **3. NON-REGISTRABLE INTERESTS (NRIs)**

"Non-Registrable Interests" are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

A matter "directly relates" to one of your interests where the matter is directly about that interest. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter “affects” your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

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## **Declarations and Participation in Meetings**

### **1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:

#### **Action to be taken**

- **you must disclose the nature of the interest** at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not participate in any discussion** of that particular business at the meeting, or if you become aware of a disclosable pecuniary interest during the meeting you must not participate further in any discussion of the business, including by speaking as a member of the public
- **you must not participate in any vote** or further vote taken on the matter at the meeting and
- **you must withdraw from the room** at this point to make clear to the public that you are not influencing the meeting in anyway and to protect you from the criminal sanctions that apply should you take part, unless you have been granted a Dispensation.

### **2. OTHER REGISTERABLE INTERESTS (ORIs)**

2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:

- **you must disclose** the interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote** on the matter, but may speak on the matter only if members of the public are also allowed to speak at the meeting
- **you must withdraw from the room** unless you have been granted a Dispensation.

### 3. NON-REGISTRABLE INTERESTS (NRIs)

3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:

- **you must** disclose the interest; if it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
  - **you must not take part in any discussion or vote**, but may speak on the matter only if members of the public are also allowed to speak at the meeting; and
  - **you must withdraw** from the room unless you have been granted a Dispensation.
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#### **Dispensation and Sensitive Interests**

A “Dispensation” is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and the Appendix.

A “Sensitive Interest” is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.4 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest in such circumstances you just have to disclose that you have a Sensitive Interest under S32(2) of the Localism Act 2011. You must update the Monitoring Officer when the interest is no longer sensitive, so that the interest can be recorded, made available for inspection and published.

#### **BIAS and PREDETERMINATION**

The following are not explicitly covered in the code of conduct but are important legal concepts to ensure that decisions are taken solely in the public interest and not to further any private interests.

The risk in both cases is that the decision maker does not approach the decision with an objective, open mind.

This makes the local authority’s decision challengeable (and may also be a breach of the Code of Conduct by the Councillor).

Please seek advice from the Monitoring Officer or Deputy Monitoring Officers, if you need assistance ahead of the meeting.

## **BIAS**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

## **PREDETERMINATION**

Where a decision maker has completely made up his/her mind before the decision is taken or that the public are likely to perceive you to be predetermined due to comments or statements you have made:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

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## Registerable Interests

These are interests that you are required to register in accordance with the Code of Conduct. They are interests that you would know about in advance of an item coming up (e.g. land you own) and you should have included them when filling in your register of interests.

What type of Registerable Interest do you have in this matter?

### Disclosable Pecuniary Interests

These are any interests that are described as DPIs under the Code of Conduct and include both the interests of yourself and of your partner.

### Other Registerable Interests

These are personal interests that relate to certain types of bodies that you may be involved in as set out in the Code of Conduct.

Does the matter directly relate to one of your Disclosable Pecuniary Interests?

No

Does the matter directly relate to the financial interest or wellbeing of one of your Other Registerable Interests?

No

Does the matter affect a financial interest or the wellbeing of yourself or of a friend, relative or close associate?

No

Is the financial interest or wellbeing affected to a greater extent than the financial interests or wellbeing of the majority of inhabitants?

No

Would a reasonable member of the public knowing all the facts believe that it would affect your view of the wider public interest?

No

You must:

- Disclose the interest;
- Not speak on the matter;
- Not participate in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

You must:

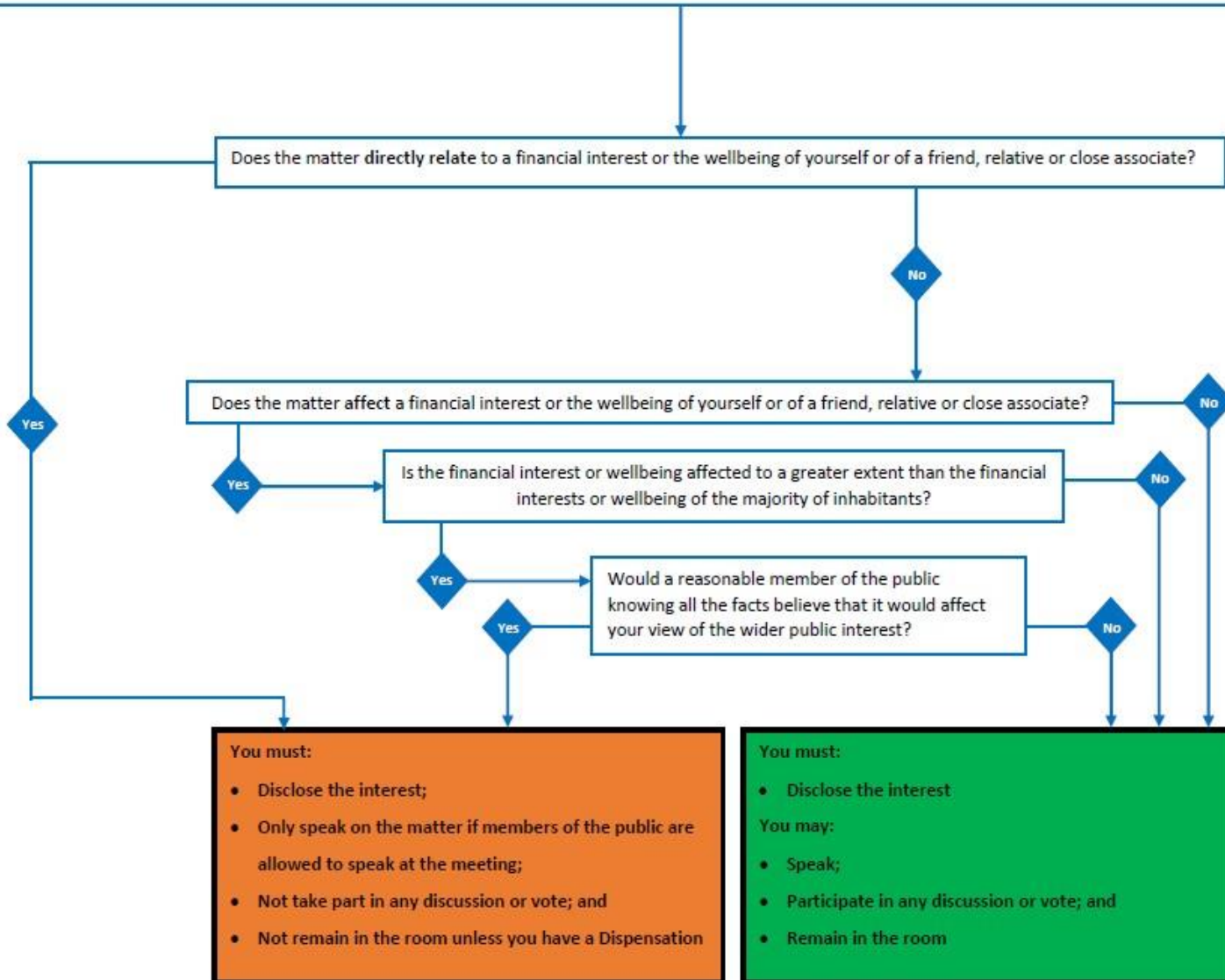
- Disclose the interest;
- Only speak on the matter if members of the public are allowed to speak at the meeting;
- Not take part in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

You must:

- Disclose the interest
- You may:
- Speak;
  - Participate in any discussion or vote; and
  - Remain in the room

## Non-Registerable Interests

These are interests that you are not required to register but may become relevant when a particular item arises. These are usually interests that relate to other people you are connected with (e.g. friends, relatives or close associates) but can include your own interests where you would not have been expected to register them.



## PLANNING COMMITTEE

WEDNESDAY, 8 JANUARY 2025

Present: Councillor D Bagshaw, Chair

Councillors: S P Jeremiah (Vice-Chair)  
P J Bales  
L A Ball BEM  
R E Bofinger  
G Bunn  
S J Carr  
G S Hills  
G Marshall  
D D Pringle  
H E Skinner  
P A Smith  
D K Watts

There were no apologies for absence.

Councillor P J Owen was present as Ex Officio. Councillor J M Owen and Councillor T A Cullen were also present.

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

### 39 DECLARATIONS OF INTEREST

Councillor G Marshall declared a non – registrable, non – pecuniary interest in item 5.5 as a close relative resided near to the proposed development. Minute number 42.5 refers.

Councillor P A Smith declared a non – registrable, non – pecuniary interest in item 5.5, as she resides close to the proposed development. Minute number 42.5 refers.

### 40 MINUTES

The minutes of the meeting on 4 December 2024 were confirmed and signed as a correct record.

### 41 NOTIFICATION OF LOBBYING

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

## 42 DEVELOPMENT CONTROL

### 42.1 APPLICATION NUMBER 23/00447/FUL

Construct 29 apartments with associated parking and landscaping  
Riverside Close, Riverside Road, Beeston

Councillor S Dannheimer requested that this proposal come before Committee.

The Committee noted the late items, including the large number of complaints from residents regarding the design, scale, massing, amenity and flood risk that they considered would result from the proposed development.

Jean Chaplin, the applicant, Nikki Hallam, opposing and Councillor S Dannheimer, Ward Member, made representation to the Committee prior to the general debate.

The Committee considered all of the evidence before it and then commenced the debate, with specific reference to the size of the application, the lack of section 106 contributions, the impact of the balconies on privacy for existing residents and the substantial harm to the local environment. There followed a discussion about flooding and parking. There was concern that the development would be over intense for the area and that it would impact negatively on local services.

The size and massing of the proposed development was considered out of keeping with South Road and Canalside, with the style of the building unsympathetic in it's juxtaposition with the Canalside Heritage Centre. It was considered that the site was important to the visual appeal of Beeston Rylands and that there were more appropriate forms of residential development that could enhance the locality. It was also noted that there was a lack of biodiversity net gain proposed on the site.

**RESOLVED that planning permission be refused.**

**RESOLVED that the precise wording of the refusal and reasons, to include design massing, substantial harm, impact on amenity and intensification, be delegated to the Chair of Planning Committee in agreement with the Head of Planning and Economic Development.**

Reasons:

1. The development, by virtue of the scale and massing, overbearing nature, and potential for overlooking of properties on Riverside Close, would result in a detrimental impact to neighbour amenity contrary to Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
2. The development, by virtue of its design, scale and massing, would result in a building that would be out of character with the surroundings and would result in harm to the nearby non-designated heritage assets contrary to Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).

3. The development, by virtue of its layout and level of parking provision, would result in a detrimental impact to the surrounding area and to highway safety contrary to Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

#### 42.2 APPLICATION NUMBER 24/00395/FUL

Construct single/ two storey side and single storey rear extensions, raise the ridge height to the existing/ extended dwelling including a loft conversion and rear box dormer, and external alterations  
16 Mornington Crescent, Nuthall

Councillor P Bales had requested that this proposal come before Committee.

There a number of late items, including statements from neighbours both in support of and opposing the application.

A statement was read on behalf of Saima Asad, the applicant, prior to the general debate.

Having considered all of the representations before it, the Committee debated the item, with reference to the changes made to the original application. There was concern that the proposed development would contravene the Nuthall neighbourhood plan and the height of the proposal was discussed. The debate focused on whether the proposed development would be in keeping with the style of other properties on the Mornington Estate.

**RESOLVED that planning permission be granted.**

**RESOLVED that planning permission be granted with the precise wording of the approval and conditions, to including time, plans and materials, 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 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:
  - Site Location Plan 1 :1250 received by the Local Planning Authority on 19 June 2024, and
  - Planning Drawing Inc. Proposed Site Plan, Proposed Floor Plans and Proposed Elevations (DB/SA/24/18/01 Rev I) received by the Local Planning Authority on 9 December 2024.
3. The development shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.

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 ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

#### 42.3 APPLICATION NUMBER 24/00375/FUL

Construction of 4 dwellings following the demolition of 121 Brookhill Street 121 and land to the rear of 123 Brookhill Street, Stapleford, Nottinghamshire NG9 7GU

Councillor J W McGrath has requested that the application be determined by Committee.

The Committee noted the late item, an objection from Stapleford Town Council.

Rob Hughes, the agent on behalf of the applicant, Mr J R Harrison, objecting and Councillor J W McGrath, made representation to the Committee prior to the general debate.

The Committee gave due weight to all representations before it and commenced the debate. There was concern about the access to the proposed development and the number of properties that were proposed.

It was proposed by Councillor D K Watts and seconded by Councillor D D Pringle that the item be deferred to allow for further consideration of the access issues. One being put to the meeting the motion fell.

**RESOLVED that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to the following conditions:**

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:**

- **Proposed Site Plan 175/04/E**
- **Proposed Ground Floor Plan 175/05/D**
- **Proposed First Floor Plan 175/06/E**
- **Proposed Second Floor Plan 175/07/D**
- **Proposed Elevations – Merged 175/12/D**  
**(Received by the Local Planning Authority 10/12/24)**

- **Proposed Elevations – Units 1 and 2 175/10/E**
- **Street Scene Rev B**  
(Received by the Local Planning Authority 28/10/24)
  
- **Site Location Plan 175/00**
- **Existing Site Plan 175/01/B**
- **Existing North and South Elevations 175/02**
- **Existing East and West Elevations 175/03**  
(Received by the Local Planning Authority 14/06/24)

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

- 3. No development above slab level shall commence until samples/details of the proposed external facing materials have been submitted to and agreed 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.**

- 4. 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.**

**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.**

- 5. No development within the full planning permission phase 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; and
- f) details of dust and noise suppression to be used during the construction phase.
- g) a scheme for the identification and safe removal of asbestos containing material.

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

6. Prior to the commencement of the development, a detailed Landscape and Ecological Management Plan shall be submitted to and approved and by the Local Planning Authority. The Landscape and Ecological Management Plan shall be in accordance with the enhancement measures and precautionary working measures contained within the submitted Ecological Appraisal (Dated 04/06/24 Version 2) and shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

In the interests of securing an environmental net gain 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. **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 Small Sites Metric and Addendum to Appendix 3 BNG Calculation received by the Local Planning Authority on 17 September 2024, both documents prepared by Christopher Barker dipHort CEnv ACIEEM Ecologist.**

**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 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;**

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 site in accordance with the relevant paragraphs of Schedule 7A of the Town and Country Planning Act 1990, 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 and in accordance with the National Planning Policy Framework December 2023.

8. Prior to the commencement of the development, a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:

- (a) numbers, types, sizes and positions of proposed trees and shrubs
- (b) proposed boundary treatments
- (c) proposed hard surfacing treatment
- (d) proposed lighting details
- (e) planting, seeding/turfing of other soft landscape areas
- (f) proposed retaining walls or similar structures

The approved landscaping shall be carried out in accordance with the approved details 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: Limited details were submitted and 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).**

- 9. The dwellings shall not be brought into use until both access points are laid out with the widths as shown on the revised plan entitled 'Proposed Site Plan', drawing no. 175/04/E.**

**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).**

- 10. The dwellings shall not be brought into use until both access points dropped vehicular footway crossing has been widened and is available for use and constructed in accordance with the Highway Authority specification 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).**

- 11. The dwellings shall not be brought into use until both access drives are surfaced in a hard-bound material (not loose gravel). The surfaced drives shall then be maintained in such hard-bound material for the life of the development.**

**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).**

- 12. No part of the development hereby permitted shall be brought into use until the access driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.**

**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).**

- 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 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. 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, or roof alterations**

shall be carried out to the dwellings hereby approved which come within Class A, AA, B, C and E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.

Reason: In the interests of preserving the spacious character of the site and protecting the privacy of neighbouring properties in accordance with the aims of Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan (2019).

15. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted BS5837:2012 Tree Survey (Dated 16/05/24 Version 1).

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 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.

16. Prior to the occupation of the hereby approved development the Jakoustic® 12K ENVIROFENCE timber acoustic barrier detailed in plan ref 175/04/E dated 22/03/24 must be installed. The barrier must thereafter be maintained and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

To protect nearby occupiers from excessive 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.

#### 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. As this permission relates to the creation of new units, 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.
3. 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.
4. There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.

If the route is to be fenced, ensure that the appropriate width is given to

the path and that the fence is low level and open aspect to meet good design principles. It is noted that the existing concrete fence is to remain.

If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.

Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

No materials or contractors vehicles should be stored/parked on the path prevent access to or along the path at any time (unless a temporary closure of the path has been applied for and granted).

The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line line ensuing that it is cut back so as not to interfere with right of way.

Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. [licences@viaem.co.uk](mailto:licences@viaem.co.uk)

If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-andpermits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic

#### 42.4 APPLICATION NUMBER 23/00095/FUL

Change of use of land to open storage and siting of storage and skips (Class B8) including access point off West End Street and egress point on Bailey Street  
Former Dyeworks Site, Bailey Street, Stapleford, Nottinghamshire

Councillor J W McGrath had asked that the proposal be determined by Committee.

There was a late item to add an additional condition to the recommendation as follows:

The development shall be carried out in accordance with the submitted drawing no. PG/MF/2010/012/101 Rev B dated Jan 2023; Complied by Paul Gaughan Building Consultants and received by the Local Planning Authority on 30 May 2024 and the following mitigation measure: all 9 storage containers to be sited wholly within Flood

Zone 2. This mitigation measure shall be carried out in full and shall be retained and maintained thereafter throughout the lifetime of the development.

Barry Jones, objecting and Councillor John McGrath, Ward Member, made representation to the Committee prior to the general debate.

Having considered all of the evidence before it, the Committee debated the item. There was concern about the size of vehicle that would service the proposed site going down a domestic street. It was noted that comments had been received from Highways. It was considered that the site would be more appropriate for residential development once the protection order from HS2 was lifted.

**RESOLVED that planning permission be refused.**

**RESOLVED that planning permission be refused with the precise wording of the refusal and reasons, to include impact on neighbours and over-intensive development, be delegated to the Chair of the Planning Committee in agreement with the Head of Planning and Economic Development.**

#### 42.5 APPLICATION NUMBER 24/00784/FUL

Change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis).  
108 Long Lane, Attenborough, NG9 6BW

The application was brought before Committee at the request of Councillor P A Smith.

There was a late item, noting that the amended Flood Risk Assessment has been received on 20 December 2024. The Environment Agency had not yet responded to this.

Councillor P A Smith, Ward Member, made representation to the Committee prior to the general debate.

The Committee debated the item, with due regard to the evidence before it. The main subjects of debate were the size of the rooms, the amenity for residents of the property, the amenity for local people, the lack of space in the property and the flood risk assessment.

**RESOLVED that planning permission be refused.**

**RESOLVED that planning permission be refused and that the precise wording of the refusal and reasons, to include amenity, be delegated to the Chair of Planning Committee in agreement with the Head of Planning and Economic Development.**

#### Reasons

The proposal, by virtue of the change of use into a 7 bed house in multiple occupancy (Sui Generis Use), would be unacceptable due to the impact on the amenity of the existing occupants. As such, the development would fail to accord with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Having declared a non registrable, non pecuniary interest, Councillor G Marshall left the meeting for the duration of the item and did not vote thereon.

Having declared a non registrable, non pecuniary interest, Councillor P A Smith made her representations to Committee as Ward Member and then left the meeting for the duration of the item and did not vote thereon.

#### 42.6 APPLICATION NUMBER 24/00545/REG

Reconstruction of the full wooden structure for the Brinsley Colliery Headstocks and construct new metal estate fencing around the site perimeter  
Brinsley Colliery Headstocks, Brinsley Picnic Site Mansfield Road Brinsley Nottinghamshire

This item was called before Committee as the Council is the applicant.

There were no late items and no public speakers.

The Committee debated the item, noting that the biodiversity net gain on the site was to be over 60%.

**RESOLVED that 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.**

***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 received by the Local Planning Authority on 15 August 2024:**

- **Site Location Plan,**
- **Proposed Site Plan (Drawing Reference CW24.021),**
- **Proposed Trestle elevations (Drawing Reference CW24.021),**
- **Proposed Side Elevation (Drawing Reference CW24.021),),**
- **Proposed Front Elevations Plan (Drawing Reference CW24.021),),**

**And in accordance with the following plans received by the Local Planning Authority on 20 August 2024:**

- **Proposed Fencing Elevations (Drawing Number: CW24.021),**
- **Proposed Boundary Plan (Drawing Number: CW24.021).**

*Reason: For the avoidance of doubt*

3. The Headstock towers and fencing shall be constructed using materials as specified in the application form and approved drawings received by the Local Planning Authority on 30 March 2023, unless otherwise agreed in writing by the Local Planning Authority.

**Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).**

4. 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 Small Sites Metric and Biodiversity Net Gain Supplementary Note received by the Local Planning Authority on 6 October 2024, both documents dated 4 October 2024 and prepared by Dave Haslem MSc. Ecologist.

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 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 in operation 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 site in accordance with the relevant paragraphs of Schedule 7A of the Town and Country Planning Act 1990, and Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 31 of the Aligned Core Strategy (2014), and Policy GI 3 of the Awsworth Neighbourhood Plan, and in accordance with the National Planning Policy Framework December 2023.**

**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.**

**42.7 APPLICATION NUMBER 21/00838/FUL**

Convert existing building to create 25 1, 2 and 3 bedroom apartments and external alterations

St Johns School of Mission Office Building, Peache Way, Bramcote, Nottingham, NG9 3DS

The application is brought before the Committee to consider the offer of contributions contrary to policy due to unviability.

There were no late items and no public speakers.

The Committee debated the item. It was noted that the lack of Section 106 contributions was disappointing, but that it was important to have the site developed because the derelict building was becoming a risk to the public.

**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 the following:**

**Received by the Local Planning Authority on 17 February 2022**

- Drawing 1038 007 A Proposed Roof Plan Layout
- Drawing F21198 Proposed Site Access Layout & Visibility Assessment (within Transport Statement)

Received by the Local Planning Authority on 21 February 2022

- Drawing 1038 008 A Proposed Bin and Cycle Store

Received by the Local Planning Authority on 1 August 2022

- Drawing 1038 003 A Proposed Floor Plans
- Drawing 1038 004 A Proposed Elevations
- Drawing 1038 005 A Existing and Proposed Site Block Plan
- Drawing 1038 006 B Proposed Site Plan Layout
- Drawing 1038 009 A Existing and Proposed Listed Wall Plan
- Drawing 1038 013 Proposed Material Board

Received by the Local Planning Authority on 1 December 2023

- Drawing 600924-HEX-00-XX-D-C-9200 P01 Drainage Strategy (within Drainage Statement)

Received by the Local Planning Authority on 6 June 2024

- Drawing 22.1695.002C Landscape Strategy

Received by the Local Planning Authority on 10 December 2024

Drawing 22.1695.001D Landscape Strategy.

3. No external lighting shall be installed unless its specification and an assessment of areas illuminated has been submitted to and approved in writing by the local planning authority.
4. No removal of hedgerows, trees, or scrub shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period.
5. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect mammals including badger and hedgehog, from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
  - a) The creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day;
  - b) Open pipework greater than 150 mm outside diameter must be capped off at the end of each working day;
  - c) Fuel and other harmful substances must be kept all in a locked area and spillages treated with spill kits;

- d) If any fresh sett digging is observed notifying an ecologist immediately and leaving a 20m buffer around the area until an assessment can be made.
- e) To minimise the effect of the proposals on existing habitats, storage of materials and machinery should be on hardstanding and must avoid the root protection zone of trees. Any trees that will be unaffected should be adequately protected during the construction works, in line with BS5837:2012.
6. All windows in the north-west elevation on drawing number 1038 004 revisions A must be obscure glazed to Pilkington Level 5 and must be retained or replaced as such during the lifetime of the development.
7. Occupation of the development hereby permitted shall not take place until the off-street parking areas shown on drawing number 1038 006 Revision B have been provided and details of the provision and management of access, electric vehicle charging points and parking permits (including arrangements for visitors) has been submitted to and approved in writing by the local planning authority. The parking and turning areas shall be maintained and operated in accordance with the approved details, and shall not be used for any purpose other than the parking and turning of vehicles during the lifetime of the development.
8. Occupation of the development hereby permitted shall not take place until the site access shown on Transport Statement drawing number F21198/01 has been provided together with provision to prevent the discharge of surface water from the parking area to the public highway. The provision to prevent the discharge of surface water shall be retained for the lifetime of the development.
9. No development shall commence until details of a noise assessment have been submitted to and approved in writing by the Council. The report shall include details of noise attenuation measures required to meet the standard for internal noise levels defined in the current BS8233:2014 (including glazing and ventilation details). The dwelling hereby permitted shall not be occupied until the noise mitigation measures have been provided in accordance with the approved details and shall thereafter be retained for the lifetime of the development.
10. 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.
11. No development shall commence 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 and demolition;

- e) a scheme for the recycling and disposal of construction and demolition waste
- f) details of dust and noise suppression to be used during construction.
- g) the identification, isolation and removal of any asbestos containing materials.

The approved statement shall be adhered to during demolition and construction.

- 12. Occupation of the proposed development shall not take place until the Drainage Strategy has been implemented in accordance with drawing number 600924-HEX-00-XX-D-C-9200 revision P01.
- 13. All hard and soft landscape works shall be carried out in accordance with details set out in drawings 22.1695.001 D received on 10 December 2024 and 22.1695.002 C received on 6 June 2024. The works shall be implemented prior to the occupation of development and thereafter maintained in accordance with a management strategy, which must have been submitted to and approved in writing by the local planning authority.

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 limit impacts to protected species, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Local Plan (2019).
- 4. To limit impacts to protected species, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Local Plan (2019).
- 5. To limit impacts to protected species, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Local Plan (2019).
- 6. To maintain a satisfactory degree of amenity for neighbours and new occupiers, in accordance with Policy 17 of the Broxtowe Local Plan (2019).
- 7. In the interests of highway safety and to ensure sufficient, well-integrated parking and charging infrastructure, in accordance with Policies 17 and 20 of the Broxtowe Local Plan (2019).
- 8. In the interests of highway safety and to ensure a safe and convenient access, in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019).
- 9. To protect occupiers from excessive noise, in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

10. To protect nearby occupants from excessive construction noise and vibration, in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).
11. To protect the amenity of neighbouring residents, in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).
12. To ensure the site is sustainably drained, in accordance with Policy 1 of the Aligned Core Strategy (2014) and Policy 1 of the Part 2 Local Plan (2019).
13. To ensure the site provides adequate external storage and amenity space and a satisfactory degree of amenity in accordance with Broxtowe Aligned Core Strategy (2014) Policy 10 and with Broxtowe Part 2 Local Plan (2019) Policy 17.

#### **NOTES TO APPLICANT**

1. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. 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)

42.8 APPLICATION NUMBER 21/00839/LBC

Proposed alterations to Grade II listed wall, including steps for pedestrian access  
St Johns School of Mission Office Building, Peache Way, Bramcote, Nottingham, NG9  
3DS

The application is determined by the Committee because it accompanies a planning application being determined by the Committee.

There were no late items and no public speakers.

The Committee debated the item with due regard to the evidence before it.  
Recommendation

**RESOLVED that listed building consent be granted subject to the following conditions:**

1. **The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.**
2. **The development hereby permitted shall be carried out in accordance with the following:**

**Received by the Local Planning Authority on 1 August 2022**

- **Drawing 1038 005 A Existing and Proposed Site Block Plan**
- **Drawing 1038 006 B Proposed Site Plan Layout**
- **Drawing 1038 009 A Existing and Proposed Listed Wall Plan**

**Received by the Local Planning Authority on 6 June 2024**

- **Drawing 22.1695.002C Landscape Strategy**

**Received by the Local Planning Authority on 10 December 2024**

- **Drawing 22.1695.001D Landscape Strategy.**

3. **No building operations shall be carried out until samples of the materials to be used in facing external walls and roofs 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.**

**Reasons:**

- 1. To comply with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990**
- 2. For the avoidance of doubt and to define the consent**
- 3. To ensure that the proposals would conserve and enhance the character and appearance of the heritage asset by virtue of materials and quality of detail in accordance with Policy 23 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.**

**42.9 APPLICATION NUMBER 24/00534/FUL**

Construct single storey front extension  
Boundary Cottage, Main Street, Strelley Nottinghamshire NG8 6PD

This application was called before Committee by Councillor P J Owen.

There were no late items to report to Committee.

Matthew Laykin, the applicant, made representation to Committee prior to the general debate.

Having considered all representations before it, the Committee debated the item, noting that there was no impact on the openness and amenity of the green belt from the proposed development.

**RESOLVED that planning permission be granted.**

**RESOLVED that planning permission be granted with the precise wording of the approval and conditions, to include time, plans and materials, to be 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 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:**
  - Site Location Plan 1 :1250 (002), Ground Floor As Proposed (201), Block Plan 1:500 (001), First Floor As Proposed (202) received by the Local Planning Authority on 13 August 2024, and**
  - Roof Plan As Proposed (203), and Elevations As Proposed (401) received by the Local Planning Authority on 29 August 2024.**



3. The proposed extension shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.
4. The windows and doors shall be constructed with Conservation materials, flush fitted & not trickle vents or storm-proofed, in accordance with the email received from the agent dated 18 November 2024, confirming the installation of Ultimate Heritage with Flush Sash windows in white wood grain, with horizontal bars to match the other windows, and two sets of French doors to match the windows, and brochure specifications received by the Local Planning Authority on 31 October 2024.

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 ensure a satisfactory standard of appearance in the Conservation Area and in accordance with the aims of Policy 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 and 11 of the Aligned Core Strategy (2014).
4. To ensure a satisfactory standard of appearance in the Conservation Area and in accordance with the aims of Policy 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 and 11 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. 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.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. 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)

## 43 INFORMATION ITEMS

### 43.1 DELEGATED DECISIONS

The delegated decisions were noted.

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>24/00863/VOC</b>
<b>LOCATION:</b>	<b>Stapleford Town Football Club, Hickings Lane Recreation Ground, Hickings Lane, Stapleford, Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>Variation of condition 2 approved plans of application reference number: 23/00051/REG3 to revise the position of the approved MUGA</b>

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

**1. Purpose of the Report**

1.1 The application seeks planning permission for the variation of condition 2 of planning permission 23/00051/REG3 to amend the approved plans to change the location of the MUGA. Planning permission was previously granted 7 July 2023 for the demolition of an existing changing pavilion and the construction of a community leisure pavilion together with associated external works including the installation of a MUGA and replacement of skate park with community garden.

**2. Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the Appendix.**

**3. Detail**

3.1 The application seeks planning permission to vary the approved plans to relocate the MUGA southwards to allow space for the previously approved AGP development reference 24/00175/REG3. The proposed size of the MUGA has been increased to comply with FA guidelines for 7v7 pitches.

3.2 The application site is Hickings Lane Recreation Ground in Stapleford which is afforded protection under Policy 16: Green Infrastructure, Parts and Open Space of the Aligned Core Strategy (2014) and Policy 28: Green Infrastructure Assets of the Part 2 Local Plan (2019).

3.3 The main issues relate to the impact of the proposal on Hickings Lane playing pitches and public open space, the impact on the character and appearance of the area and the impact on amenity of neighbouring properties

3.4 The benefits of the proposal are that the development would deliver a new community and leisure pavilion building. The proposal includes a MUGA which offers health benefits to children and the wider community. The revised location of the MUGA has been carefully considered to ensure the proposal would positively integrate within the wider development on Hickings Lane Recreation Ground. Further to this, any potential noise or light pollution associated with the MUGA has been mitigated. On balance, it is considered that any potential concerns would be outweighed by the benefits of the

scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.

3.5 Conditions which have been discharged since planning permission was granted have been updated accordingly including conditions 3 (materials), 4 (contamination), 5 (coal mining legacy), 6 (landscaping), 7 (Landscape and Ecological Management Plan) and 8 (Construction / Demolition Statement), 9 (cricket relocation plan).

3.6 On balance, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers

7.1 Nil.

## Appendix

1. Details of the application
  - 1.1 The application seeks planning permission to vary the approved plans to relocate the MUGA southwards to allow space for the previously approved AGP development reference 24/00175/REG3. The proposed size of the MUGA has been increased to comply with FA guidelines for 7v7 pitches.
2. Site and surroundings
  - 2.1 The application site comprises of playing field land at Hickings Lane recreation ground. Hickings Lane recreation ground is bound by the B6004 Hickings Lane to the north and residential properties to the south, west and eastern boundaries. The site is predominantly flat with a gentle fall from north to south. There are trees bordering the northern boundary of the site.
3. Relevant Planning History
  - 3.1 Planning permission was previously granted 7th July 2023 for the demolition of an existing changing pavilion and the construction of a community leisure pavilion together with associated external works including the installation of a MUGA and replacement of skate park with community garden. The original pavilion has been demolished and the new pavilion is currently under construction. Further to this, planning permission was previously granted 6th June 2024 for the creation of a 3G artificial grass pitch with associated infrastructure reference 24/00174/REG3.
4. Relevant Policies and Guidance
  - 4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**
  - 4.2 The Council adopted the Core Strategy (CS) on 17 September 2014.
    - Policy A: Presumption in Favour of Sustainable Development
    - Policy 2: The Spatial Strategy
    - Policy 10: Design and Enhancing Local Identity
    - Policy 12: Local Services and Health Lifestyles
    - Policy 13: Culture, Tourism and Sport
    - Policy 16: Green Infrastructure, Parks and Open Space
    - Policy 17: Biodiversity

#### 4.3 **Part 2 Local Plan 2019:**

4.4 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 25: Culture, Tourism and Sport
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets

#### 4.5 **National Planning Policy Framework (NPPF) 2024:**

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 9: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

#### 5. Consultations

5.1 **Sport England** – No objections, subject to the retention of condition 9 (cricket club relocation plan) of planning permission 23/00051/REG3.

5.2 **Broxtowe Environmental Health** – No objections subject to conditions to restrict lighting and requiring a Noise Management Plan to be submitted detailing measures that will be implemented to ensure that any noise associated with the development does not adversely impact the amenity of neighbouring residential properties. The Noise Management Plan shall be complied with for the lifetime of the development.

- 5.3 **Resident comments** - Comments are due to follow. Consultation was sent for 21 days and comments are due by 04/02/25. Comments received will be added as a late item and will be presented to Planning Committee 05/02/25.
6. Assessment
- 6.1 The main issues for consideration are the principle of the development and the impact of the loss of open space/playing fields, the impact of the development on the character and appearance of the area and its impact on the amenity of neighbouring properties.
- 6.2 Principle of Development
- 6.3 In accordance with Policy 28 – Green Infrastructure Assets of the Part 2 Local Plan (2019), the site comprises of a playing pitch and informal open space. Development proposals which are likely to lead to increased use of any asset will be required to take reasonable opportunities to enhance the asset. Furthermore, permission will not be granted for development that results in any harm or loss to the Green Infrastructure Asset, unless the benefits of development are clearly shown to outweigh the harm.
- 6.4 It is important to note that the principle of a MUGA was previously approved under planning permission 23/00051/REG3 for the new pavilion building. The MUGA is to be relocated to the south of the approved pavilion building and AGP development. The proposed size of the MUGA has been increased to comply with FA guidelines for 7v7 pitches. Whilst the new MUGA location and footprint size would result in partial loss of the playing pitch and informal open space at Hickings Lane Recreation Ground, the proposed development offers significant benefits to the local community in respect of the enhanced sports facilities.
- 6.5 Sport England have provided no objections subject to the retention of the cricket club relocation plan (condition 9) being retained. This condition was previously discharged by the Local Planning Authority 15/04/24 and has been added to the list of conditions (now condition 8). Moving the MUGA further to the south will not alter the ability to mark out pitches on the remaining area of playing field. The increased encroachment on the remaining area of playing field to the east does have the potential to impact on the capacity of the playing field to accommodate sporting activity and playing pitches. Sport England have previously commented on the combined impact of both the AGP (24/00175/REG) and the MUGA in this location, Sport England concluded that taking into account the range of pitches that could be accommodated on the AGP and MUGA, alongside those which could be accommodated on the area of playing field to the east of the MUGA, the playing field would retain the ability to provide a range of football pitches.
- 6.6 The proposed new location of the MUGA allows the integration of the MUGA and wider development of Hickings Lane including a new pavilion building and AGP. The provision of which would be of significant benefit to the development of sport in this location which would outweigh any detriment

caused by the loss, or prejudice to the use, of the area of the playing pitches and informal open space.

6.7 Design

6.8 Policy 10 - Design and Enhancing Local Identity of the Part 1 Local Plan states that all new development should be designed to make a positive contribution to the public realm and sense of place. Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan advises that for all new development, permission will be granted for development which integrates into its surroundings.

6.9 The revised layout relocates the MUGA southwards of the approved pavilion building. The new MUGA design includes an increased footprint 61m x 43m. The new MUGA location will remain well contained within the Hickings Lane Recreation Ground and will not disrupt the existing footpath that surrounds the development. As such, the MUGA will be mostly screened from views along Hickings Lane. Views of the MUGA would be most visible from Saville Close to the south of the site. The MUGA will be enclosed by 4.5m high green coated wire fencing.

6.10 It is considered that the proposed new location of the MUGA and its design would be consistent with the wider character of sports facilities at Hickings Lane Recreation Ground.

6.11 Amenity

6.12 Policy 17 - Place-making, Design and Amenity advises that for all new development, permission will be granted for development which ensures a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

6.13 The revised location of the MUGA would be closer to residential properties south of the site including Saville Close, Hemlock Avenue and Tevery Close. The application has been supported by a lighting assessment and Noise Impact Assessment. The Council's Environmental Health team have reviewed the submitted lighting and noise assessment and have provided no objections subject to conditions to limit any potential adverse impact on the amenity of nearby residential properties. The submitted Noise Impact Assessment concludes that noise from the use of the MUGA may still be noticeable but not intrusive, therefore, it is concluded the use of the MUGA would have no observed adverse effect at noise sensitive receptor locations. Further to this, environmental health recommended conditioning that a Noise Management Plan be submitted that will include measures that will be implemented to ensure that any noise associated with the development does not cause any adverse impact to the living conditions of neighbouring properties in terms of noise.

6.14 Other proposed site uses including football training and matches already form part of the existing use of the site, and therefore, whilst noise from the activities may still be noticeable, it is unlikely to be intrusive. It should be noted



that opening hours of the MUGA were previously restricted by condition of planning permission 23/00051/REG to Monday to Sunday 08.30-21.00 only. This condition will remain in place to protect nearby residents and road users from excessive operational noise and light pollution.

6.15 To conclude on amenity, it is considered the proposed development will have no significant impact on neighbour amenity.

6.16 Other matters

6.17 Coal mining legacy condition 5a (23/00051/REG3) was previously discharged 08/08/24, enabling the development to commence. The applicant has confirmed that the strip of the site and foundation dig is now completed and there was no evidence found of any coal mining activity. As such, it is confirmed that no remediation is required, therefore condition 5b (23/00051/REG3) is satisfied and is no longer required in the below list of conditions.

7. Conclusion

7.1 The benefits of the proposal are that the development would deliver a new community and leisure pavilion building. The proposal includes a MUGA which offers health benefits to children and the wider community. The revised location of the MUGA has been carefully considered to ensure the proposal would positively integrate within the wider development on Hickings Lane Recreation Ground.

7.2 Further to this, any potential noise or light pollution associated with the MUGA is deemed accepted subject to conditions. On balance, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan.

**Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.**

<b>1.</b>	<p><b>The development to which this approval relates shall be begun no later than 7 July 2026.</b></p> <p><b>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.</b></p>
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<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Site Location Plan</li> <li>• Utility Survey 45652_T_UG Rev. 0</li> <li>• Topographical Survey 45652_T Rev. 0</li> <li>• Existing Site Plan 0101 Rev. P02</li> <li>• Existing Building 0016 Rev. P01</li> </ul> <p>(All received by the Local Planning Authority 19/01/23)</p> <ul style="list-style-type: none"> <li>• Proposed Floor Plans 0010 Rev. P07</li> <li>• Proposed Roof Level Plan 0012 Rev. P05</li> <li>• Proposed Elevations 0015 Rev. P09</li> </ul> <p>(All received by the Local Planning Authority 11/10/24).</p> <ul style="list-style-type: none"> <li>• Full Size APG and 7v7 Pitch 00 Rev 04</li> <li>• Site Section 13</li> <li>• Proposed MUGA Drainage Strategy 12 Rev 01</li> </ul> <p>(Received by the Local Planning Authority 24/12/24).</p> <p>Reason: For the avoidance of doubt.</p>
<p>3.</p>	<p>The development to which this relates shall be carried out in accordance with materials as approved by the Local Planning Authority 23/10/24.</p> <p>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.</p>
<p>4.</p>	<p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p> <p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been</p>

	<p>implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p>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.</p>
<p>5.</p>	<p>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.</p> <p>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.</p>
<p>6.</p>	<p>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.</p> <p>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.</p>
<p>7.</p>	<p>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.</p> <p>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.</p>
<p>8.</p>	<p>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.</p> <p>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.</p>

<p>9.</p>	<p>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.</p> <p>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.</p>
<p>10.</p>	<p>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.</p> <p>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</p>
<p>11.</p>	<p>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.</p> <p>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.</p>
<p>12.</p>	<p>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</p>

	<p>development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.</p> <p>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.</p>
<p>13.</p>	<p>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.</p> <p>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.</p>
<p>14.</p>	<p>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.</p> <p>Reason: To reduce the potential for crime in accordance with Part 8 - Promoting healthy and safe communities of the National Planning Policy Framework 2024.</p>
<p>15.</p>	<p>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.</p> <p>The Noise Management Plan must include:</p> <ul style="list-style-type: none"> <li>• the design measures which will ensure that the surrounding fence meets the ‘best practical means’ to reduce impact noise,</li> </ul>

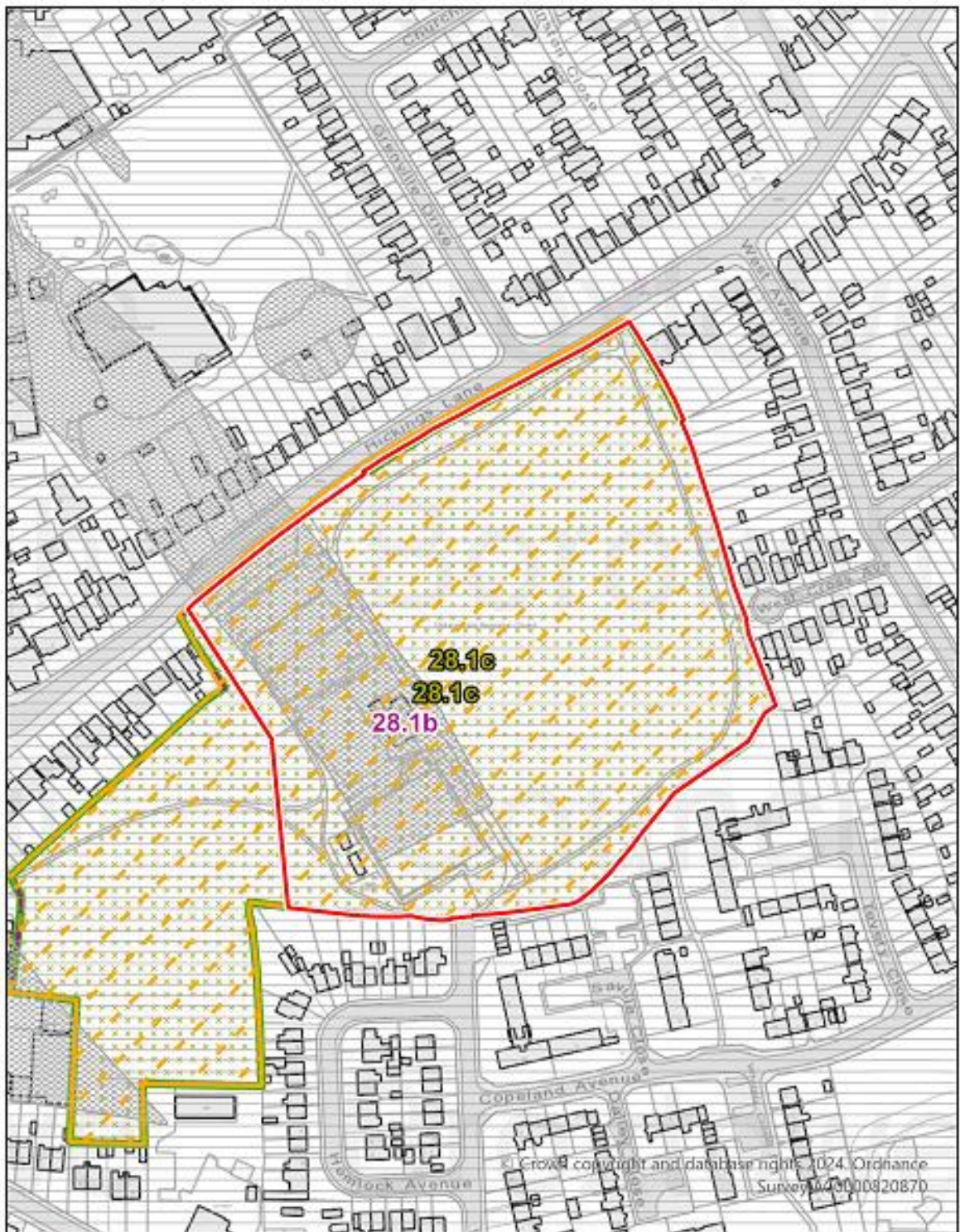
	<ul style="list-style-type: none"> <li>• repair and maintenance measures to ensure that these design measures are maintained,</li> <li>• proposed measures to manage the behaviour of clients using the MUGA,</li> <li>• proposed measures to prevent unauthorised use of the MUGA outside the permitted hours of use, and</li> <li>• proposed local community engagement measures to ensure that the impact of the development on residents is mitigated through effective communication and community liaison.</li> </ul> <p><b>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.</b></p>
<p>16.</p>	<p>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.</p> <p><b>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.</b></p>
<p>17.</p>	<p>The floodlit MUGA shall only be used at the following times: Monday to Sunday 08.30-21.00 only.</p> <p><b>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.</b></p>
<p>18.</p>	<p>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.</p> <p><b>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.</b></p>

<p>19.</p>	<p>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.</p> <p>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.</p>
<p>20.</p>	<p>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.</p> <p>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.</p>
<p>21.</p>	<p>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.</p> <p>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.</p>
	<p><b>NOTES TO APPLICANT</b></p>
<p>1.</p>	<p>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.</p>

<p>2.</p>	<p>The applicant is advised that the proposed will require a Food Registration. Please contact the Councils Environmental Health Department on Tel 0115 9173485.</p>
<p>3.</p>	<p>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.</p>
<p>4.</p>	<p>The applicant is advised that the proposed may require a Premises Licence. Please contact the Councils Licensing Department on Tel 0115 9173485.</p>

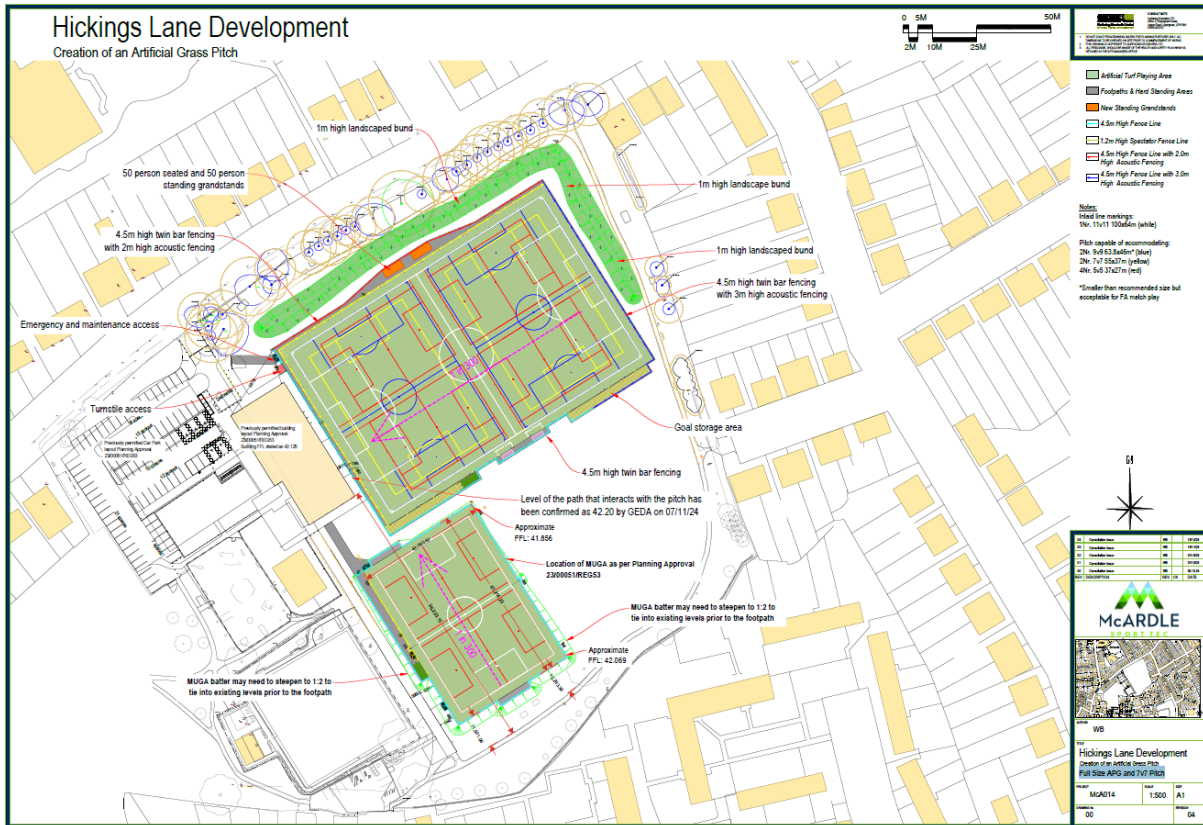


**Site Location Plan (not to scale)**

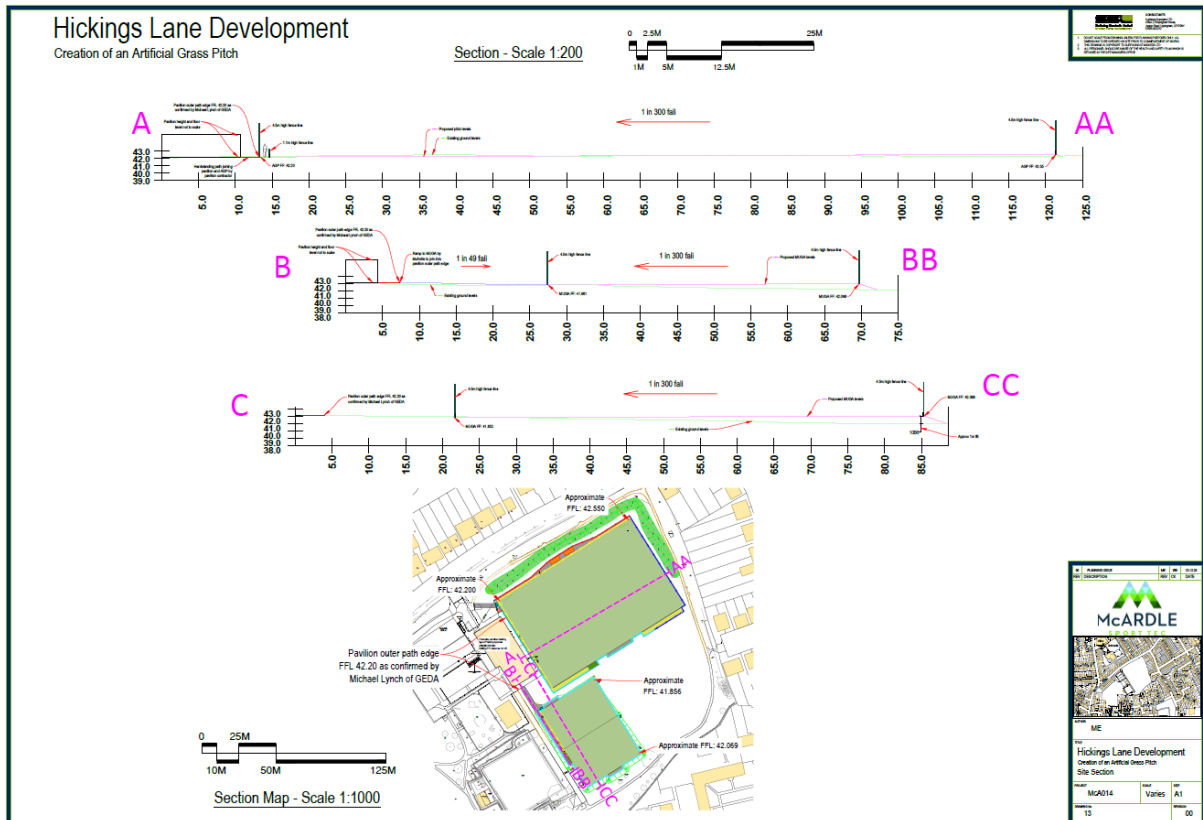


-  Site
  -  Open Spaces
  -  Coal Standing Advice
  -  Coal Referral Area
  -  Playing Pitches
  -  Informal Open Space
- Policy 28.1b  
Policy 28.1c

Proposed Layout Plan



Proposed Cross Section Plan



**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>24/00864/VOC</b>
<b>LOCATION:</b>	<b>Stapleford Town Football Club, Hickings Lane Recreation Ground, Hickings Lane, Stapleford, Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>Variation of condition 2 approved plans of application reference number 24/00175/REG3 to amend the approved drainage details.</b>

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

**1. Purpose of the Report**

1.1 The application seeks planning permission for the variation of condition 2 of planning permission 24/00175/REG3 to amend the approved drainage plans. No other changes are proposed. Planning permission was originally granted 6 June 2024 for the creation of an artificial grass pitch with associated infrastructure.

**2. Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the Appendix.**

**3. Detail**

3.1 The application to vary the approved drainage plans has been submitted as the proposed drainage strategy in relation to the previously approved artificial pitch reference 24/00175/REG3 has been redesigned. The proposed drainage strategy is to be consistent with the drainage strategy of the approved pavilion and MUGA development reference 23/00051/REG3. The proposed design of the AGP development is for a permeable surface construction. The surface of the synthetic turf area shall be permeable with the underlying stone sub-base acting as an attenuation / storage area for surface water. The revised surface water drainage strategy changes the direction of the finished floor levels of the artificial pitch to flow south-west and be channelled to the north into an existing surface water sewer. The originally approved drainage strategy proposed to direct surface water into an existing sewer south of the AGP development.

3.2 The site is located in Flood Zone 1 and therefore is at low risk from fluvial flooding. This application seeks to regularise the proposed revised surface water drainage strategy.

3.3 The main issue to consider is the proposed drainage strategy, no other issues are to be raised with the application.

3.4 The benefits of the proposal provide an appropriate surface water drainage strategy. All benefits of the application for the original approved development remain in line with planning permission 24/00175/REG3 for an artificial pitch



and associated fencing and hard standing. Conditions which have been discharged since planning permission was granted have been updated accordingly including conditions 3 (landscaping), 4 (Landscape Ecological Management Plan, 5 (Construction Method Statement) and 6 (transitional cricket facility plan). Condition 14 has been updated to include the submitted revised written drainage strategy.

- 3.5 On balance, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

- 6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers

- 7.1 Nil.

## Appendix

1. Details of the application
  - 1.1 The application seeks planning permission for the variation of condition 2 of planning permission 24/00175/REG3 to amend the approved drainage plans. No other changes are proposed. Planning permission was originally granted 6th June 2024 for the creation of an artificial grass pitch with associated infrastructure.
  - 1.2 The application to vary the approved drainage plans has been submitted as the proposed drainage strategy in relation to the previously approved artificial pitch reference 24/00175/REG3 has been redesigned. The proposed drainage strategy is to be consistent with the drainage strategy of the approved pavilion and MUGA development reference 23/00051/REG3. The proposed design of the AGP development is for a permeable surface construction. The surface of the synthetic turf area shall be permeable with the underlying stone sub-base acting as an attenuation / storage area for surface water. The revised surface water drainage strategy changes the finished floor levels of the artificial pitch to flow south-west and be channelled to the north into an existing surface water sewer. The originally approved drainage strategy proposed to direct surface water into an existing sewer south of the AGP development.
2. Site and surroundings
  - 2.1 The application site comprises of playing field land at Hickings Lane recreation ground. Hickings Lane recreation ground is bound by the B6004 Hickings Lane to the north and residential properties to the south, west and eastern boundaries. The site is predominantly flat with a gentle fall from north to south. There are trees bordering the northern boundary of the site.
3. Relevant Planning History
  - 3.1 Planning permission was previously granted 6 June 2024 for the creation of an artificial grass pitch with associated infrastructure reference 24/00174/REG3. Further to this, planning permission was previously granted for the demolition of an existing changing pavilion and the construction of a community leisure pavilion together with associated external works including the installation of a MUGA and the replacement of a skate park with a community garden. The original pavilion has been demolished and the new pavilion is currently under construction.
4. Relevant Policies and Guidance
  - 4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**
  - 4.2 The Council adopted the Core Strategy (CS) on 17 September 2014.
    - Policy A: Presumption in Favour of Sustainable Development
    - Policy 2: The Spatial Strategy

- Policy 10: Design and Enhancing Local Identity
- Policy 12: Local Services and Health Lifestyles
- Policy 13: Culture, Tourism and Sport
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity

**4.3 Part 2 Local Plan 2019:**

4.4 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 25: Culture, Tourism and Sport
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets

**4.5 National Planning Policy Framework (NPPF) 2024:**

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 9: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

**5. Consultations**

5.1 **Sport England** – No objections subject to conditions previously requested regarding planning reference 24/00175/REG3 to be included.

- 5.2 **Resident comments** - Comments are due to follow. Consultation was sent for 21 days and comments are due by 04/02/25. Comments received will be added as a late item and will be presented to Planning Committee 05/02/25.
6. Assessment
- 6.1 The main issue to consider is the proposed drainage strategy, no other issues are to be raised with the application.
- 6.2 Drainage
- 6.3 Policy 1 – Climate Change of the Part 1 Local Plan advises that all new development should incorporate measures to reduce surface water runoff whilst managing surface water drainage in a sustainable manner, and Sustainable Drainage Systems should be incorporated into all new development unless it can be demonstrated that such measures are not viable or technically feasible. Policy 1 – Flood Risk of the Part 2 Local Plan advises that development will not be permitted in areas at risk from any form of flooding unless measures are included to ensure, including by the use of Sustainable Drainage Systems (SuDS), that developments on greenfield sites maintain greenfield (pre-development) surface water run off rates.
- 6.4 The site is located in Flood Zone 1 and therefore is at low risk from pluvial flooding and comprises of mostly grasslands forming Hickings Lane Recreation Ground.
- 6.5 In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- 6.6 The NPPG outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy in the following order of priority:
- Into the ground (infiltration);
  - To a surface water body;
  - To a surface water sewer, highway drain, or another drainage system;
  - To a combined sewer.
- 6.7 The applicant has demonstrated within the submitted Drainage Strategy (13/01/25) that near surface soils across the pitch are not considered amenable to the use of soakaway type systems, thus an alternative drainage solution would need to be considered. The nearest surface water body is over 350m to the west of the development, making a connection unfeasible. As such, the proposal is to connect into the surface water sewer for the permitted pavilion development next to the AGP and therefore complies with the above surface water drainage guidance.
- 6.8 The application seeks to vary the approved surface water drainage strategy in relation to the previously approved artificial pitch reference 24/00175/REG3 The proposed design of the AGP development is for a permeable surface

construction. The surface of the synthetic turf area shall be permeable with the underlying stone sub-base acting as an attenuation / storage area for surface water. The revised surface water drainage strategy changes the direction of the finished floor levels of the artificial pitch to flow south-west and be channelled to the north into an existing surface water sewer. The originally approved drainage strategy proposed to direct surface water into an existing sewer south of the AGP development.

- 6.9 The applicant has submitted an updated written drainage strategy to update condition 14, as such the development shall be carried out in accordance with the recommendations contained within the submitted Drainage Strategy McA014 (13 January 2025).
- 6.10 The wider surface water drainage strategy agreed for the pavilion development channels surface water to an existing sewer to the north of the development. As such, it is proposed that the AGP development uses the same surface water drainage strategy in the interests of securing a consistent method of surface water drainage for the development of Hickings Lane Recreation Ground.

7. Conclusion

The benefits of the proposal provide an appropriate surface water drainage strategy. All benefits of the application for the previously approved development remain in line with planning permission 24/00175/REG3 for an artificial pitch associated fencing and hard standing.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The development to which this approval relates shall be begun no later than 6 June 2027.</b>  <b>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.</b>



<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Site Location Plan 02 00</li> <li>• Proposed Site Plan 03 01</li> <li>• Topographical Survey 01 00</li> <li>• Appendix E - Proposed Materials and Appearance</li> </ul> <p>(Received by the Local Planning Authority 19/03/24)</p> <ul style="list-style-type: none"> <li>• Tree Protection Plan A</li> <li>• Tree Work Plan A</li> </ul> <p>(Received by the Local Planning Authority 15/04/24)</p> <ul style="list-style-type: none"> <li>• Proposed Elevation 05 01</li> <li>• Proposed Perimeter Elevation - Page 1 08 01</li> <li>• Proposed Perimeter Elevation - Page 2 09 01</li> </ul> <p>(Received by the Local Planning Authority 29/04/24)</p> <ul style="list-style-type: none"> <li>• Proposed AGP Drainage Layout 06 Rev 06</li> <li>• Proposed AGP Drainage Strategy 07 Rev 1</li> </ul> <p>(Received by the Local Planning Authority 24/12/24)</p> <p>Reason: For the avoidance of doubt.</p>
<p>3.</p>	<p>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.</p> <p>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.</p>
<p>4.</p>	<p>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.</p> <p>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.</p>

<p>5.</p>	<p>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.</p> <p>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.</p>
<p>6.</p>	<p>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.</p> <p>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.</p>
<p>7.</p>	<p>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.</p> <p>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.</p>
<p>8.</p>	<p>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.</p> <p>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</p>

	<p>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.</p>
9.	<p>Use of the development shall not commence until:</p> <p>(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.</p> <p>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.</p>
10.	<p>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.</p> <p>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.</p>
11.	<p>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.</p> <p>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.</p>

<p>12.</p>	<p>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.</p> <p>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.</p>
<p>13.</p>	<p>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.</p> <p>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.</p>
<p>14.</p>	<p>The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Drainage Strategy McA014 (13 January 2025).</p> <p>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.</p>
<p>15.</p>	<p>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).</p> <p>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.</p>
<p>16.</p>	<p>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).</p> <p>Reason: To protect nearby occupiers from light in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 -</p>

	<b>Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</b>
<b>17.</b>	<p><b>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).</b></p> <p><b>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.</b></p>
<b>18.</b>	<p><b>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.</b></p> <p><b>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.</b></p>
	<b>NOTES TO APPLICANT</b>
<b>1.</b>	<b>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.</b>
<b>2.</b>	<b>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.</b>
<b>3.</b>	<b>Informative: Guidance on preparing Community Use Agreements is available from Sport England <a href="http://www.sportengland.org/planningapplications/">http://www.sportengland.org/planningapplications/</a>.</b>

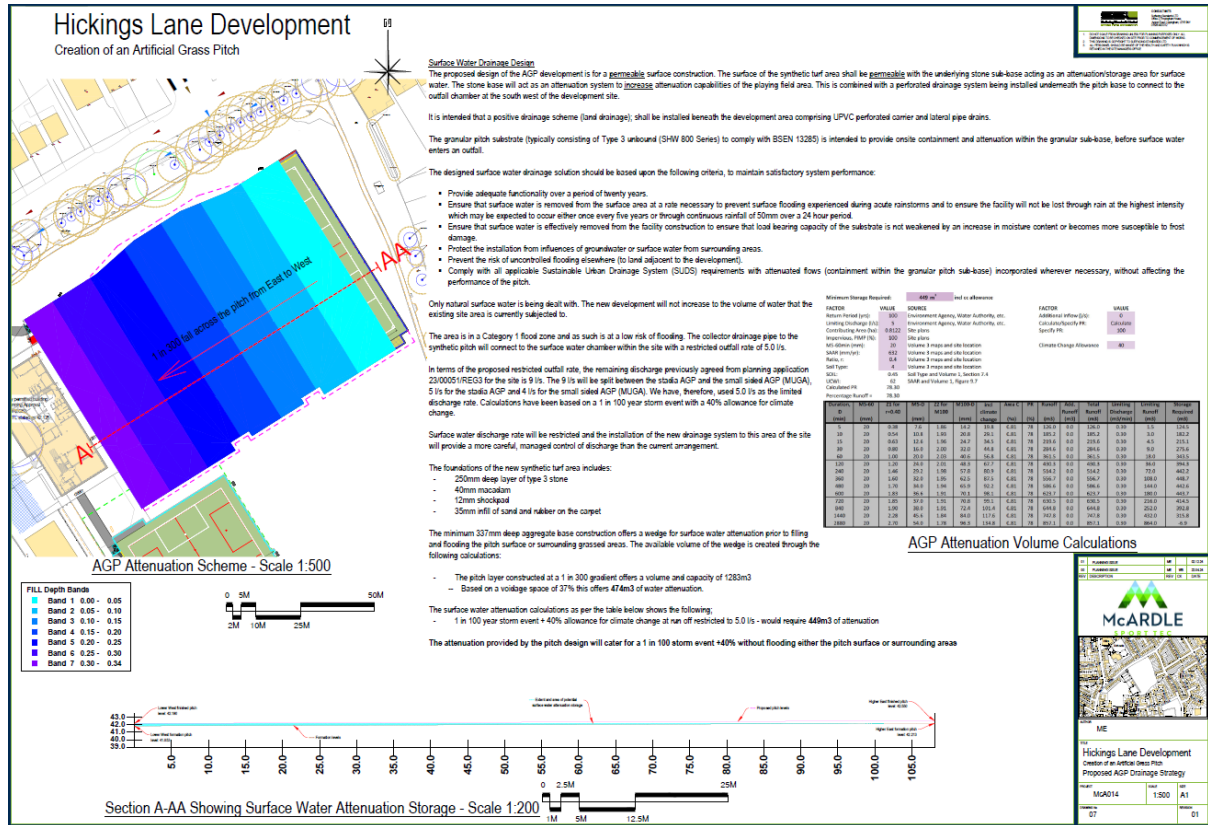


**Site Location Plan (not to scale)**

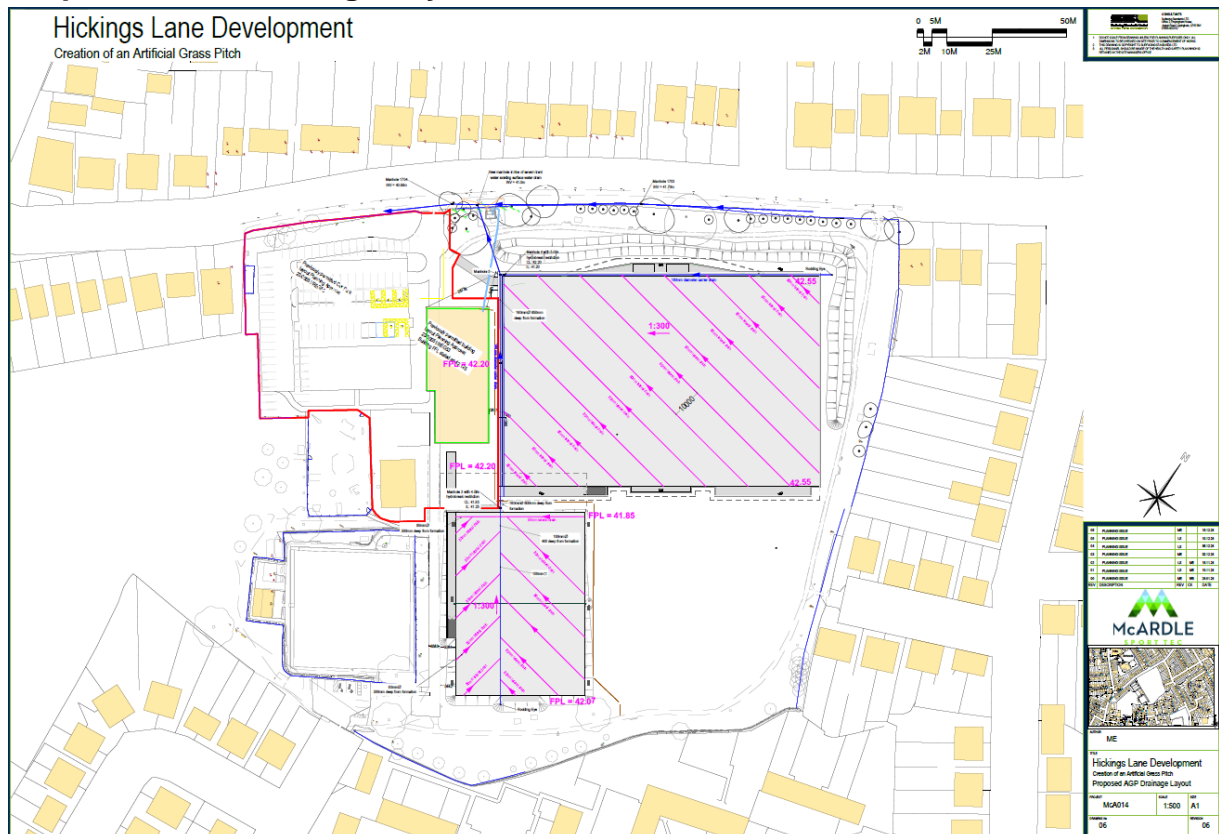


-  Site
  -  Open Spaces
  -  Coal Standing Advice
  -  Coal Referral Area
  -  Playing Pitches
  -  Informal Open Space
- Policy 28.1b
- Policy 28.1c

### Proposed AGP Drainage Strategy



### Proposed AGP Drainage Layout



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**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>24/00687/REG3</b>
<b>LOCATION:</b>	<b>Land Off Shilo Way, Awsworth, Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>Construct 2 buildings (5 units) Use Class E(g)(iii) employment starter units</b>

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

1. Purpose of the Report

1.1 The application seeks full planning permission to construct two light industrial buildings comprising of five employment starter units with associated infrastructure.

2. Recommendation

**The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix.**

3. Detail

3.1 The application seeks full planning permission for the development as outlined in paragraph 1 above.

3.2 Broxtowe Borough Council applied for and was successful in being awarded £16.5 million in January 2023 for government funding for a project called “Kimberley Means Business.” Part of the bid is based on the need to deliver new business premises to increase opportunities in response to local levels of socio-economic deprivation. As it is understood that the Levelling Up Funding (LUF) must be contractually committed before 31 March 2025 and substantially developed by 31 March 2026, there is a significant risk that it will be lost.

3.3 The application site is situated on land between the site of the former Bennerley Ironworks / Colliery and Shilo Way / A6096. The site is located within the Nottingham-Derby Green Belt. To the south-west of the site is grade II\* Listed Building Bennerley Viaduct. Planning permission and Listed Building Consent were recently granted for a visitor centre, ramp and parking. To the east, at a higher land level, is Naptha Boarding Kennels. Surrounding land in this location predominantly consists of open grasslands and woodland.

3.4 The main issues relate to whether the principle of the development in the Green Belt is acceptable; the impact on the openness of the Green Belt; the impact on the character of the site and the wider landscape; the impact on heritage assets; the impact on the living conditions of neighbouring properties; the impact on highway safety; the impact on ecology and Biodiversity Net Gain (BNG); the impact on land stability and contamination and the impact on drainage.

- 3.5 What is proposed is considered to be inappropriate development in the Green Belt. The main issue to assess is whether any of the matters within the report contained within the **Appendix**, taken individually or collectively, amount to the Very Special Circumstances (VSC) necessary to outweigh the harm to the Green Belt through inappropriateness. What constitutes VSC will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly, to consider whether a number of factors combine to create VSC.
- 3.6 Substantial weight is afforded to the time limited opportunity of the proposal to ensure the LUF is contractually committed by 31 March 2025 and that national government funding (£4m - £5.5m) is not lost in the interests of generating employment. Weight is afforded to the opportunity for the proposal to meet an identified local employment need and to the construction and operational economic benefits associated with the proposal. Weight is also afforded to the attempts to find alternative sites. Collectively, this is given significant weight.
- 3.7 It is considered that the above factors taken collectively do amount to the VSC and are sufficient to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the character and appearance of the area.

#### 4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

#### 5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

#### 6 Data Protection Compliance Implications

- 6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

#### 7. Background Papers

- 7.1 Nil.

**Appendix****1. Details of Application**

- 1.1 Broxtowe Borough Council applied for and was successful in being awarded £16.5 million in January 2023 for government funding for a project called “Kimberley Means Business.” The key rationale for the project was to replace jobs and opportunities that had been lost in that community over several years.
- 1.2 Part of the bid is based on the need to deliver new business premises to replace those sites lost to housing development, and it is proposed to redirect some of LUF resources to deliver the proposed development. It is understood that the LUF funding must be contractually committed before 31st March 2025 and substantially developed by 31st March 2026, there is a significant risk that it will be lost and that the opportunity to safeguard and generate jobs and secure associated economic benefits will have been missed.
- 1.3 The application seeks approval for 2 light industrial buildings comprising of 5 employment starter units including car parking areas, service yard, cycle storage and associated soft landscaping. The proposal will create a total of 1,270.5 square metres of light industrial floor space. The site area is 2.42 acres (0.98 hectares).
- 1.4 The units are proposed to share a central service yard and will have a total of 48 car parking spaces. This includes 3 accessible parking spaces and 6 EV charging spaces. In addition to this, 10 secure cycle spaces under a cycle shelter would be provided. Refuse accommodation is proposed to be in the shared yard and a single storey substation located south of unit 1.
- 1.5 The proposed access includes an extension of the existing private road that leads off Shilo Way. The scheme includes works to the access to improve vehicle and pedestrian safety. The proposed building would be sited up to the north-western boundary that comprises of a strip of woodland that runs north to south. Parking and turning areas would be provided to the east of the proposed units. The layout also includes soft landscaping planting including trees throughout the site including a wetland meadow in the south-western corner of the employment site.
- 1.6 The application site boundary was amended to include 3 parcels of land (amended plans received 10/01/24). Neighbouring properties were consulted including a press notice and site notice undertaken for 21 days. The amended red line plan was submitted to demonstrate additional land for the application to achieve 10% biodiversity net gain. During the course of the re-consultation period the red line plan has been further amended to remove land south-west and south of the employment site, this is to assist 10% biodiversity net gain.

**2 Location and Site Characteristics**

- 2.1 The application site is situated on land between the site of the former Bennerley Ironworks / Colliery and Shilo Way / A6096. The site is located within the Nottingham-Derby Green Belt.

- 2.2 To the south-west of the employment site is grade II\* Listed Building Bennerley Viaduct. Planning permission and Listed Building Consent were recently granted for a visitor centre, ramp and parking. The site has been excavated to support the adjacent Bennerley Viaduct visitor centre development. Prior to this, the site had been undeveloped historically. A band of trees runs across the western, northern and eastern boundaries with access to the adjacent development on the southern boundary. The topography is relatively uneven, with levels rising from the centre of site to the site access in the south eastern corner.
- 2.3 To the east, at a higher land level, is Naptha Boarding Kennels. Surrounding land in this location predominantly consists of open grasslands and woodland.

3 **Relevant Planning History**

3.1

Planning		
74/00059/FUL	Vehicle storage	PERU
76/00633/FUL	NEW BY-PASS ROAD TO THE WEST OF AWSWORTH FROM GILTBROOK TO THE ILKESTON JUNCTION	PERU
84/00465/FUL	CONSTRUCT NEW ROAD WITH ASSOCIATED WORKS	PERC
85/00453/CCM	EXTRACT COAL BY OPENCAST METHODS	PERC
86/00560/CCM	EXTRACT COAL BY OPENCAST METHODS (8.1 HA.)	PERC
88/00172/CCM	FORM EXTENSION TO EXISTING OPENCAST COAL MINING SITE	PERC
90/00033/CCM	EXTEND OPENCAST COAL SITE AND ENHANCED RESTORATION	PERC

91/00113/CCM	VARIATION OF CONDITION NO. 3 ON PREVIOUS PLANNING PERMISSION REF. 5/09/90/0033/-	PERCN
91/00468/CCR	CONSTRUCT NEW ROAD WITH ASSOCIATED WORKS	PERU
92/00704/CCR	CONSTRUCT NEW HIGHWAY WITH ASSOCIATED WORKS	PERC
93/00410/CCM	VARIATION OF CONDITION TO EXTEND PERIOD ALLOWED FOR TIPPING AND RESTORATION TO 31 AUGUST 1995	PERC
23/00527/FUL	Construction of a cycle and pedestrian embankment to the Bennerley Viaduct, Visitor Centre, Car Park, Access and associated infrastructure	PERC

**4 Planning Policy**

**Part 1 Broxtowe Aligned Core Strategy 2014:**

- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 3: The Green Belt
- Policy 4: Employment Provision and Economic Development
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 15: Transport Infrastructure Priorities
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity

- Policy 18: Infrastructure
- Policy 19: Developer Contributions

**Part 2 Local Plan 2019:**

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, design and amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets
- Policy 26: Travel Plans
- Policy 28: Green Infrastructure Assets
- Policy 30: Landscape
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

**Awsorth Neighbourhood Plan 2021:**

- BED 1 Awsorth Character Buildings & Structures of Local Heritage Interest
- BED 2 Local Areas of Special Character
- BED 3 Design Principles
- GI 1 Green & Blue Infrastructure Network
- GI 2 Local Landscape Character Areas
- GI 3 Biodiversity
- GI 4 Designated Local Green Spaces
- GI 5 Local Woodlands, Tree Belts & Hedgerows
- E 2 Encouraging Small Businesses
- TT 1 Traffic Management
- TT 2 Car Parking
- TT 3 Sustainable Transport
- BV 1 Bennerley Viaduct
- BV 2 Bennerley Viaduct Visual Setting
- NC 1 Nottingham Canal
- BCDP 1 Former Bennerley Coal Disposal Point Land
- DC 1 Developer Contributions from New Development in Awsorth

**National Planning Policy Framework 2024:**

- Part 2 - Achieving sustainable development
- Part 6 - Building a strong, competitive economy
- Part 9 – Promoting sustainable transport
- Part 12 – Achieving well designed places
- Part 13 - Protecting Green Belt land
- Part 15 - Conserving and enhancing the natural environment
- Part 16 – Conserving and enhancing the historic environment

## 5 Consultee and Third Party Comments

### 5.1 Consultees

- **Broxtowe Tree Officer** – No objections.
- **Broxtowe Parks and Open Spaces** – Biodiversity measures recommended including tree planting, habitat piles, reptile hibernaculum, bird and bat boxes.
- **Broxtowe Environmental Health** – No objections subject to conditions relating to operational and construction noise mitigation measures.
- **Broxtowe Contamination Officer** – No objections. The Council's Contamination Officer has reviewed the Phase 2 Geo-Environmental Assessment Report (December 2024) and no concerns have been provided with due regard for any potential ground, water or gas contamination risk caused by the proposed development. A condition has been recommended to cover the discovery of unexpected land contamination in the made ground during any development.
- **Broxtowe Waste** – Businesses using units must ensure they obtain a trade waste company to remove their waste. The application site should include suitably sized bin storage areas and kept tidy.
- **Broxtowe Conservation Officer** – No objections.
- **Broxtowe Planning Policy** – Observations provided:
  - The application for the employment starter units is located within the proposed allocation under Policy 22 of the Greater Nottingham Strategic Plan (GNSP). The GNSP is at Regulation 19 stage. Whilst only limited weight can be applied to the GNSP, the proposed allocation is critical for meeting unmet logistics need across the Greater Nottingham area and therefore it is important that the application for the employment starter units does not prejudice the delivery of the logistics development.
  - It is considered that the proposed units would not be 'logistics' and would not accord with the minimum unit size requirements stated within the

policy. However, an element of 'ancillary' uses may be accepted which help to support the wider logistics use.

- The site is within the Green Belt and the development would be considered to be inappropriate development within the Green Belt.

- Reference is made within the application to VSC existing due to the need to use LUF money, which would be lost, to deliver start-up employment units. Reference is also made to meeting the Council's employment need. Both the Publication Draft: Employment Background Paper September 2024 and Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study 2021 are material considerations when assessing the need for more employment units.

- **NCC Planning Policy** – No concerns raised with regards to mineral safeguarding, existing waste management facilities and transport and travel services.
- **NCC Highways** – No objections subject to conditioning the parking / turning areas are surfaced in a bound material and that the proposed highways works are completed to the satisfactory for the Local Planning Authority.
- **NCC Rights of Way** – No objections. Stapleford Footpath 14 runs adjacent to the application site. The public footpath appears to be unaffected by the proposal.
- **NCC LLFA** – No objections subject to conditioning a detailed surface water strategy to be submitted.
- **Coal Authority** – No objections, informative note advised. The application site falls within the Coal Authority's defined Development High Risk Area. The Coal Authority considers that the content and conclusions of Coal Mining Risk Assessment Report (HSP2024-C4713-G-CMRA-2509 Rev B, December 2024) are sufficient in demonstrating that the application site is safe and stable for the proposed development.
- **Severn Trent Water** – No comments received.
- **Nottinghamshire Wildlife Trust** – No comments received.
- **National Highways** – No objections.
- **Historic England** – No comments to make on this application.



- **Awsorth Parish Council** – The following observations were made:
  - The application site was not used as an operational part of the former coal disposal point to the west. It formed an area of meadowland.
  - Concerns raised in relation to the impact on ecology and biodiversity. All precautionary working measures and enhancements referenced in the supporting Ecological Appraisal should be conditioned.
  - Off-site biodiversity net gain using land in Awsorth Parish would be supported.
  - Concerns have been raised with regards to highway safety measures to protect all users of the highway and nearby network of footpaths. Road marking should be incorporated into the hard landscaping scheme where the Erewash Valley Trail will cross the extended access road. A pedestrian crossing with dropped kerbs should be installed where Footpath 10 / Bridleway 17 cross the new road.
  - Concerns have been raised in relation to the proposed car parking and access road being used by general visitors of the local footpath network and Bennerley Viaduct. Parking spaces should be regulated and security measures should be installed to avoid misuse of the business use parking. However, sharing of parking spaces during organised events at the Bennerley Viaduct would be welcomed.

**5.2** Resident comments - 1 comment was received raising the following concerns:

- Parking on the extended access road. On street parking deterrents should be implemented i.e. double yellow lines.

**6** Assessment

**6.1** The main issues to take into account when assessing this application are:

- Green Belt – Principle
- Green Belt – Openness
- Local Character and Landscape Impact
- Heritage
- Living Conditions
- Access and Safety
- Ecology, Biodiversity and Trees
- Contamination and Land Stability
- Drainage
- Sustainability

**6.2** Green Belt – Principle

**6.3** Policy 8 – Development in Green Belt of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe specific points 1-4.

- 6.4** Paragraph 142 of the NPPF explains that the government attach great importance to Green Belts. The fundamental aim is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are their openness and their permanence. One of their five main purposes is to assist in safeguarding the countryside from encroachment
- 6.5** Paragraph 153 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.6** Paragraph 154 of the NPPF indicates that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt and sets out a number of limited exceptions which can be regarded as appropriate development. Paragraph 155 lists circumstances where the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate.
- 6.7** This proposal does not fall within any of the exceptions referred to in paragraphs 154 and 155 of the NPPF. The development would therefore be inappropriate development and is therefore harmful, by definition, to the Green Belt.
- 6.8** This proposal is unacceptable in principle in the Green Belt since it does not meet any of the exceptions of appropriate development set out in the NPPF. The proposal should therefore be refused unless the harm by definition and any other harm arising from the impacts of the development are clearly outweighed by other considerations. These must, either collectively or individually, amount to the VSCs necessary to outweigh the harm and justify the development. The final section of this report makes this assessment.
- 6.9** Green Belt – Openness
- 6.10** The essential characteristics of the Green Belt are its openness (lack of development) and permanence (enduring in the long term). Paragraph 142 of the NPPF advises the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 6.11** The National Planning Practice Guidance (PPG) advises that assessments on the openness of Green Belts requires consideration of matters such as, but not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
  - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

- the degree of activity likely to be generated, such as traffic generation.
- 6.12** The application site includes 2 parcels of land; the main area for the proposed development and an additional parcel of land to the east (other side of Shilo Way); additional land needed is for biodiversity enhancement purposes only. The proposal includes two industrial buildings positioned along the western boundary set side by side. Unit 1 is approximately 8.8m and unit 2 is 7.4m in ridgeline height. Unit 1 is approximately 44m in length and 19m in width including a Gross Internal Area (GIA) of 766m<sup>2</sup>. Unit 2 is approximately 38m in length and 15m in width including a GIA of 516m<sup>2</sup>. As such, it is considered that the proposed buildings are significant in footprint and scale. A single storey substation also is proposed, located south of the proposed industrial buildings.
- 6.13** The industrial buildings would be set back from the highway located within an enclosed area partly screened by trees and an embankment located on the western and eastern boundaries of the site. As a result of the lower finished floor levels and woodland screening surrounding the site, it is considered inter-visibility of the proposed buildings from main public view points including Shilo Way, to the east, and views from the Bennerley Viaduct, to the south west, would be reduced. However, the effects on openness are not purely created by built form.
- 6.14** Notwithstanding this, there are concerns regarding the spatial impact on the openness in this area of the Green Belt. The site would change from open undeveloped grassland area to an employment site containing two large buildings and associated infrastructure and hard standing. The development would harm the visual and spatial aspect of openness through the introduction of industrial buildings and associated infrastructure.
- 6.15** Whilst parts of the employment site courtyard would remain free from buildings comprising of only parking, bin / cycle storage and vehicular access, there would be a high level of activity during the construction period and during the operation of the site. As such, the impact on the openness in terms of activity generated would be significant once the site is operational. The proposed development as a result would result in a permanent loss of openness in this location.
- 6.16** The Greater Nottingham Strategic Plan Green Belt Review Appendix C document provides an up to date review of Green Belt land in Broxtowe. The proposed development is located in Area 2: West of Awsworth. The broad area includes Green Belt land which separates nearby settlements of Awsworth to the east and Ilkeston to the west. Area 2 makes a significant contribution in fulfilling key aims of the Green Belt in checking the unrestricted sprawl of settlements and preventing neighbouring settlements from merging into one another. Land east of the bypass has been removed from the Green Belt and allocated for residential development by Policy 4.1 of the Broxtowe Part 2 Local Plan. The bypass acts as a strong defensible boundary to the west of the village, however there is now no land to the east of the bypass that could be suitable for development. As such, when assessing the harm to the openness within the wider Green Belt, it is considered the proposed development would lead to a material encroachment into the Green Belt beyond Shilo Way.

- 6.17** It is concluded that in addition to the harm by reason of inappropriateness, the proposed development would lead to a reduction in the openness. Though in part mitigated by site location and levels, due to the scale and extent of the proposal and the solid filling of the site, the development would reduce the openness of the Green Belt both spatially and visually.
- 6.18** The development would therefore fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy 8 of the Part 2 Local Plan and the NPPF. The degree of harm will be discussed in more detail in the final section of this appraisal.
- 6.19** Local Character and Landscape Impact
- 6.20** The proposed development is located within local character area (LCA) Erewash River Corridor and Babbington Rolling Farmlands part of the Greater Nottingham Landscape Character Assessment (GNLCA) which is protected under Policy 30 – Landscape of the Part 2 Local Plan. Policy 16 – Green Infrastructure, Parks and Open Space of the Part 1 Local Plan advises that the approach will require that:  
e) Landscape character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment (GNLCA).
- 6.21** Relevant policies in respect of the design and impacts on the character of the area include Policy 17 – Place-making, Design and Amenity of the Part 2 Local Plan. Policy 30 – Landscape of the Part 2 Local Plan states all developments within, or affecting the setting of, local landscape character areas should make a positive contribution to the quality and local distinctiveness of the landscape. They should therefore be consistent with the ‘landscape actions’ for the area concerned, as set out in the GNLCA and in Appendix 7 the Part 2 Local Plan.
- 6.22** The site also falls within the Awsworth Neighbourhood Plan area which includes a number of relevant design and character related policies. Policies including BED 3 Design Principles and GI 2 Local Landscape Character Areas require any proposed development to preserve the local character areas in Awsworth Parish and help to enhance the locality. Further to this, Policy GI 5 Local Woodlands, Tree Belts & Hedgerows highlights the importance the natural environment contributes to the landscape character of the Parish. Development proposals that would result in the loss, damage or deterioration of these assets will not be supported unless the harm is outweighed by the benefits of the development and appropriate mitigation can be provided.
- 6.23** The site benefits from a strong degree of containment by existing tree cover in the immediate area and screening from surrounding rising land form. Beyond the immediate woodland areas surrounding the site, land to the north-west and south-west is characterised by flat floodplains and earthworks related to the historic former coal disposal point. Land beyond the viaduct is predominantly characterised by floodplain grasslands. To the east, land beyond Shilo Way includes housing allocation Policy 4.1 Land West of Awsworth of the Part 2 Local Plan, currently under construction, and further to the east includes the existing settlement of Awsworth.

- 6.24** Public views of the proposed development would be mostly screened from Shilo Way due to existing woodland and Naptha House kennels. Within the vicinity of the proposed buildings are a number of footpaths and bridleways. Awsworth BW17 runs adjacent to the north-east boundary of the employment site and Awsworth FP10 runs from the south along the Nottingham Canal and crosses the access of the application site leading to Shilo Way. To the south-west of the site is Bennerley Viaduct which provides extensive views of the local landscape to the north and south. Further to this, planning permission was granted for a pedestrian ramp to the viaduct and a visitor centre with associated car parking (23/00527/FUL). This project is currently under construction.
- 6.25** It is considered that the proposed development would be most sensitive to public views locally from AwsworthBW17 to the north-east, especially after the loss of some existing woodland along this boundary. It is also expected the proposed development would be highly visible for users of the viaduct pedestrian ramp which would provide views towards the development from a raised land level. Views from AwsworthFP10 to the south-east would be reduced by the separation distance of the crossing and the proposed development. When crossing the viaduct, as a result of the separation distance of the proposed development contained within woodland and varying land levels, it is considered the prominence of the proposed buildings within the wider landscape would be reduced.
- 6.26** The impact of any change to the landscape character would be localised as a result of the woodland containment and lowered finished floor levels of the site. New landscape planting on the adjacent embankments would offer enhancement to existing tree belts and provide screening and visual enclosure of the proposed development. Whilst any significant changes to the landscape when viewed from wider viewpoints may be lessened, the proposal would amount to significant localised harm to the character of the site which would be highly visible from several pedestrian walkways nearby and the Bennerley Viaduct visitor centre.
- 6.27** The proposal would represent wholesale redevelopment of the site and would urbanise the character of this section of the Green Belt. The proposal fails to demonstrate compliance with the landscape actions associated with the Erewash River Corridor LCA and Babbington Rolling Farmlands LCA. Whilst the site is a relatively smaller parcel of both of the wider local character areas, the proposal would not positively contribute to the wider floodplain and rural character in this location.
- 6.28** It is considered that the scheme would have a materially adverse impact on the character and appearance of the area due to the commercial nature and scale of the proposal. The degree of harm will be weighed up within the planning balance in more detail in the final section of this appraisal in regard to any benefits that may outweigh any harm with regards to relevant policies contained within the Broxtowe Part 1 Local Plan, Part 2 Local Plan and Awsworth Neighbourhood Plan.

- 6.29** Heritage
- 6.30** Policy 11 - The Historic Environment of the Aligned Core Strategy seeks to conserve and enhance the historic environment, including the heritage assets and their settings. Policy 23 - Proposals affecting Designated and Non-Designated Heritage Assets of the Part 2 Local Plan states proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.
- 6.31** Policy BED 1 Awworth Character Buildings & Structures of Local Heritage Interest of the Awworth Neighbourhood Plan advises that development proposals that harm the historic significance and/or setting of Awworth Character Buildings and Structures of Local Heritage Interest will be assessed having regard to the scale of harm and the significance of the heritage asset. The Awworth Neighbourhood Plan contains a list of local heritage assets which should be considered. Policy BED 2 Local Areas of Special Character advises that within the Awworth Historic Core and Great Northern Line Local Areas of Special Character development proposals should be of high quality and must be designed to respect and enhance the specific characteristics of the Character Area. Support will be given for the enhancement of these special character areas. The vehicle access runs through Great Northern Line Local Area, however no built development would be sited in this special character area.
- 6.32** Policy BV 1 Bennerley Viaduct advises that development proposals that protect or enhance the structure and setting of Bennerley Viaduct will be supported. This policy supports projects on, under or adjacent to the viaduct that would enhance local connectivity and use of the viaduct. Policy BV 2 Bennerley Viaduct Visual Setting advises that any development proposals within the visual setting of Bennerley Viaduct must demonstrate how they seek to respect the open setting of the Grade II\* Listed Building including in relation to location, orientation, scale, mass, height, materials, colour and landscaping.
- 6.33** To the south-west of the proposed industrial buildings approximately 150m away is Grade II\* Listed Building Bennerley Viaduct. To the east of the site is Naptha House, a local heritage asset identified in the Awworth Neighbourhood Plan. The application has been supported by a Heritage Statement. Consideration has been made as to whether the proposed development would cause harm to the heritage significance of the Bennerley Viaduct through changes in setting.
- 6.34** Due to the limited inter-visibility of the site partly screened by woodland and changes in topography, this helps to reduce potential views of the proposed development in the wider context of the Bennerley Viaduct. The Heritage Statement highlights that the application site is detached and is not considered to contribute to the significance of the asset through setting. Views taken from the viaduct of the proposed development would be limited as a result of the woodland screening of the site, despite the removal of part of the embankment to the south-west of the proposed buildings. Any glimpsed visibility would not distract from the appreciation and understanding of the viaduct, its historic function, its rarity or the elements of the architectural innovation which contribute to its Grade II\* listing. The Heritage Statement advises that whilst the area to the south of the viaduct

had been historically undeveloped, industrial works were historically present to the north.

- 6.35** Advice from the Council's Conservation Officer highlights the public benefits associated with the 5 employment starter units being proposed which should carry weight in the overall assessment. There is an acknowledgement that the landscape as it currently stands is much changed from its former industrial setting. The Heritage Statement shows the myriad of industrial buildings, roads, rail infrastructure and heavy industry plant historically found in this locality. Whilst the industrial buildings are significant in scale, the once industrial setting of the wider area compounded by the separation distance from the viaduct and screening of the proposed development by woodland areas helps to reduce any adverse impact to the Grade II\* viaduct. Further to this, the Council's Conservation Officer has advised that the mature planting between the site and the nearby Naptha House locally listed building helps to mitigate any significant impact to the special character of this building. Overall, the Council's Conservation Officer provides no objections to the proposed development.
- 6.36** As such, it is considered the proposed development would amount to limited harm to any heritage assets.
- 6.37** Living Conditions
- 6.38** Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy requires that development is assessed in terms of its treatment of the impact on the amenity of nearby residents or occupiers. Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan states that permission will be granted to new development which ensures a satisfactory level of amenity for neighbouring properties. Policy BED 3: Design Principles of the Awsworth Neighbourhood Plan also requires the design not to significantly impact residential amenity. Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Part 2 Local Plan states that permission will not be granted for development that would result in an unacceptable level of pollution or contamination of groundwater resources. It also seeks to ensure that contaminated land is investigated and handled appropriately.
- 6.39** The nature of the proposal is such that it is likely to generate noise associated with the operation of the employment units and comings and goings linked with the site. A Noise Impact Assessment has been undertaken to determine the existing acoustic climate, predict the sound levels as a result of the development and assess the potential impact on nearby receptors. The closest sensitive receptor to the site is a residential property that is associated with a dogs boarding kennel, located to the east of the employment site. Further residential properties are located to the east beyond Shilo Way.
- 6.40** The proposed use, by definition, will include uses that can be carried out in a residential area without detriment to its amenity (Use Class E (g) (iii)). The noise assessment carried out has considered noise events within external yard areas based on noise levels which would be more akin to B8 (storage and distribution) or B2 (heavy industrial) uses. It is understood that the development would be served by vehicles smaller than a HGV which would have a lower level of noise

emission. However, as a robust approach for the purpose of this assessment, HGV movements along the site access have also been considered.

- 6.41** Based on the over-estimate of the likely noise generating activities, a low impact is predicted during both daytime and night-time periods. Environmental Health have reviewed the Noise Impact Assessment and have provided no objections to the development. Environmental Health have recommended conditions to help reduce noise associated with the operation of the units such as the restriction of activities outside the units that may lead to excessive noise pollution. Further to this, relevant conditions to reduce noise during the construction period including a construction method statement and limited construction hours have been recommended to be conditioned.
- 6.42** Having regard to the above and subject to the aforementioned condition, it is considered that the impact on residential amenity would be acceptable in accordance with policies contained within the Part 2 Local Plan and Awsworth Neighbourhood Plan.
- 6.43** Access and Safety
- 6.44** Paragraph 109 of the NPPF encourages developers to consider the potential impacts of development on transport networks, and how these can be addressed, and opportunities to promote walking, cycling and public transport use. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.45** Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan advises that for all new development, permission will be granted for development which; i) provides sufficient, well-integrated, parking and safe and convenient access. Policies TT 1 Traffic Management, TT 2 Car Parking, TT 3 Sustainable Transport of the Awsworth Neighbourhood Plan advise that traffic management measures that improve highway, cyclist and pedestrian safety will be supported. Further this, proposals that demonstrate an appropriate amount of car parking and assist in the enhancement of walking networks in the locality will be supported.
- 6.46** Between the development site and the A6096 Shilo Way to the east, there is a short access road which currently provides access to the Naptha Boarding Kennels. The access road extends from Shilo Way for a distance of 30m before transitioning to a gravel footpath which continues west and separates the southern boundary of the site and the northern boundary of the consented visitor centre.
- 6.47** Planning permission was granted for residential development to the east of the A6096 Shilo Way (20/00056/OUT) for up to 250 dwellings. The consented residential development will be accessed from a new traffic signal-controlled T-junction on the A6096 Shilo Way, located approximately 65m south of the above-described Naptha Kennels access road. Toucan crossings will be provided on the A6096 Shilo Way. The consented junction works also include for the provision of a 3m wide footway/cycleway on the western side of the A6096 Shilo Way which will continue west along the southern side of the Naptha Kennels access road, towards



the consented Bennerley Viaduct visitor centre and the proposed development.

- 6.48** There are a series of footpaths and bridleways in the vicinity of the site which are part of the Nottingham Canal trail. A Bridleway runs parallel to the eastern boundary of the employment site before branching off into the Nottingham Canal trail and routing southwards over the Erewash Valley Main Line and along the Erewash Canal, towards Cotmanhay and Ilkeston.
- 6.49** Regarding bus travel, the nearest bus stops to the site are on Gin Close Way (adjacent and opposite Main Street) and are within 850m walking distance from the proposed development. The bus stops serve the 27 route which runs from Kimberley to Ilkeston on an hourly basis.
- 6.50** The development would be accessed via a priority controlled T-junction from an extension of the existing access road to the Naptha Boarding Kennels. To connect to the existing and consented walking and cycling infrastructure, a 4m wide footway and cycleway with a 0.5m wide verge would be provided along the southern side of the extended access road carriageway. Road markings and where necessary dropped kerbs can be provided in the interests of the safety of pedestrians using the nearby footpaths and bridleways. These highway improvements would help preserve pedestrian and cycle facility between Shilo Way and both the Bennerley Viaduct visitor centre development and the proposed development. Policy GI 4 Designated Local Green Spaces of the Awsworth Neighbourhood Plan promotes healthy lifestyles through walking and cycling. It is considered the proposal has been designed to preserve pedestrian and cyclist safety.
- 6.51** The proposed T-junction access has been designed in accordance with the Nottinghamshire County Council's Highway Design Guide in terms of width and visibility. The extended access road from the A6096 Shilo Way would be subject to a 30mph speed limit. A total of 48 car parking spaces provided at the site, including 6 EV charging bays and 3 accessible bays. This exceeds the minimum requirement of 21 spaces in accordance with the Highway minimum standards. This volume of car parking has been specifically requested by Broxtowe Borough Council and would ensure that no off-site parking would occur, which is appropriate given that parking on the access road or the A6096 Shilo Way would not be desirable in terms of road safety, and as such should be acceptable.
- 6.52** The proposed development would provide servicing parking and turning space. The applicant has advised that the site would be serviced by Transit/Box van style vehicles, and it is unlikely that articulated HGVs would be required to access the site. However, the service yard has been designed so that a HGV could safely enter and exit in a forward gear.
- 6.53** The submitted Transport Assessment advises the proposed development would generate up to 11 two-way vehicular trips in a peak hour. It is considered this would not be a significant increase and therefore is unlikely to have a severe impact on the operation of the highway network. It is noted that the consented traffic signal controlled junction for the residential development to the east would improve the function of the access road junction.

- 6.54** NCC Highway Authority have reviewed the submitted Transport Assessment and proposal and have provided no objections subject to conditioning that all parking/turning areas are hard surfaced with parking bays clearly marked out and that the proposed highway improvement works are implemented prior to the use of the development commencing. This would ensure that all footway and pedestrian crossings would be implemented to the satisfaction of the Highway Authority. Furthermore, NCC Rights of Way have provided no objections. National Highways have provided no objections to the proposed development as the works affecting the highway would take place on the local road network, managed by Nottinghamshire County Council.
- 6.55** Having regard to local policies contained within the Part 2 Local Plan and Awsworth Neighbourhood Plan and subject to the aforementioned conditions, it is considered that the impact on the safety or capacity of the highway would not be detrimental.
- 6.56** Ecology, Biodiversity and Trees
- 6.57** The application has been supported by an Ecological Impact Assessment. There are no statutory ecological sites on site. Policy 31 – Biodiversity of the Part 2 Local Plan states that permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat. Support will be given to the enhancement and increase in the number of sites and habitats of nature conservation value. Policy GI 3 Biodiversity of the Awsworth Neighbourhood Plan advises that development proposals should preserve wildlife sites and ensure the protection of any priority species that may be affected.
- 6.58** It should be noted that Bennerley Coal Processing Plant and Grassland Local Wildlife Site has changed its boundary since the adoption of the Part 2 Local Plan. The proposed buildings do not fall within any part of this LWS. It should be noted part of the application site to the south-west of the proposed buildings would overlap with the LWS, this area is to be soft landscaped.
- 6.59** To the south of the site is the Nuthall Cutting and Kimberley Railway Green Infrastructure Corridor identified under Policy 28.1a of the Part 2 Local Plan and Policy GI 1 Green & Blue Infrastructure Network of the Awsworth Neighbourhood Plan. Green Infrastructure is defined for the purposes of the Green Infrastructure Strategy (GIS) and the Part 2 Local Plan as “a network of living multi-functional natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities”. Policy 28 of the Part 2 Local Plan and GI 1 of the Awsworth Neighbourhood Plan advise proposals must maintain functionality and enhance such corridors that offer environmental and socio-economic benefits. To the east and south-west of the employment site are recreation routes protected under Policy 28.1e of the Part 2 Local Plan.
- 6.60** The proposed vehicle access partly overlaps with ‘Naptha Wood’ protected Local Green Space under Policy GI 4: Designated Local Green Spaces and protected woodland under Policy GI 5: Local Woodlands, Tree Belts & Hedgerows of the Awsworth Neighbourhood Plan. Proposals to improve walking and cycling access routes to a designated Local Green Space will be supported. Development

proposals that would result in the loss, damage or deterioration of protected woodland assets will not be supported unless the harm is outweighed by the benefits of the development and appropriate mitigation can be provided. NC 1 Nottingham Canal of the Awsworth Neighbourhood Plan advises that any development proposal should not cause harm to the Nottingham Canal which is a designated Local Nature Reserve. The Nottingham Canal is located to the south-east of the proposed buildings.

- 6.61** The Council's tree officer has reviewed the submitted Arboricultural Impact Assessment and has provided no objections. The Council's Parks and Open Spaces team have advised that biodiversity enhancement measures should include tree planting, habitat piles, reptile hibernaculums, bird and bat boxes. The submitted Ecological Appraisal advises that precautionary working measures, ecological enhancement measures and an Ecological Clerk of Works ECoW should be used to undertake checking surveys for species prior to the commencement of works.
- 6.62** It is considered that the proposed buildings and vehicle access would be sited away from the Nuthall Cutting and Kimberley Railway Green Infrastructure Corridor identified under Policy 28.1a of the Part 2 Local Plan and Policy GI 1 Green & Blue Infrastructure Network of the Awsworth Neighbourhood Plan. As such, it is considered that the proposal would not result in any loss of functionality of the corridor.
- 6.63** Part of the existing protected wooded area 'Napha Wood' is to be removed and replaced with the proposed vehicle access and new planting along the eastern boundary of the employment site. It is considered that after the construction period, walking and cycling access routes to Local Green Spaces listed under Policy GI 4 would not be affected. To offset loss of trees, new native planting is proposed along the eastern and northern boundaries. Furthermore, it is considered that the proposal would not adversely impact the nearby Nottingham Canal which is separated from the proposed buildings.
- 6.64** The application site has been amended to provide additional land for biodiversity enhancement. Overall, the application site consists of 2 parcels all contributing to the delivery of biodiversity net gain. Land to the east of Shilo Way is situated on land protected under Policy 28: Green Infrastructure Assets b) Playing pitches and e) Recreational routes. This parcel of land is only proposed for biodiversity enhancement and therefore it is considered to be policy compliant.
- 6.65** An amended biodiversity metric has been completed to provide an assessment of pre-development biodiversity value. The assessment of the development proposed for the site, would result in a net loss of biodiversity units across the site area from 9.13 units to 6.22 units resulting in -31.81% onsite BNG. The proposed biodiversity net gain scheme would deliver habitat enhancement on site. Notwithstanding this, to overcome the habitat unit deficit the applicant has confirmed 10% net gain can be achieved by use of offsite habitat banks. Subject to the biodiversity net gain planning condition, the development would achieve 10% in the form of onsite and offsite enhancements. As such, it is considered that the application would comply with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by

Schedule 14 of the Environment Act 2021).

- 6.66** Overall, the development will not result in harm to protected species, designated sites or habitat. Subject to appropriate conditions covering mitigation and protection measures being satisfactory, the scheme is considered acceptable with respect to nature conservation and protected species. As such, it is considered that the proposal complies with relevant policies 28 and 31 of the Part 2 Local Plan and Policies GI 1, GI 3, GI 5 and NC 1 of the Awsworth Neighbourhood Plan.
- 6.67** Other Matters
- 6.68** The application site falls within the Coal Authority's defined Development High Risk Area. The Coal Authority have reviewed the submitted Coal Mining Risk Assessment Report (Rev B, December 2024) and no objections have been provided. The supporting information has demonstrated that the application site is safe and stable for the proposed development.
- 6.69** The Council's Contamination Officer has reviewed the Phase 2 Geo-Environmental Assessment Report (December 2024) and no objections have been provided with due regard for any potential ground, water or gas contamination risk caused by the proposed development. A condition has been recommended to cover the discovery of unexpected land contamination in the made ground during any development.
- 6.70** It should be noted that part of the application site overlaps with land identified under Policy BCDP 1 Former Bennerley Coal Disposal Point Land of the Awsworth Neighbourhood Plan. This policy advises that proposals for the use of the former Bennerley Coal Disposal Point site and access road for recreational purposes including a country park or informal public open space will be supported. However, only a relatively small area of application site overlaps with this designated area and only comprises of proposed landscaping. As such, there are limited concerns in this regard.
- 6.71** In terms of potential developer contributions, notwithstanding Policy 32 of the Part 2 Local Plan and Policy DC 1 of the Awsworth Neighbourhood Plan, no financial contributions will be sought as this is a Council planning application.
- 6.72** The site partly overlaps with the Policy 22 of the Greater Nottingham Strategic Plan (GNSP). Policy 22 of the GNSP allocates the Former Bennerley Coal Disposal Point for 61 hectares of rail-connected logistics development (Class B8 storage and distribution) which is to be delivered in conjunction with a Country Park. The policy also includes a minimum unit size of 9,000m<sup>2</sup> to ensure that the development meets strategic logistics need. The application for the employment starter units is located within this proposed allocation. It is considered that the proposed units would not be 'logistics' and would not accord with the minimum unit size requirements stated within the policy. An element of 'ancillary' uses may be accepted which help to support the wider logistics use. Nonetheless, the GNSP is at Regulation 19 stage and therefore in accordance with paragraph 49 of the NPPF very limited weight can be applied to the GNSP allocation.
- 6.73** The site lies within Flood Zone 1 and therefore is at a low risk of flooding.

Nottinghamshire County Council Lead Local Flood Authority have confirmed no objections to the proposed development subject to conditioning a detailed surface water strategy be submitted.

- 6.74** The proposed development has been designed to ensure adherence with Policy 1 – Climate Change of the Part 1 Local Plan and Policy 20 – Air Quality of the Part 2 Local Plan. It is proposed that the construction and operation of the proposal would follow sustainable building design principles. The site layout would include 6 electric vehicle charging points in the interests of air quality.

**6.75 Planning Balance**

What are Very Special Circumstances

- 6.76** What is proposed is inappropriate development in the Green Belt. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.

- 6.77** What constitutes VSC will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly to consider whether a number of factors combine to create VSC.

- 6.78** The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any development control question on the Green Belt. Neither is there any categorical way of deciding whether any particular factor or factors would constitute VSC but the case must be decided on the planning balance qualitatively rather than quantitatively.

- 6.79** In weighing up any of the circumstances put forward, the positive measures outlined in the above paragraphs to mitigate the impacts of the development, do not contribute collectively to VSC to be weighed up in the planning balance. These are simply to secure a satisfactory development. Therefore, the acceptability or not of this development is based on an assessment of VSC.

**6.80** Kimberley Levelling Up Fund (time-limited opportunity)

- 6.81** Broxtowe Borough Council applied for and was successful in being awarded £16.5 million in January 2023 for government funding for a project called “Kimberley Means Business.” The key rationale for the project was to replace jobs and opportunities that had been lost in that community over several years.

- 6.82** Part of the bid is based on the need to deliver new business premises to replace those sites lost to housing development, and it is proposed to redirect some of LUF resources to deliver the proposed development. It is understood that the LUF funding must be contractually committed before 31st March 2025 and substantially developed by 31st March 2026, there is a significant risk that it will be lost and that the opportunity to safeguard and generate jobs and secure associated economic

benefits will have been missed. The utilisation of the funding to deliver new jobs is proposed as a ‘Very Special Circumstance’ that warrants the development in the Green Belt.

- 6.83** Under s70(2)(b) Local Planning Authorities may have regard to material considerations including “any local finance considerations, so far as material to the application”. S70(4) provides:

*“local finance consideration”* means—

(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy;

*“Minister of the Crown”* has the same meaning as in the Ministers of the Crown Act 1975;

*“relevant authority”* means—

(a) a district council;

- 6.84** The National Planning Practice Guidance (PPG) advises that, in deciding an application for planning permission or appeal where a local financial consideration is material, decision takers need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.

- 6.85** In this case, the Kimberley Levelling Up Fund (LUF) is the ‘local finance consideration’ and it is designed to invest in new employment space that offers local socio-economic benefits. It is considered that the time-limited opportunity to spend or lose the awarded funding and the resulting jobs and investment in an area targeted for Levelling Up, should be afforded significant weight.

Employment Need

- 6.86** The submitted Planning Statement shows that the proposed units would help meet the Council’s employment need (Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study 2021 and Greater Nottingham Strategic Plan Publication Draft: Employment Background Paper September 2024). However, Policy 5 - of the Greater Nottingham Strategic Plan Publication Draft (GNSP) states that a sufficient supply of industrial and warehousing space will be provided through ‘future plan preparation’ and does not say that the employment need should take priority over other policy considerations.

- 6.87** The Greater Nottingham Strategic Plan Publication Draft: Employment Background Paper September 2024 shows across the plan area there is a surplus of employment land, paragraph 6.3 states:

“In terms of industrial/warehousing supply there is a surplus of potential

employment land across the Plan Area of approximately 60 ha.” In addition, strategic allocations at Toton, Ratcliffe on Soar (Rushcliffe) and Top Wighay Farm (Gedling) will contribute to meeting any identified need.”

- 6.88** The Employment Land Study, produced to support the Greater Nottingham Strategic Plan, paragraph 7.21 states:

“Overall, the assessments of existing sites indicate that across the 77 Core HMA sites assessed, there is a strong supply of employment sites that vary in their scale and provision of facilities to satisfy their occupiers’ needs: from City Centre sites, to traditional industrial estates, modern office accommodation and rural sites for niche (generally indigenous) uses. The majority of the sites assessed accommodated a mix of office, light industry, B2 and B8 uses.”

- 6.89** Notwithstanding this, it is noted that the justification used for the LUF bid identifies a local need for new business premises. Broxtowe Borough Council’s Economic Development team have highlighted that new industrial employment space was a priority in the 2017-21 Economic Regeneration Strategy. The LUF bid highlighted that the rate of decline of Broxtowe’s industrial stock has outpaced neighbouring local authorities and left unmet local demand. As such, providing the proposed units could therefore be highly beneficial for local businesses and in turn the local economy. More recently, the Economic Development Regeneration Strategy 2022-2028 indicates that there is a lack of space for new businesses to develop and grow, including co-working, office and industrial space and industrial starter units.

- 6.90** The applicant has advised that in the period since 2018, the 5 years before the bid was submitted, the amount of employment space for local businesses significantly declined. Within a three-mile radius of Kimberley town centre 346,793 sq. ft. of industrial and commercial space was lost to other uses, predominantly housing. The local property market lacks modern industrial units to compete with as nearly 2/3 of the stock was built before 1970. To put this in context Broxtowe experienced a net loss of 24.9% in the study period that informed the Core Strategy and the local figure was estimated to be well above the average of the Core HMA’s total 16% loss of employment land (Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study 2021). This set against the 8.9% growth in the East Midlands as a whole made for challenging conditions which the bid tried to address on a local scale. The reduction in the local GDP that this represented was a significant factor in case for awarding the Council funding, of which £4.6 million was available to develop industrial units to support local growth.

- 6.91** The applicant has also advised that Broxtowe is heavily reliant on a small business base, dominated by firms comprising 0 to 9 employees (89.3% of enterprises). Indeed, the Council which has a stock of around 62 small industrial units has a waiting list and has done so for over 8 years. At times there have been as many as 45 firms on the waiting list, with the current median size requirement of 1,908 sq.ft. The Council also has four existing tenanted firms requiring expansion from their smaller units and premises. The sizes required for expansion range from 3,000 sq.ft. to 8,500 sq.ft. and a failure to identify units to grow-on presents a realistic danger of these firms needing to leave Broxtowe to grow elsewhere.

**6.92** Kimberley LUF data used in the bid identified that there are pockets of significant deprivation in Kimberley. Contained within the Indices of Multiple Deprivation Analysis for Kimberley, one area stands out as facing multiple deprivation, with the area falling within the 30% most deprived areas in England overall. As such, the Kimberley LUF bid demonstrated emerging priorities for increased investment in employment space to help starter businesses grow in the local area.

**6.93** In consideration of the above, weight is afforded to an identified local employment need.

#### Economic Benefits

**6.94** The application has been supported by an Economic Benefits Statement (EBS September 2024) which considers the existing socio-economic conditions within Broxtowe and the quantifiable economic impact that will be generated by the proposed development during both its initial construction phase and subsequent operational lifetime.

**6.95** Paragraph 85 of the NPPF advises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development

**6.96** Policy 4 - Employment Provision and Economic Development of the Broxtowe Aligned Core Strategy requires Councils to ensure that a sufficient supply of employment land is provided for new and relocating industrial and warehouse uses. Policy E 2: Encouraging Small Businesses of the Awsworth Neighbourhood Plan supports proposals for new small-scale business premises.

**6.97** The rationale for the development and the utilisation of the LUF funding are the economic benefits that will result from the proposed development. The following construction and operational benefits have been estimated:

#### Construction Benefits

- Direct and indirect construction-related employment. The proposed development will support up to 24 temporary roles on-site and in the wider economy over the one-year build programme.
- Contribution of construction phase to economic output. An estimated £1.5million of gross value added (GVA – a proxy for economic output) will be generated during the construction period in current prices.

#### Operational Benefits

- Gross jobs supported on-site. The proposed development could support between 24-40 permanent full-time equivalent (FTE) jobs on-site once it is built and operational.



- Contribution to economic output. The GVA attributable to the site once operational is estimated to be around £1.4million per annum, or £12million over ten-years (present value).
  - Business rates. It is estimated that annual business rates generated by the Proposed Development could be in the region of £22,000 per annum.
  - Employee wages. The proposed development will generate up to £0.8million per annum in wages for on-site employees.
- 6.98**

In light of the above economic benefits, weight is afforded to the creation of on-site employment as well as direct and non-direct jobs which benefits the Borough, however there are concerns with the scale of the economic benefits offered as a VSC.

**6.99** Locational Justification

Due to the site being located within the Green Belt the applicant was asked to justify why this site was chosen, and why other sites not in the Green Belt could not be utilised to the same benefit. As such, the applicant submitted an Alternative Site Assessment (ASA).

**6.100**

The scope for the alternative site search was geographically constrained and limited to sites that were deemed to be appropriate for the receipt and utilization of the LUF funding awarded for Kimberley. The applicant has confirmed that an analysis of the area around Kimberley was conducted ahead of the LUF bid and after being awarded the funding. Broxtowe Borough Council and Kimberley Town Council were heavily involved in the bid development and no land for industrial units was available for the development of small business units or could be identified.

**6.101** In order for a site to be a reasonable alternative to the application site, it must be:

- Available – with a willing landowner who wants to bring the site forward for the intended development.
- Suitable – it must be technically capable of accommodating the development in terms of various matters including site, size, topography and be able to be accessed for construction and operation.
- Viable – it must be economically feasible for a developer to deliver the infrastructure on the site in relation to development and land cost.

**6.102** Within the submitted ASA, sites taken as not suitable would include:

- Those with planning allocations for other uses.
- Those which benefitted from recent planning permissions.
- Designated environmental sites/assets.
- Flood risk zones 2 and 3.
- Sites smaller than the required area of 0.4 hectares.

**6.103** The supporting ASA has identified sites including existing employment land identified under Policy 9 of the Part 2 Local Plan. The applicant has confirmed that land to the rear of the Hovis Factory ('Fernwood Site') granted planning permission

for 22 light industrial units (ref. 20/00423/FUL) off Main Road was unavailable for sale. As such, this site has been discounted as the land could not be purchased using the LUF funding. Furthermore, land north of the Hovis Factory, off Common Lane has been discounted due to environmental constraints. After undertaking a local property search no industrial sites in the Watnall, Giltbrook or Awsworth existing employment sites were marketed for sale. Sites available for lease would not meet the requirements of the LUF funding. It has been confirmed that Broxtowe Borough Council were previously unsuccessful in acquiring an alternative site located at Digby Street football ground in Kimberley. However, the site was discounted due to viability issues caused by the need for the creation of a new vehicle access to serve the proposed development.

- 6.104** The applicant has submitted supporting information demonstrating that all of the remaining area of land that isn't constrained by the above, and that isn't occupied urban land, is within the Green Belt. Weight is afforded to the attempts made by Broxtowe Borough Council to acquire an alternative site within a limited time period to ensure the delivery of the LUF. Weight is also afforded to the lack of sites that are available, suitable and viable within the Kimberley LUF search area and not in the Green Belt.

#### Other harm

- 6.105** The development would fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy 8 of the Part 2 Local Plan and the NPPF. As such, weight should be afforded to the impact upon the openness of the Green Belt in this location. The harm arising from the development includes the harm to the character and appearance of the area including part of the site located within local character area (LCA) Erewash River Corridor and Babbington Rolling Farmlands part of the Greater Nottingham Landscape Character Assessment (GNLCA) which is protected under Policy 30 of the Part 2 Local Plan. Furthermore, weight should be afforded to the harm to the character of the Parish landscape with regard to character related policies including Policies GI 2 and GI 5.
- 6.106** Limited weight is afforded to any potential harm to the historic character of the nearby Grade II\* Bennerley Viaduct or its setting due to the separation distance of the proposed development, detached orientation, varying topography and woodland screening. Furthermore, it is considered that there would be limited harm to the special character of the Great Northern Line Local Area due to the separation of the built development and preservation of pedestrian corridors.

#### Balancing whether VSC

- 6.107** As a preliminary point, it is not the case that each material consideration that together make up the 'VSC' itself needs to be 'very special'. It is considered that the VSCs provided have been finely balanced in the assessment of this application.
- 6.108** Substantial weight is afforded to the time limited opportunity of the proposal to ensure the LUF is contractually committed by 31st March 2025 and that national government funding (£4m - £5.5m) is not lost in the interests of generating employment.

**6.109** Moderate weight is afforded to the opportunity for the proposal to meet an identified local employment need.

**6.110** Less weight is afforded to the construction and operational economic benefits associated with the proposal.

Less weight is afforded to the attempts to find alternative sites.

**6.111** It is considered that, the above factors taken collectively do amount to the VSC and are sufficient to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the character and appearance of the area.

## **7.0 Conclusion**

**7.1** The application proposes the construction of two light industrial buildings comprising of five employment starter units.

**7.2** The development would be inappropriate development in the Green Belt resulting in harm by definition to which substantial weight is applied. In addition, there would be harm to the openness of the Green Belt both spatially and visually.

**7.3** The development would also be harmful to the character and appearance of the locality. However, due to the siting and design of the proposal the development would be limited in any harm to heritage assets.

**7.4** The impacts of the development are acceptable (subject to the below) with respect to the Heritage Assets, Highway Safety, Ecology / BNG and Residential Amenity.

**7.5** Overall, it is concluded that there are VSC which, taken collectively, are sufficient to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the character and appearance of the area.

**7.6** Should the Committee be minded to grant planning permission, the application would be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2024 with the Planning Committee's resolution to support it.

## **8.0 Recommendation**

**8.1** It is recommended that planning permission be Granted subject to the following conditions for the reasons stated below.

<u>Recommendation</u>	
<p>The Committee is asked to <b>RESOLVE</b> that planning permission be granted subject to conditions outlined in the appendix.</p>	
1.	<p>The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.</p> <p><b>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.</b></p>
2.	<p>This permission shall be read in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• 1001 P03 Landscape Plan (Received by the Local Planning Authority 24/01/25)</li> <li>• 1000 P07 Location Plan</li> <li>• 1001 P05 Existing Site Pan</li> <li>• 1002 P05 Existing Detailed Site Plan</li> <li>• 1010 P01 Masterplan</li> <li>• 1011 P07 Proposed Site Plan</li> <li>• 1012 P06 Proposed Detailed Site Plan</li> <li>• 1015 P04 Proposed Site Sections (Received by the Local Planning Authority 22/01/25)</li> <li>• 32 Proposed Sub Station (Received by the Local Planning Authority 10/01/25)</li> <li>• 20 P02 Unit 1 GA Plan</li> <li>• 25 P02 Unit 2 GA Plan</li> <li>• 22 P05 Unit 1 Elevations</li> <li>• 27 P04 Unit 2 Elevations (Received by the Local Planning Authority 16/10/24)</li> <li>• 21 P01 Unit 1 Roof Plan</li> <li>• 23 P02 Unit 1 3D View</li> <li>• 26 P01 Unit 2 Roof Plan</li> <li>• 28 P01 Unit 2 3D Views</li> <li>• 30 Cycle Shelter</li> <li>• 31 Bin Store 1</li> <li>• D53703/JB/A External Lighting Plan (Received by the Local Planning Authority 03/10/24)</li> </ul> <p><b>Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.</b></p>

- 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.**

	<p><b>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.</b></p>
<p><b>4.</b></p>	<p><b>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:</b></p> <ul style="list-style-type: none"> <li><b>a) The means of access for construction traffic;</b></li> <li><b>b) parking provision for site operatives and visitors;</b></li> <li><b>c) the loading and unloading of plant and materials;</b></li> <li><b>d) the storage of plant and materials used in construction / demolition the development;</b></li> <li><b>e) a scheme for the recycling/disposal of waste resulting from construction / demolition works / site clearance; and</b></li> <li><b>f) details of dust and noise suppression to be used during the construction phase.</b></li> </ul> <p><b>The approved statement shall be adhered to throughout the construction period.</b></p> <p><b>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.</b></p>
<p><b>5.</b></p>	<p><b><u>Statutory Biodiversity – Deemed Condition</u></b></p> <p><b>Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.</b></p> <p><b>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:</b></p> <ul style="list-style-type: none"> <li><b>a. a Biodiversity Gain Plan has been submitted to the planning authority, and</b></li> <li><b>b. the planning authority has approved the plan.</b></li> </ul> <p><b>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.</b></p> <p><b>Key Requirements:</b></p>

**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,**

	<p>Template available here;  <a href="https://publications.naturalengland.org.uk/publication/5813530037846016">https://publications.naturalengland.org.uk/publication/5813530037846016</a></p> <p>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.</p> <p>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</p> <p>The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.</p> <p>Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.</p> <p>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.</p>
<p>6.</p>	<p>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.</p> <p>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.</p>
<p>7.</p>	<p>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.</p>



	<p><b>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 Awsworth Neighbourhood Plan 2021.</b></p>
8.	<p><b>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.</b></p> <p><b>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.</b></p>
9.	<p><b>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.</b></p> <p><b>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).</b></p>
10.	<p><b>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).</b></p> <p><b>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.</b></p>
11.	<p><b>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).</b></p>

	<p><b>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 &amp; Hedgerows of the Awsworth Neighbourhood Plan 2021.</b></p>
12.	<p><b>The premises shall not operate except between 07.30-22.00 hours daily.</b></p> <p><b>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.</b></p>
13.	<p><b>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.</b></p> <p><b>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.</b></p>
14.	<p><b>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.</b></p> <p><b>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.</b></p>
15.	<p><b>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.</b></p> <p><b>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.</b></p>

	<p><b>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.</b></p>
	<p><b>NOTES TO APPLICANT</b></p>
1.	<p><b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b></p>
2.	<p><b>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:</b>  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>
3.	<p><b>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 <a href="mailto:hdc.south@nottscc.gov.uk">hdc.south@nottscc.gov.uk</a> for details.</b></p>
4.	<p><b>As this permission relates to the creation of a new unit(s), please contact the Council's Street Naming and Numbering team: <a href="mailto:3015snn@broxtowe.gov.uk">3015snn@broxtowe.gov.uk</a> 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.</b></p>

**Site Location Plan (not to scale)**



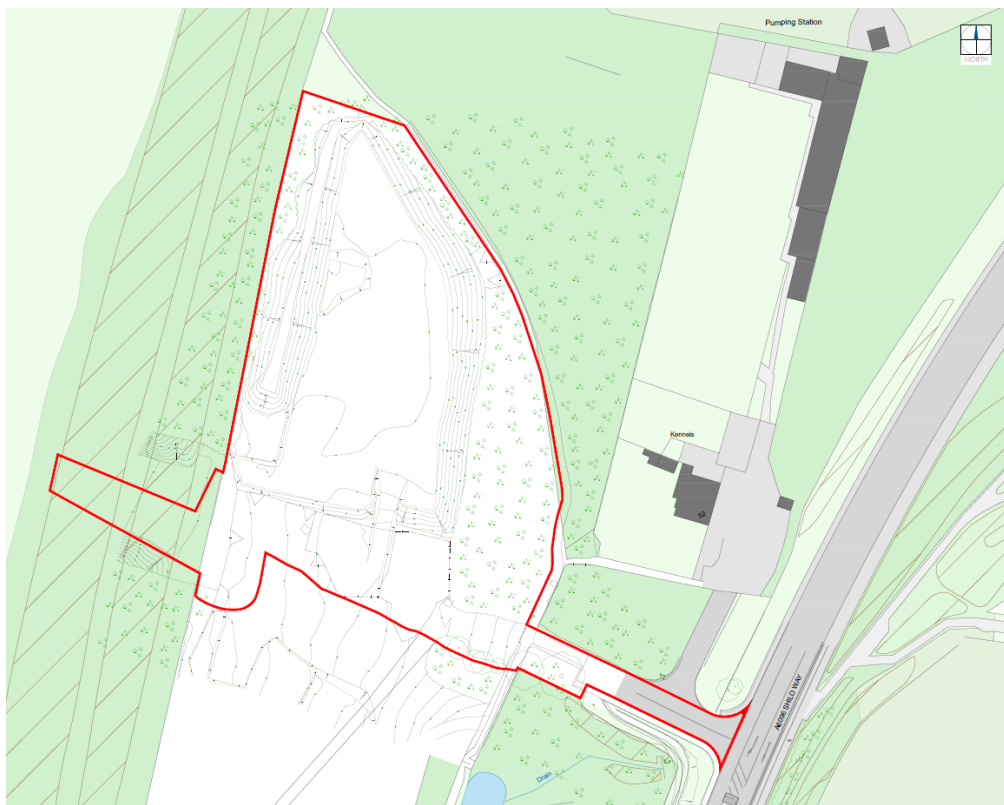
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| <ul style="list-style-type: none"> <li><span style="border: 2px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Site</li> <li><span style="background-color: #d9ead3; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Green Belt</li> <li><span style="border-bottom: 1px dashed orange; width: 15px; margin-right: 5px;"></span> Byway open to all traffic</li> <li><span style="border-bottom: 1px dashed green; width: 15px; margin-right: 5px;"></span> Bridleway</li> <li><span style="border-bottom: 1px dashed red; width: 15px; margin-right: 5px;"></span> Footpath</li> <li><span style="background-color: #d9ead3; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Local Wildlife Site</li> <li><span style="background-color: #f4cccc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Housing Allocations</li> <li><span style="border-bottom: 1px dashed purple; width: 15px; margin-right: 5px;"></span> Green Infrastructure Corridor (Indicative, GI1)</li> </ul> | <p>Policies 3.1, 3.3 to 3.8, 4.1, 5.1, 6.1, 7.1 to 7.3</p> | <ul style="list-style-type: none"> <li><span style="border-bottom: 1px dashed black; width: 15px; margin-right: 5px;"></span> Sustainable Transport (TT3)</li> <li><span style="background-color: #cfe2f3; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Bennerley Viaduct Eastern Access (BV1)</li> <li><span style="background-color: #d9ead3; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Bennerley Viaduct (BV1)</li> <li><span style="background-color: #d9ead3; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Bennerley Viaduct Visual Setting (BV2)</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Coal Disposal Point (BCDP1)</li> <li><span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Great Northern Corridor (BED2, BV1)</li> </ul> | <ul style="list-style-type: none"> <li><span style="border: 1px dotted black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Historic Core (BED2)</li> <li><span style="border: 1px dashed black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Landscape Character Areas (Policy GI2)</li> <li><span style="background-color: #d9ead3; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Local Green Space (GI4)</li> <li><span style="background-color: #f4cccc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Local Heritage Assets (BED1)</li> <li><span style="border: 1px dashed black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Local Nature Reserves (NC1)</li> <li><span style="background-color: #d9ead3; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Local Wildlife Sites (GI3)</li> <li><span style="background-color: #fff2cc; border: 1px solid #ccc; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Trees and Hedgerows (GI5)</li> </ul> |
|---|--|---|--|



Proposed Site plan



Existing Site Plan



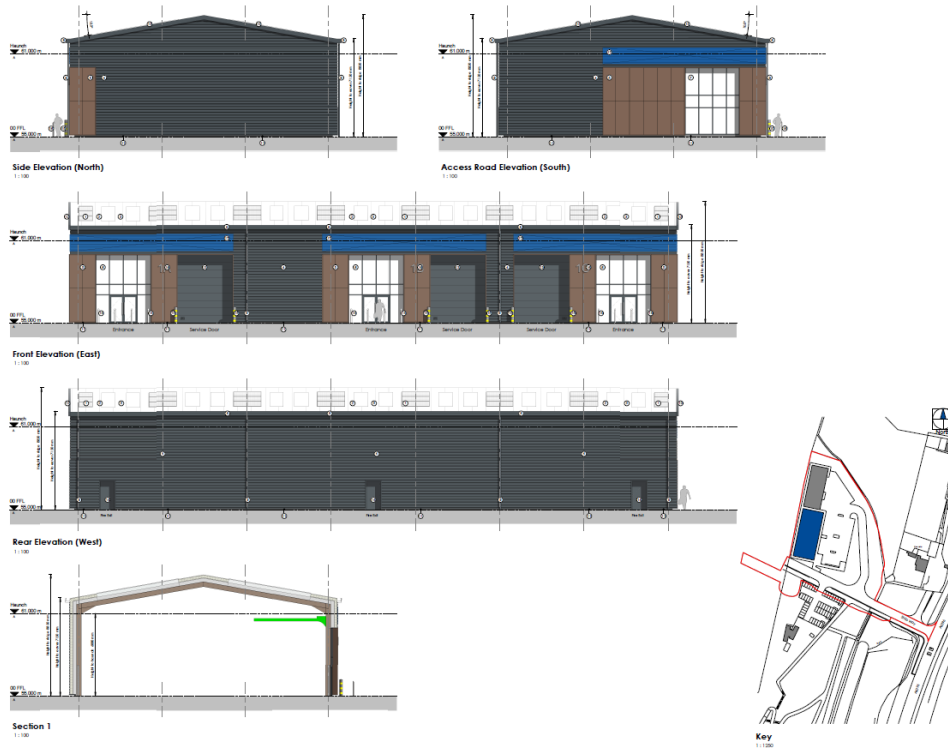
Masterplan



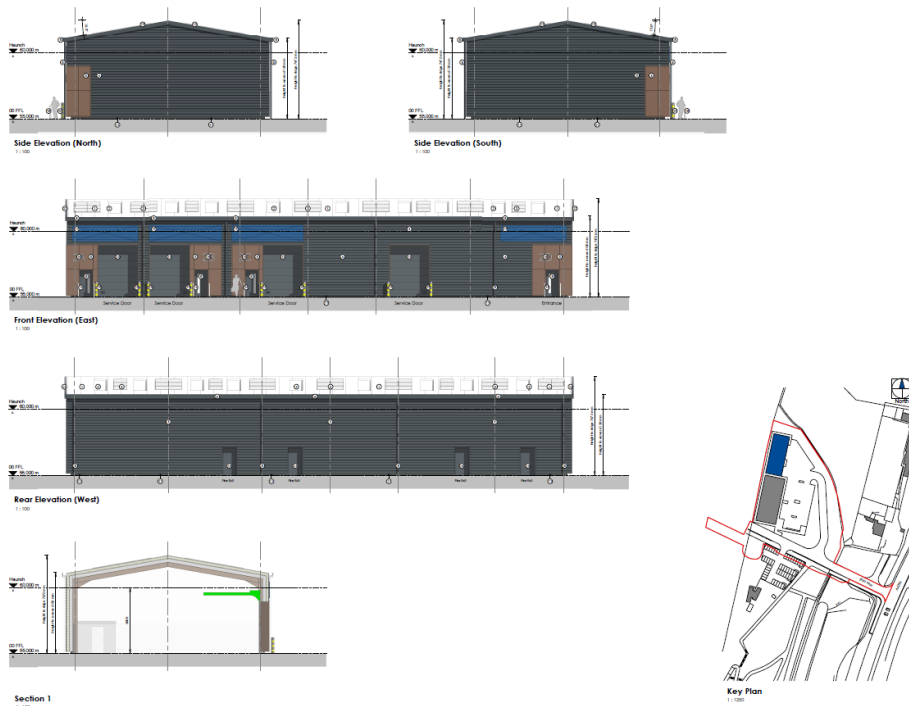
Landscaping Plan



### Unit 1 Proposed Elevations



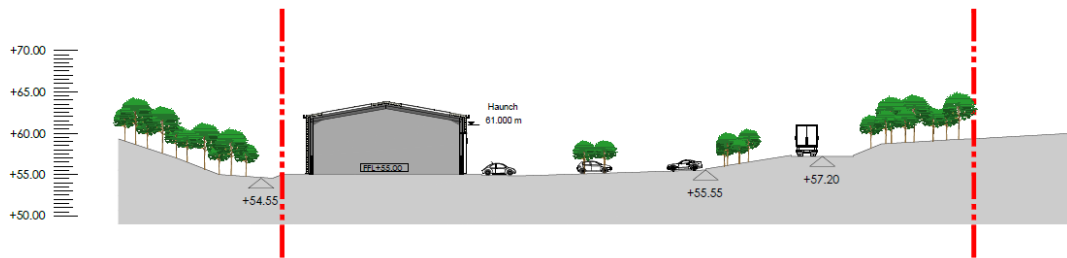
### Unit 2 Proposed Elevations



### Proposed Site Sections



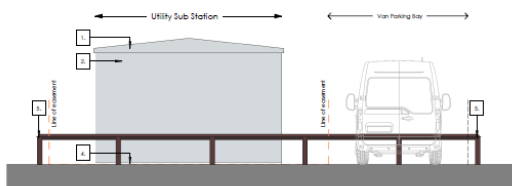
SECTION A-A'



SECTION B-B'

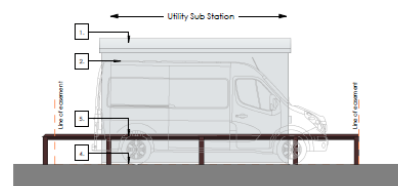


### Proposed Substation Drawings



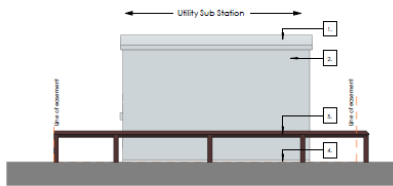
Rear Elevation

1:50



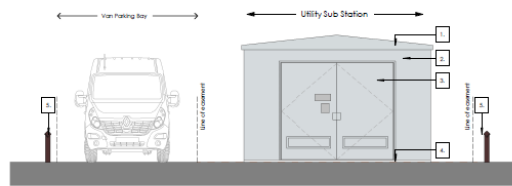
Side Elevation

1:50



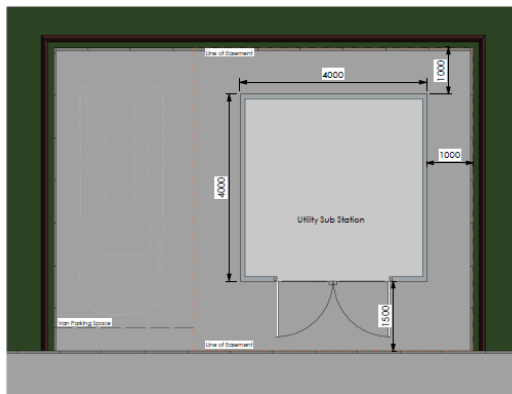
Side Elevation

1:50



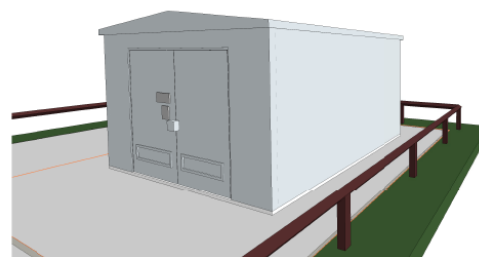
Front Elevation

1:50



Plan

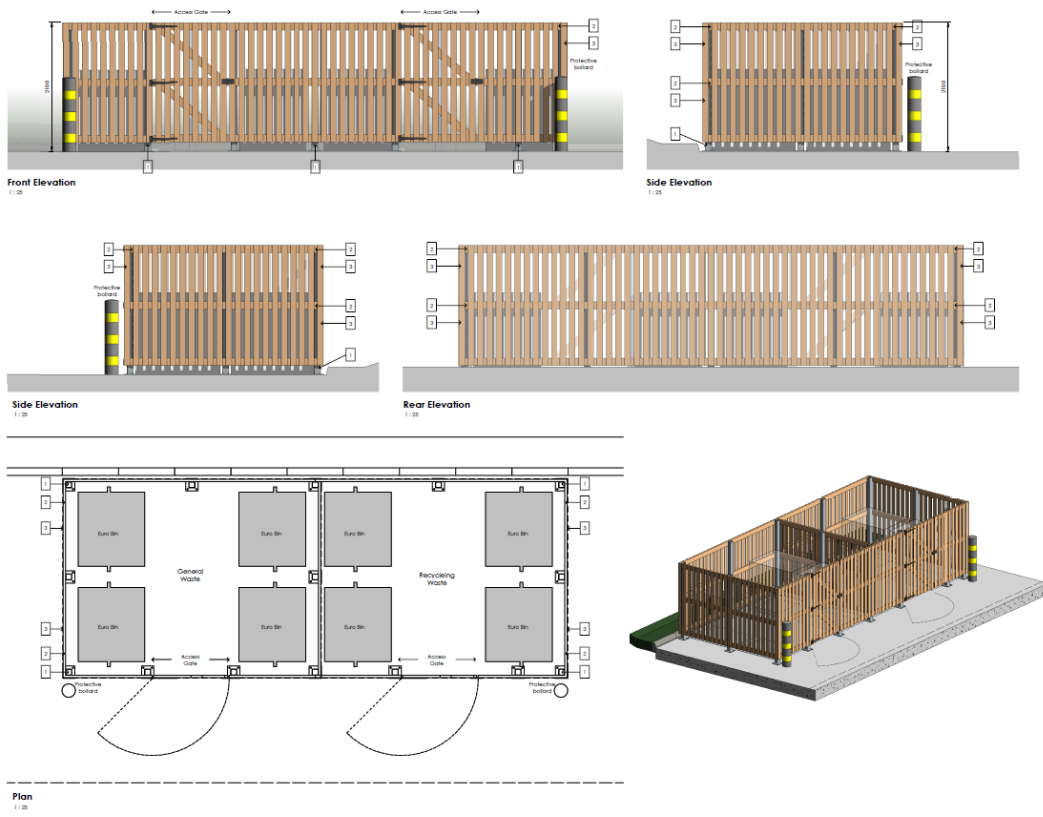
1:50



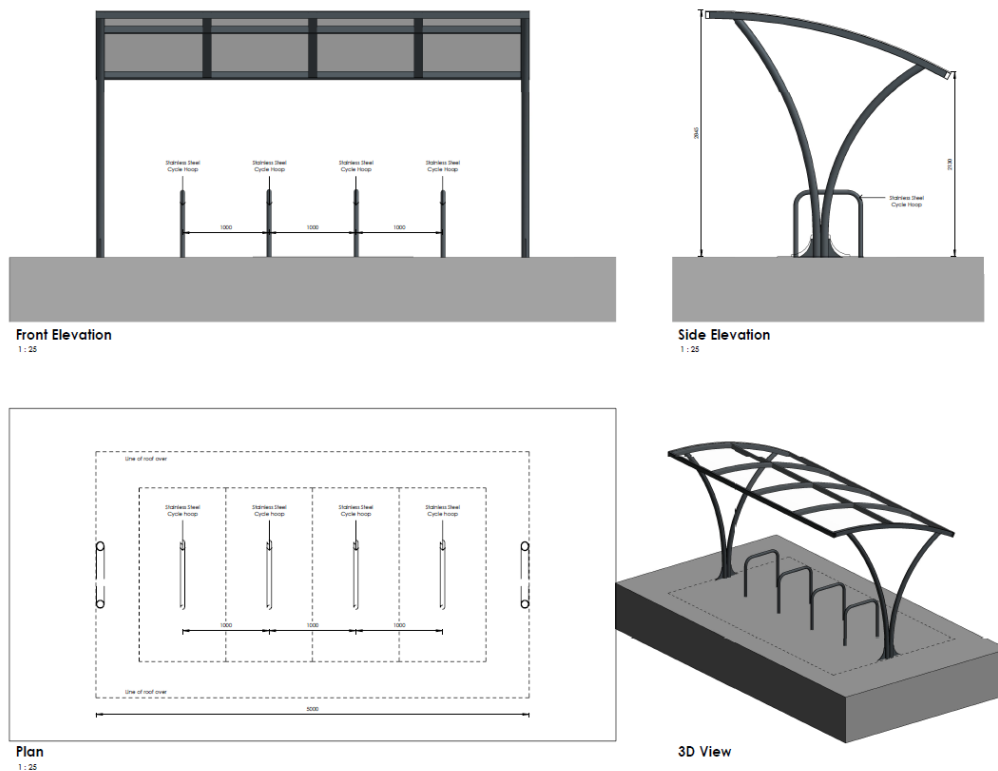
Perspective Veiw



### Proposed Bin Store Drawings



### Proposed Cycle Store Drawings



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**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>24/00700/FUL</b>
<b>LOCATION:</b>	<b>The Berliner, 6 High Road, Chilwell, Nottinghamshire, NG9 4AE</b>
<b>PROPOSAL:</b>	<b>Retain outdoor seating/smoking area to extend commercial area of property. Construction of sound absorbing fence and swing gate (revised scheme)</b>

This application was brought before the Committee at the request of Councillor G Marshall.

**1. Purpose of the Report**

1.1 The application seeks planning permission to retain an outdoor seating/smoking area to extend the commercial area of property, and the construction of a sound absorbing fence and swing gate. This is a revised scheme.

**2. Recommendation**

**The Committee is asked to RESOLVE that planning permission be refused.**

**3. Detail**

3.1 The application seeks planning permission to retain an outdoor seating/smoking area to extend the commercial area of property, and the construction of a sound absorbing fence and swing gate. This is a revised scheme.

3.2 The application site consists of part of a courtyard to the rear of a commercial unit occupied by a public house known as The Berliner.

3.3 The wider site consists of a two-storey commercial unit, currently occupied by two businesses on the ground floor which are The Berliner bar and Best Fabrics International Ltd fabric shop to the southwest. It is understood that the first floor is currently vacant for both businesses. The outdoor area is situated in a corner area between the rear exit of The Berliner, a high wall denoting the boundary with The Hop Pole, and an outbuilding owned by the neighbouring Best Fabrics International Ltd. Access to the outdoor area can be achieved either through the rear door from The Berliner or via Park Road and under the first floor of the building into the main courtyard. The rear courtyard is open with adjoining businesses.

3.4 The site is within the Chilwell Cottage Grove Conservation Area. Chilwell Road has predominately ground floor frontages open onto the highway, with several drinking establishments, cafes and restaurants. The tram runs along the highway to the front. There are various usages to first floors, with many occupied as residential flats. To the rear and northerly, there are residential

streets, with the nearest residential property no. 2 Park Road to the northwest, with no. 2's common boundary adjacent to the wider courtyard.

- 3.5 The main issues are its impact in terms of design, including within the Conservation Area, mass and scale, visual and neighbour amenity, including in terms of privacy, noise, disturbance and smells, and access including impact on the tram.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

- 6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers

Nil.

Appendix

1. Details of the application

- 1.1 The proposal is to retain an outdoor seating/smoking area to extend the commercial area of property, and the construction of a sound absorbing fence and swing gate. This is a revised scheme.



23/00763/FUL – Retention of seating area only.



24/00700/FUL – seating area still in situ, with the addition of a fence.

- 1.2 On the submitted application form the opening hours for the outdoor decking area are stated as 17.00hrs to 22.30hrs Monday to Friday, 12.00hrs to 22.30hrs on Saturdays, and 12.00hrs to 22.00hrs on Sundays and Bank Holidays. This would be for the outside area as the internal area of The Berliner is open Tuesday to Thursday 17.00hrs to 23.00hrs, Friday 12.00hrs to 24.00hrs, Saturday 12.00hrs to 24.00hrs and Sunday/ Bank holidays 12.00hrs to 22.00hrs, which are in accordance with the conditioned opening times on planning ref. 16/00707/FUL and 18/00576/FUL.

2. Site and surroundings

- 2.1 The application site consists of part of a courtyard to the rear of a commercial unit occupied by the applicant's business, known as The Berliner.
- 2.2 The wider site consists of a two-storey commercial unit, currently occupied by two businesses on the ground floor, The Berliner bar and Best Fabrics International Ltd fabric shop to the southwest, the first floor is understood to be vacant. The outdoor area is situated in a corner area between the rear exit of The Berliner, a high wall denoting the boundary with The Hop Pole, and an outbuilding owned by the neighbouring Best Fabrics International Ltd. Access to the outdoor area can be achieved either through the rear door from The Berliner or via Park Road then under the first floor of the building into the main courtyard. The rear courtyard is open with adjoining businesses.
- 2.3 The site is within the Chilwell Cottage Grove Conservation Area. Chilwell Road has predominately ground floor frontages open onto the highway, with

several drinking establishments, cafes and restaurants. The tram runs along the highway to the front. There are various usages to first floors, with many occupied as residential flats. To the rear and northerly, there are residential streets, with the nearest residential property no. 2 Park Road to the northwest, with no. 2's common boundary adjacent to the wider courtyard.

#### 2.4 Similar developments nearby:

- No. 130 Chilwell Road - Change of use from shop (Class A1) to cafe (Class A3) and erect external flue - 17/00023/FUL.
- No. 90 - 94 Chilwell Road - Change of use from retail (Class A1) to restaurant / bistro (Class A3) - 11/00271/FUL.
- No. 116 Chilwell Road - Change of use of first floor from Office (Class B1) to Restaurant (Class A3), and construct first floor rear extension (revised scheme) - 11/00326/FUL.
- Nos. 6 - 8 High Road - Change of use from retail (Class A1) to drinking establishment (Class A4) - 16/00707/FUL.
- Nos. 72 - 74 Chilwell Road - Change of use of ground floor from retail (Class A1) to cafe (Class A3) - 17/00263/FUL.

#### Outside seating:

- The Hop Pole and The Chequers Inn, both pubs with outside seating areas.
- The Chequers Inn 06/01014/FUL - Erect canopy and retain decking to outside seating area – Environmental Health did recommend a condition that the area should not remain open for use by customers after 00.3hrs Monday – Sunday – this was not conditioned as it was considered pre-existing outside seating areas should not be time restricted.
- The Lounge bar and restaurant 08/00957/FUL Retention of single storey rear extension condition hours 8.30 to midnight any day, no outside seating proposed, and 01/00350/FUL Change use to A3 (restaurant) condition hours 8.30 to midnight any day – plan showed outside seating to frontage.
- Totally Tapped previously at 23 Chilwell Road 16/00618/FUL: The use hereby permitted shall not be open to customers except between 08:30-24:00 hours, as similar to neighbouring Latino, Totally Tapped in relation to a move to 104 Chilwell Road 22/00391/FUL Change of use to craft beer pub – Environmental Health recommended conditions in relation to internal noise, no comment in relation to opening hours. Proposal noted rear garden area.

### 3 Relevant Planning History

#### 3.1 There have been previous planning applications at this property with the

associated works carried out, with the following granted conditional permission:

- 16/00707/FUL Change of use from retail (Class A1) to drinking establishment (Class A4)
- 18/00576/FUL Change use from retail (Class A1) to bar/restaurant/cafe (Class A3 / A4)

And refused:

23/00763/FUL Retain change of use of car park for outdoor seating/smoking area. Appeal received after the time limit; The Planning Inspectorate was unable to accept as a valid appeal.

#### **4 Relevant Policies and Guidance**

##### **4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 6: Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment

##### **4.2 Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations.
- Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road)
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 23: Proposals Affecting Designated and Non-Designated Heritage Assets.

##### **4.3 National Planning Policy Framework (NPPF) 2024:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 6 - Building a strong, competitive economy.
- Section 7 - Ensuring the vitality of town centres.
- Section 8 - Promoting healthy and safe communities.
- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt Land
- Section 16: Conserving and enhancing the historic environment.

**5 Consultations**

5.1 Five neighbours were consulted on the application, and a site notice posted, with three responses received, two in support of the proposal (including one immediate neighbour), and one immediate neighbour with the following objections:

- Noise and disturbance
- Impact on privacy.

The objector has stated they appreciate and welcome the attempts that have been made to mitigate the noise and privacy issues that exist through construction of the fence and swing gate, but issues remain including patrons of The Berliner leaving the outdoor smoking area to enter the broader car park area to smoke and congregate, a sustained period of loud noise heard involving shouting, cheering and chanting and having to delay their child's bedtime due to the disturbance.

They are more minded to be supportive of an application where the closing time of the outdoor area was earlier.

**5.2 Councillors & Parish/Town Councils:**

- Cllr G Marshall - Beeston West Ward – Called into Planning Committee.
- Cllr E Winfield - Beeston West Ward – No comments received.

**5.3 Environmental Health** – Object to the proposal as there is a history of complaints relating to the use of the car park area as a beer garden dating back to 2018 in relation to noise nuisance, with the following:

- Emptying of glass bins.
- Loud music as a result of the fire door being left open.
- Loud voices and shouting from patrons until past 23.30, and on occasions past 00.00 on Fridays and Saturdays.

These claims can be substantiated from noise monitoring carried out by Environmental Health.

- The proposed fencing is not acoustic fencing as described in the Heritage statement. Acoustic fencing is designed to reflect or absorb unwanted noise and is constructed without gaps and of a density greater than 10kg per m. The proposed fence will not provide the noise attenuation of a certified acoustic fence.
- Should approval be granted despite objection, conditions should be attached in relation to smokers directed to front road after 22.00, beer garden to be cleared by 22.00, no amplified or live music or speech in the beer garden area, refuse deposit and clearance times.



5.4 NET and the Conservation officer have been consulted – with no responses received.

6. Assessment

**Revised Scheme**

6.1 The application was previously refused on ref. 23/00763/FUL, this was to retain the change of use of the car park for an outdoor seating/smoking area. This application specifically includes the addition of a fence and gate, image provided, and the fence has been constructed after the previous refusal:



**Principle of development**

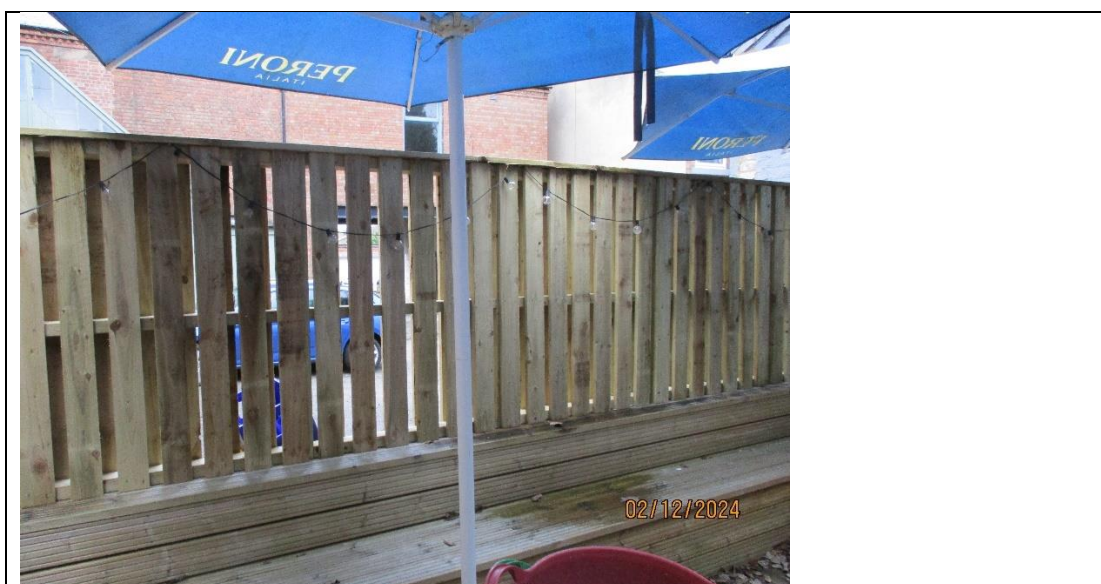
6.2 As noted in the surrounding area there are several bars/ pubs/ restaurants and cafes within the Chilwell Road area, these provide a complimentary offering to the Beeston Town Centre Area, and are as per policy 14; Centre of Neighbourhood Importance (Chilwell Road / High Road). There are also examples of outside sitting areas along Chilwell Road, though many of these are historic uses. The bar is an existing operation that has received planning permission on ref. 16/00707/FUL and 18/00576/FUL. Therefore, the principle of an outdoor seating/smoking area is acceptable subject to its impact in terms of design, including within the Conservation Area, mass and scale, visual and neighbour amenity, including in terms of privacy, noise, disturbance and smells, and access including impact on the tram.

**Design**

6.3 There is only the addition of a gate proposed, given the position of the beer garden structures, to the rear in a relatively secluded corner, they are fit for purpose and relatively modest in appearance. The fence is an open boarded fence at 2m in height, it is viewed only from within the wider courtyard. Therefore, the design is considered acceptable as structures can easily be replaced or removed if necessary and are of a small scale.

### Amenity

- 6.4 This is a mixed commercial and residential area, with residential streets backing onto the site, the first floor has previous commercial uses but at this time is understood to be empty. It is considered that the development would have no significant impact on neighbouring The Hop Pole as the outdoor area is situated behind a high wall marking the boundary with The Hop Poles own outdoor area, and there is no visibility into the site from The Hop Pole beer garden/ car park. Best Fabrics International Ltd are the owner of the site and yard and as the use has existed for some time, they are unlikely to have been significantly impacted by the use of this corner area for outside use.
- 6.5 The installed fencing is open-boarded (image below), the other three sides are enclosed by the building, a high wall and an outbuilding, all solid brick construction. Parasols are provided within the enclosed space, providing cover.



Environmental Health have noted this is not classed as an Acoustic Fence.

- 6.6 Environmental Health have provided a comment in relation to ongoing noise and disturbance and have received complaints. A neighbour comment has also been received in relation to continuing noise, disturbance and loss of privacy. As the proposal is within an open rear courtyard, facing towards the rear of adjacent residential properties most notable no. 2 Park Road and due to the seating area providing for longer linger times and wider use within the open courtyard, it is considered that these issues are exacerbated creating an unacceptable level of noise and disturbance. A noise assessment has not been submitted by the applicant therefore no evidence has been provided that the open-boarded fence, suitable for a smoking enclosure would provide the necessary noise mitigation needed, with Environmental Health stating, *'the proposed fence will not provide the noise attenuation of a certified acoustic fence'*. In terms of privacy and wider use of the courtyard, the neighbouring dwelling has several windows facing the site and there are opportunities for overlooking into that dwelling. The neighbour comment states that customers

still access the wider courtyard, and information on how the proposed gate accessible as a fire exit would be not accessed by customers at other times or prevent wider use is not evidenced. The applicant has been given several opportunities to provide noise mitigation methods but has failed to do so. Therefore, it is considered that the proposal is unacceptable in terms of neighbour amenity (noise and disturbance) and is likely to have a continual negative impact in terms of privacy.

### **Economic / Social Benefits**

- 6.7 The Berliner is an existing bar that has a daytime food offering, over the years it has expanded into a neighbouring unit. Whilst the outside sitting area has been in situ since 2019 according to Google Maps, no evidence has been submitted to show that this is a core part of the business, indeed on previous applications Environmental Health have stipulated that the rear external area was not to be used, comment provided on ref. 18/00576/FUL. There is no evidence of previous discussions with the Council or plans provided to indicate a proposed outdoor seating/ smoking area, hence the need for an enforcement investigation. It is also not a given that a bar must have an outdoor seating area to operate successfully, or that because neighbouring units operating in a similar market have historic outside usable customer space, that all businesses should have a similar customer experience. Therefore, as the business is existing and the outdoor use is not a not essential for the operation of the business, it is considered there would be no significant impact or benefit to retaining the outdoor beer garden that would outweigh the negative impact on neighbouring amenity.

### **Access / NET**

- 6.8 Due to the proximity to the tramlines NET were consulted on the proposal. No comment was received but given the beer garden is to the rear of the commercial unit away from the tramlines it is considered that there would be no disruption to the tram operations and that access would not be changed.

### **Conservation Area**

- 6.9 The site is within the Chilwell Cottage Grove Conservation Area, no comment has been received from the Conservation Officer on this application or previously on ref. 23/00763/FUL, but given the proposal is existing, to the rear, of a small scale and within a commercial yard it is considered that it has no significant impact on the Conservation Area.

## **7. Conclusion**

- 7.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representation received, the development is unacceptable and that there are no circumstances which otherwise would justify the approval of permission.

8 Planning Balance

8.1 The use as a drinking establishment accords with Local Plan Policy as it serves a local need, is of a relatively small size and aids in Chilwell providing a complementary evening economy offer to Beeston Town Centre. That said, the addition of the beer garden whilst relatively small in comparison to that of nearby pubs and their historic uses, is situated within an historic commercial yard adjacent to and viewed from residential dwellings where noise and disturbances are easily magnified within the enclosed space, the beer garden is fenced off from the rest of the yard by open board wooden fencing, not acoustic fencing as described by the applicant, and no noise assessment/report has been submitted which would provide information on the current and continuing noise levels and recommendations for mitigation of these noise levels. Therefore, it is considered that the use would have an impact on the amenities of nearby residents and cannot be mitigated by the imposition of appropriate conditions. On balance it is considered that the proposal is unacceptable, and it is recommended that the application be refused.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be refused.</b>	
<b>1.</b>	<b>The retention of the use of the courtyard for an outdoor seating and smoking area will have a significant impact on the living conditions of nearby residents by virtue of additional noise and disturbance emanating from the premises, above what can reasonably be expected in a predominantly residential area. Therefore, the development would be contrary to Policy 10 of the Aligned Core Strategy (2014) and Policies 17 and 19 of the Part 2 Local Plan (2019).</b>
	<b>NOTES TO APPLICANT</b>
<b>1.</b>	<b>Whilst it has not been possible to achieve a positive outcome due to the fundamental concerns regarding noise impact on neighbouring properties, the Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale</b>

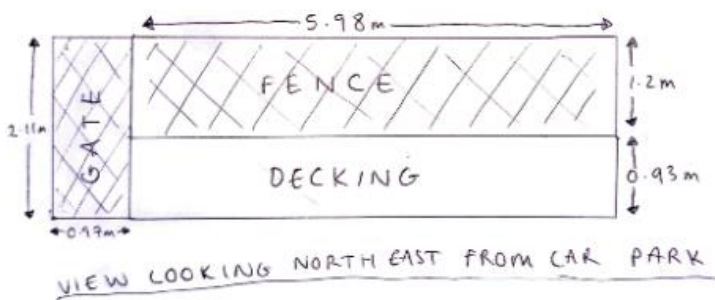
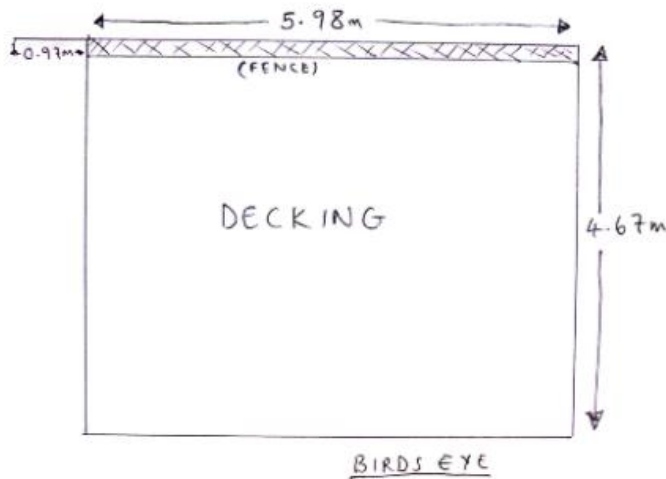
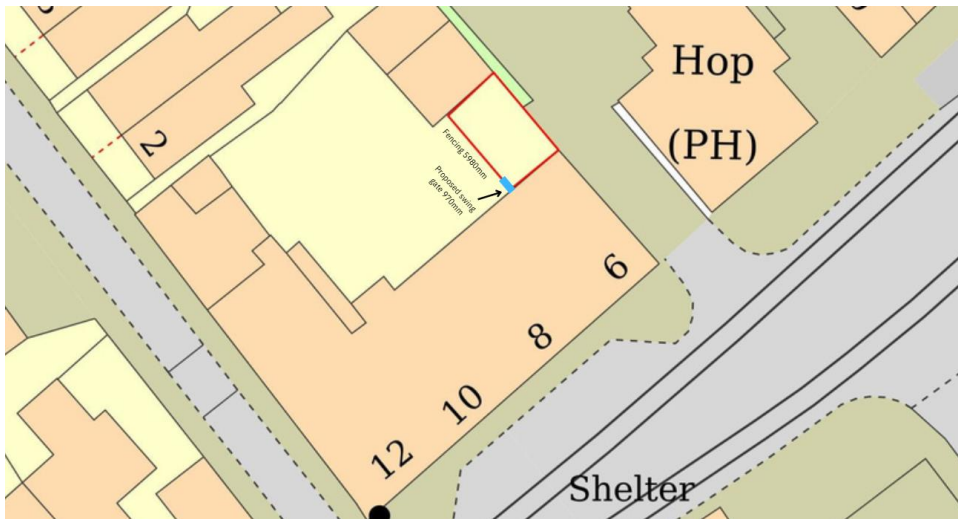


Map



NOTES

Plans



RATIO 1:50

DECKING - 4.67m x 5.98m x 0.93m  
 (L) (W) (H)

FENCE - 1.2m x 5.98m x 0.2m  
 (depth)

GATE - 0.97m x 2.11m

□ :  
 ▨ :

**Report of the Chief Executive**

**APPEAL DECISION**

<b>APPLICATION NUMBER:</b>	<b>23/00836/FUL</b>
<b>LOCATION:</b>	<b>50 Derby Road Bramcote Nottinghamshire NG9 3FY</b>
<b>PROPOSAL:</b>	<b>Change of use from residential to care home</b>

**APPEAL DISMISSED**

**RECOMMENDATION BY OFFICER – REFUSAL**

**DELEGATED DECISION**

**REASONS FOR REFUSAL –**

1. The applicant has not provided evidence of a need for the proposed use, which would result in the loss of general housing, for which a demonstrated need exists, contrary to Policy 2 and 8 of the Aligned Core Strategy (2014) and Policy 15 of the Part 2 Local Plan (2019).
  
2. The proposed intensive residential and institutional use in an area of predominantly general housing, would result in an adverse impact both on the living conditions of neighbouring properties and on the character of the wider area by virtue of disturbances relating to comings and goings of staff and occupiers. The proposal is as such contrary to Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019) where an unacceptable loss of amenity for the occupiers of neighbouring properties is not permitted.
  
3. The proposed development would result in an intensification of use of the vehicular access on to the A52 trunk road. The proposed vehicular access opens immediately onto a bus lane and forms a dual carriageway. It is considered that insufficient evidence to demonstrate a safe vehicular access with appropriate parking and turning facilities for the proposed development has been submitted. The proposed development is therefore contrary to Policy 17 of the Broxtowe Part 2 Local Plan (2019).

**LEVEL OF DECISION: WRITTEN REPRESENTATIONS**

The inspector considered the main issues to consider were:

- The effect of the proposal on highway safety.
- Whether the need for the proposal outweighs the loss of general housing needs.
- The effect of the proposal on the character and appearance of the surrounding area.
- The effect of the proposal on the living conditions of neighbouring occupants with regard to noise and disturbance.

## REASONS

### Highway Safety

The Inspector considered that traffic movements would be significantly greater than even a large active household. Moreover, without demonstrable evidence of swept paths and indicative turning manoeuvres the Inspector was not satisfied that it could operate effectively. Without substantive evidence as to the frequency of vehicle trips and the ability of vehicles to leave in a forward gear onto the busy dual carriageway of the A52, the Inspector concluded that the appeal scheme as presented would fail to provide safe and convenient access as required by Policy 17(i) of the Part 2 Local Plan 2019.

### General Housing

The Inspector noted that the proposal would contribute to the overall housing mix and therefore the proposal complies with the overall spatial strategy and housing delivery as outlined in Policy 2 of the ACS as well as one of the overarching aims of Policy 8 of the ACS regarding accommodation for the elderly.

### Character and appearance

The appeal scheme does not consist of any external changes. The character of the surrounding area is predominantly residential in nature and consequently the addition of a care home would likely result in an increase of coming and goings from the property above what would be reasonably expected for a residential dwelling. However, considering No 50 is located on the A52 the character of the surrounding area does include frequent vehicle movements. Consequently, the Inspector concluded that the addition of a care home would not have a significant adverse impact upon the character and appearance of the surrounding area.

### Living Conditions

Whilst the appellant had not provided details regarding shift patterns, it is likely that the appeal scheme would likely result in an increase of coming and goings from the property due to care staff as well as visitors. However, the Inspector noted that considering the busy nature of Derby Road it had not been demonstrated that this would be noticeable and unreasonable. Consequently, the Inspector concluded that the proposal would not harm the living conditions of neighbouring properties with regard to noise and disturbance.

## CONCLUSION

The Inspector has considered all the submitted evidence and on that basis the appeal is dismissed on highway safety grounds.



Report of the Chief Executive

APPEAL DECISION

<b>APPLICATION NUMBER:</b>	<b>24/00209/FUL</b>
<b>LOCATION:</b>	<b>90 Ullswater Crescent Bramcote Nottinghamshire NG9 3BE</b>
<b>PROPOSAL:</b>	<b>Construct detached garage to front</b>

**APPEAL DISMISSED**

**RECOMMENDATION BY OFFICER – REFUSAL**

**DELEGATED DECISION**

**DECISION BY BROXTOWE BOROUGH COUNCIL - NOTICE OF REFUSAL FOR PLANNING PERMISSION REF: 24/00209/FUL DATED 14 JANUARY 2024.**

**REASONS FOR REFUSAL –**

1. The proposed detached double garage, by virtue of its size and prominent location forward of the principle elevation of the property and located within close proximity to the boundary with the public highway, would represent a dominant feature that is out of character with the original dwelling and an intrusive feature detrimental to the character and appearance of the street scene. It fails to make a positive contribution to the character and appearance of the area, and has a harmful impact on the street scene. Accordingly, the proposed development would therefore be contrary to the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).

**LEVEL OF DECISION: WRITTEN REPRESENTATIONS**

The proposal was for a single-storey detached garage measuring approximately 5.8 metres x 5.5 metres, with eaves height 2.3 metres and ridge height 3.8 metres. The materials and design would match and be in keeping with the host dwelling. The proposal would be located close to the host dwelling but forward of its front elevation within its open frontage garden. The application was refused at officer level, because the proposed garage would be a dominant feature and would fail to positively contribute to the street scene.

The inspector stated that the surrounding area is characterised by similar dwellings with garages to the side, creating a sense of rhythm. The proposed garage would be a substantial feature forward of the host dwelling and would harm the character and appearance of the surrounding area. They stated that it would not be wholly screened by foliage and as such would detract from the well-proportioned design of the host dwelling within its open garden setting.

Overall, the Planning Inspector found that the proposal would cause harm to the character and appearance of the host dwelling and the area as it fails to take account of the evident rhythm of design and open frontages of dwellings in the area. Consequently, the appeal proposal conflicts with Policy 10 of the Broxtowe Borough Gedling Borough Nottingham City Aligned Core Strategy Part 1 Local Plan (2014), Policy 17 of the Broxtowe Part 2 Local Plan (2019) and the Framework, all of which seek high quality design appropriate to its context.

**BROXTOWE BOROUGH COUNCIL  
DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT**

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**PLANNING APPLICATIONS DEALT WITH FROM  
16 DECEMBER 2024 TO 10 JANUARY 2025**

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## **CONTENTS**

Planning applications dealt with under Delegated Powers

Please note: This list is now prepared in WARD order (alphabetically)

**BROXTOWE BOROUGH COUNCIL**  
**DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT**

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**PLANNING APPLICATIONS DETERMINED BY  
DEVELOPMENT CONTROL**

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**ATTENBOROUGH & CHILWELL EAST WARD**

Applicant : Mr and Mrs P Sidhu 24/00726/FUL  
Site Address : 13 Barratt Crescent Attenborough Nottinghamshire NG9 6AH  
Proposal : **Construct two storey and single storey rear extension, canopy/porch to front, changes to exterior facing materials, insertion of windows to side elevations**  
Decision : **Conditional Permission**

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Applicant : Sarah Rigby 24/00774/FUL  
Site Address : 117 Meadow Lane Chilwell Nottinghamshire NG9 5AJ  
Proposal : **Construct single storey side extension**  
Decision : **Conditional Permission**

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Applicant : Hollywell Property Investments Limited 24/00784/FUL  
Site Address : 108 Long Lane Attenborough Nottinghamshire NG9 6BW  
Proposal : **Change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis).**  
Decision : **Refusal**

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Applicant : Liam & Sally O'Boyle 24/00799/FUL  
Site Address : 4 Ferndale Close Attenborough Nottinghamshire NG9 6AQ  
Proposal : **External render to front and side elevations, hip to gable roof to single storey rear extension, alterations to window and doors.**  
Decision : **Conditional Permission**

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**AWSWORTH, COSSALL & TROWELL WARD**

Applicant : MRS CARNELLEY 24/00364/FUL  
Site Address : Middle Cottage Nottingham Road Trowell Moor Trowell Nottinghamshire NG9 3PQ  
Proposal : **Erection of extensions to a garage to form ancillary accommodation**  
Decision : **Conditional Permission**

---

**BEESTON CENTRAL WARD**

Applicant : Mrs Bilquees Akbar 24/00688/CLUE  
Site Address : 60 Queens Road East Beeston Nottinghamshire NG9 2GS  
Proposal : **Certificate of Lawfulness for an existing use for student letting**  
Decision : **Approval - CLU**

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Applicant : Janet Minshall 24/00764/CLUE  
Site Address : 50 Lower Road Beeston Nottinghamshire NG9 2GT  
Proposal : **Certificate of Lawfulness for an existing use as a C4 HMO**  
Decision : **Approval - CLU**

---

Applicant : Mr King Tang 24/00767/DOC  
Site Address : Land Adjacent 15 Lambeth Court Beeston Nottinghamshire NG9 2DT  
Proposal : **Discharge of conditions 3 and 4 of planning permission 24/00060/FUL**  
Decision : **Partial Discharged**

---

Applicant : Janet Minshall 24/00777/CLUE  
Site Address : 27 Lower Road Beeston Nottinghamshire NG9 2GT  
Proposal : **Certificate of Lawfulness for Existing Use as a C4 HMO**  
Decision : **Approval - CLU**

---

## BEESTON NORTH WARD

Applicant : Mr Jacob Brown 24/00638/DOC  
Site Address : Pair Of Garages Cyprus Avenue Beeston Nottinghamshire  
Proposal : **Discharge of conditions, 3, 4, 5, and 6 of planning permission 21/00364/FUL (Appeal Decision dated 26.04.2022)**  
Decision : **Fully Discharged**

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Applicant : Mrs Kaly Sahnsi 24/00723/CLUP  
Site Address : 29 Warwick Avenue Beeston Nottinghamshire NG9 2HQ  
Proposal : **Certificate of lawfulness for proposed single storey rear extension**  
Decision : **Approval - CLU**

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Applicant : Mr Mark Wallace Cobalt Carbon Free 24/00735/FUL  
Site Address : 43 Broadgate Beeston Nottinghamshire NG9 2FU  
Proposal : **External render to property**  
Decision : **Conditional Permission**

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Applicant : Mr Ian Cooper N/A 24/00738/FUL  
Site Address : 11 Cedar Avenue Beeston Nottinghamshire NG9 2HA  
Proposal : **Two storey side and single storey rear extensions**  
Decision : **Conditional Permission**

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## BEESTON RYLANDS WARD

Applicant : Mr C Ezekafor 22/00900/CLUE  
Site Address : 1 Lilac Crescent Beeston Nottinghamshire NG9 1PD  
Proposal : **Certificate of lawfulness for existing use as a house in multiple occupation (Class C4)**  
Decision : **Refusal**

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Applicant : Beeston Marina Ltd 23/00447/FUL  
Site Address : Riverside Close Riverside Road Beeston Nottinghamshire  
Proposal : **Construct 29 apartments with associated parking and landscaping**  
Decision : **Refusal**

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## BEESTON WEST WARD

Applicant : Lee and Liliana Empringham and De Lillo 24/00582/FUL  
Site Address : 5 Cedar Road Chilwell Nottinghamshire NG9 4DB  
Proposal : **New brick boundary wall to match existing and outbuilding to create study space**  
Decision : **Conditional Permission**

---

Applicant : Mr Ashley Crawford 24/00622/FUL  
Site Address : 86 - 88 Chilwell Road Beeston Nottinghamshire NG9 1ES  
Proposal : **Construct dormer, solar panels, insertion of first floor fire door, new windows and doors, re roofing and fenestration changes and external staircase**  
Decision : **Conditional Permission**

---

Applicant : Mr & Mrs S J & G K Simms 24/00649/FUL  
Site Address : 19 Collington Street Beeston Nottinghamshire NG9 1FJ  
Proposal : **Construct hip to gable roof extension, demolish and relocate rear single storey extension, demolish and rebuild garage with pitched roof.**  
Decision : **Conditional Permission**

---

Applicant : Mr & Mrs Maltby 24/00709/FUL  
Site Address : 87 Bramcote Drive West Beeston Nottinghamshire NG9 1DU  
Proposal : **Construct detached dwelling**  
Decision : **Conditional Permission**

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Applicant	:	Mr & Mrs Langran	24/00759/FUL
Site Address	:	1 Dale Lane Chilwell Nottinghamshire NG9 4EA	
Proposal	:	<b>Construct pitched roof over existing flat roof garage and convert into habitable space</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Andrew Ashpole RammSanderson	24/00760/CAT
Site Address	:	Oban House 8 Chilwell Road Beeston Nottinghamshire NG9 1EJ	
Proposal	:	<b>Works to trees in a Conservation Area</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms Sarah Dale	24/00788/CAT
Site Address	:	54 Grove Avenue Chilwell Nottinghamshire NG9 4DX	
Proposal	:	<b>Goat willow - 30% crown reduction</b>	
Decision	:	<b>No Objection</b>	
Applicant	:	Mrs Janet Poliakoff	24/00789/CAT
Site Address	:	13 Elm Avenue Beeston Nottinghamshire NG9 1BU	
Proposal	:	<b>T1 Beech - 1m crown reduction and prune away from property T2 Yew - 1m crown reduction and prune away from property T3 Weeping willow - Partial repollard (leave some growth on for shape) T4 Hazel -1.5m crown reduction and remove any limbs encroaching on neighbouring wall T5 Sweet chestnut - 1.5m crown reduction</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Jonathan Kendall	24/00790/CAT
Site Address	:	27 Elm Avenue Beeston Nottinghamshire NG9 1BU	
Proposal	:	<b>Fell and remove crab apple tree</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs C Lovesy	24/00801/CAT
Site Address	:	51 Grove Avenue Chilwell Nottinghamshire NG9 4DZ	
Proposal	:	<b>Works to Copper Beech tree, remove branches, 25% reduction to canopy and 25% thinning</b>	
Decision	:	<b>No Objection</b>	
Applicant	:	Mr Colin Shaw	24/00795/CAT
Site Address	:	19 Elm Avenue Beeston Nottinghamshire NG9 1BU	
Proposal	:	<b>Norway Spruce - Fell</b>	
Decision	:	<b>Refusal</b>	
<b>BRAMCOTE WARD</b>			
Applicant	:	Mr Ehsan Sabet UniTechPlus Ltd	21/00838/FUL
Site Address	:	St Johns School Of Mission Office Building Peache Way Bramcote Nottinghamshire NG9 3DS	
Proposal	:	<b>Convert existing building to create 25 1, 2 and 3 bedroom apartments and external alterations</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Ehsan Sabet UniTechPlus Ltd.	21/00839/LBC
Site Address	:	St Johns School Of Mission Office Building Peache Way Bramcote Nottinghamshire NG9 3DS	
Proposal	:	<b>Proposed alterations to Grade II listed wall, including steps for pedestrian access</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Grewal	24/00591/FUL
Site Address	:	7 Beeston Fields Drive Beeston Nottinghamshire NG9 3DB	
Proposal	:	<b>Construct annexe/garage</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant : Mr J Singh 24/00672/FUL  
Site Address : 31 Ullswater Crescent Bramcote Nottinghamshire NG9 3BE  
Proposal : **Construct two storey front / side extension, and first floor side / rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Michael Staight 24/00740/FUL  
Site Address : 34 Claremont Avenue Bramcote Nottinghamshire NG9 3DG  
Proposal : **Construct two storey side and rear extensions, single storey front and rear extensions, increase in roof height and alterations to roof, changes to elevation treatment.**  
Decision : **Conditional Permission**

---

Applicant : Mr Greg Watson Nottingham Community Housing Association 24/00748/FUL  
Site Address : 36 Burnside Drive Bramcote Nottinghamshire NG9 3EE  
Proposal : **Installation of external wall insulation**  
Decision : **Conditional Permission**

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Applicant : Parker 24/00804/CAT  
Site Address : Orchard Lodge 10 Manor Court Peache Way Bramcote Nottinghamshire NG9 3DR  
Proposal : **T1 - 1x lime trees - re-pollard  
T2 - 2x apple trees - reduce to previous points**  
Decision : **No Objection**

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#### **BRINSLEY WARD**

Applicant : Technical Officer Anchalee Stark Beeton Broxtowe Borough Council 24/00545/REG3  
Site Address : Brinsley Colliery Headstocks Brinsley Picnic Site Mansfield Road Brinsley Nottinghamshire  
Proposal : **Reconstruction of the full wooden structure for the Brinsley Colliery Headstocks and construct new metal estate fencing around the site perimeter.**  
Decision : **Conditional Permission**

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Applicant : Mr B Meek 24/00701/FUL  
Site Address : 38 Church Lane Brinsley Nottinghamshire NG16 5AB  
Proposal : **Construct single storey front and side extensions**  
Decision : **Conditional Permission**

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#### **CHILWELL WEST WARD**

Applicant : Mrs Mohammadmahdi Barari Reshtehroudi 24/00652/FUL  
Site Address : 2 Blenheim Drive Chilwell Nottinghamshire NG9 5ES  
Proposal : **Construct detached ancillary accommodation and boundary fence**  
Decision : **Conditional Permission**

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Applicant : Mr Joshua Milsom 24/00751/FUL  
Site Address : 18 Garton Close Chilwell Nottinghamshire NG9 4GH  
Proposal : **Construct one and half storey side extension**  
Decision : **Conditional Permission**

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#### **EASTWOOD ST MARY'S WARD**

Applicant : . Raleigh UK (Limited) 23/00518/OUT  
Site Address : 136 Church Street Eastwood Nottinghamshire NG16 3HT  
Proposal : **Outline application with some matters reserved to construct up to 125 dwellings including the formation of vehicular access from Church Street**  
Decision : **Conditional Permission**

---

Applicant : Mr Robin Heap Zest Eco 24/00334/FUL  
Site Address : Land Adjacent To Oliver's Pub & Kitchen 20 Nottingham Road Eastwood Nottinghamshire NG16 3NQ  
Proposal : **Retain installation of EV Charger together with ancillary EV Charging Equipment and Lamp Column with ANPR Camera.**  
Decision : **Conditional Permission**

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Applicant : Mrs Katy Falls Avant Homes 24/00628/ADV  
Site Address : Land Between Lynncroft And Atherfield Gardens Lynncroft Eastwood Nottinghamshire  
Proposal : **3 x Advertisement Boards**  
Decision : **Conditional Permission**

---

## GREASLEY WARD

Applicant : c/o Agent Giltbrook Retail Park Nottingham Ltd 24/00511/FUL  
Site Address : Land Adjacent Management Office 1 Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire NG16 2RP  
Proposal : **Construct restaurant/takeaway unit and associated parking, landscaping, drainage and engineering operations.**  
Decision : **Conditional Permission**

---

Applicant : Mr R Maher 24/00599/FUL  
Site Address : Newlands Cottage 199A Main Street Newthorpe Nottinghamshire NG16 2DL  
Proposal : **Change of use to large house in multiple occupation (HMO) sui generis use**  
Decision : **Conditional Permission**

---

Applicant : Mrs Anke Granger 24/00613/ADV  
Site Address : The Byre Willey Wood Court Willey Lane Newthorpe Nottinghamshire NG16 3QW  
Proposal : **Erect two x pole mounted signs at access from Willey Lane**  
Decision : **Conditional Permission**

---

Applicant : Ms Sarah Turner JSF Agriculture 24/00630/FUL  
Site Address : Willey Wood Farm Willey Lane Newthorpe Nottinghamshire NG16 3QW  
Proposal : **Construct Agricultural Workers Dwelling**  
Decision : **Conditional Permission**

---

Applicant : Mrs T Wood 24/00661/CLUE  
Site Address : Land To The Rear Of Giltbrook Cob Shop & General Store 470 Nottingham Road Giltbrook Nottinghamshire NG16 2GE  
Proposal : **Certificate of Lawfulness for existing use for construction of dwelling**  
Decision : **Approval - CLU**

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Applicant : c/o agent 24/00756/FUL  
Site Address : Ikea Nottingham 4 Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire NG16 2RP  
Proposal : **Construct single storey storage building**  
Decision : **Conditional Permission**

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Applicant : Mr Richard Broughton 24/00763/FUL  
Site Address : 5 Cowper Road Newthorpe Nottinghamshire NG16 2BP  
Proposal : **Construct single storey side extension**  
Decision : **Conditional Permission**

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## KIMBERLEY WARD

Applicant : Mr Dave & Paul Fewster & Oldnall OFC Ltd 24/00671/FUL  
Site Address : The Dog House 55 Main Street Kimberley Nottinghamshire NG16 2NG  
Proposal : **Internal alterations to create larger kitchen and install new external staircase to access first floor**  
Decision : **Conditional Permission**

---



Applicant : Mr James Midgley Fairgrove Investments Ltd 24/00762/DOC  
Site Address : Site Of Kimberley Brewery Hardy Street Kimberley Nottinghamshire  
Proposal : **Discharge of condition 5 of planning permission 17/00118/ROC  
Revision to Boundary Treatment relating to wall and railings to the frontage of plots  
48-54 to include;  
a) removal of existing railings to front of plots 53/54  
b) reduction in height of stone wall in front of plots 49-52 by 5 courses and reuse  
radius pitched stone capping  
c) increase height of stone wall where railings removed (point a above) using stone  
reclaimed from lowered section of wall (point b above)  
d) removal of existing LH gate  
e) fixing of RH existing gate, relocating fixing point to centre of existing pillar  
all as shown on drawing 059 PL20 rev-**  
Decision : **Partial Discharged**

---

Applicant : Mr Josh Weedon Weedons Tree Surgery and Garden Care LTD 24/00792/TPOW  
Site Address : 7 Laverock Close Kimberley Nottinghamshire NG16 2QX  
Proposal : **Works to beech tree**  
Decision : **Conditional Permission**

---

### **NUTHALL EAST & STRELLEY WARD**

Applicant : Mrs Saima Asad 24/00395/FUL  
Site Address : 16 Mornington Crescent Nuthall Nottinghamshire NG16 1QE  
Proposal : **Construct single/ two storey side and single storey rear extensions, raise the ridge  
height to the existing/ extended dwelling including a loft conversion and rear box  
dormer, and external alterations**  
Decision : **Conditional Permission**

---

Applicant : Dr and Ms M and C Lakin and Heywood 24/00534/FUL  
Site Address : Boundary Cottage Main Street Strelley Nottinghamshire NG8 6PD  
Proposal : **Construct single storey front extension**  
Decision : **Conditional Permission**

---

Applicant : Mr Tim Carroll 24/00712/FUL  
Site Address : 1A Roland Avenue Nuthall Nottinghamshire NG16 1BB  
Proposal : **Alterations to outbuilding including construction of dormer window to facilitate  
conversion to ancillary use to main dwelling (revised scheme)**  
Decision : **Conditional Permission**

---

Applicant : Shan Wang 24/00725/FUL  
Site Address : 29 Perivale Close Nuthall Nottinghamshire NG16 1QG  
Proposal : **Installation of air source heat pump to side of dwelling**  
Decision : **Conditional Permission**

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### **STAPLEFORD NORTH WARD**

Applicant : Mr Simon Gardiner Peter James Homes Ltd 23/00411/VOC  
Site Address : Land Adjacent And North West Of Bramcote Crematorium Coventry Lane Bramcote  
Nottinghamshire  
Proposal : **Variation of condition 2 of ref: 22/00619/REM for amendments to house types and  
site plan**  
Decision : **Conditional Permission**

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Applicant : Mr Simon Gardiner Peter James Homes Ltd 24/00152/VOC  
Site Address : Land Adjacent And North West Of Bramcote Crematorium Coventry Lane Bramcote  
Nottinghamshire  
Proposal : **Variation of planning permission 20/00352/OUT 'Outline application to construct  
residential development with all matters reserved except for the formation of  
vehicular access from Coventry Lane', through an amendment to Condition 18 to  
reduce 'no development area' in the Construction Method Statement from 100m to  
37m.**  
Decision : **Withdrawn**

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## STAPLEFORD SOUTH EAST WARD

Applicant : Mr Morgan 24/00866/DOC  
Site Address : Hill Top Farm Blake Road Stapleford Nottinghamshire NG9 7HP  
Proposal : **Discharge of condition 3 and 4 of reference 24/00197/FUL**  
Decision : **Partial Discharged**

---

## STAPLEFORD SOUTH WEST WARD

Applicant : Mr Michael Feuz Meadow Lane UK Lt 23/00095/FUL  
Site Address : Works Bailey Street Stapleford Nottinghamshire  
Proposal : **Change of use of land to open storage and siting of storage containers and skips (Class B8) including access point off West End Street and egress point on Bailey Street**  
Decision : **Refusal**

---

Applicant : Orchard Homes LTD 24/00375/FUL  
Site Address : 121 And Land To The Rear Of 123 Brookhill Street Stapleford Nottinghamshire NG9 7GU  
Proposal : **Construct 4 no. dwellings, following demolition of 121 Brookhill Street (revised scheme)**  
Decision : **Conditional Permission**

---

Applicant : Rae Ingrey 24/00754/FUL  
Site Address : 26 Birley Street Stapleford Nottinghamshire NG9 7GE  
Proposal : **Conversion to 8 Person HMO**  
Decision : **Refusal**

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## TOTON & CHILWELL MEADOWS WARD

Applicant : Ms Sally Wormsley Responsible Individual 24/00363/CLUP  
Site Address : 11A Joyce Avenue Toton Nottinghamshire NG9 6JU  
Proposal : **Certificate of lawfulness for proposed change of use from C3 dwelling to C2 residential institution**  
Decision : **Approval - CLU**

---

Applicant : Mr And Mrs Vass 24/00681/FUL  
Site Address : 19 Hampton Close Toton Nottinghamshire NG9 6LL  
Proposal : **Convert garage to a habitable room and associated changes to front and side elevation**  
Decision : **Conditional Permission**

---

Applicant : Meakin & Spibey 24/00765/FUL  
Site Address : 3 Bispham Drive Toton Nottinghamshire NG9 6GH  
Proposal : **Construct two storey side and rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Mark Welbury 24/00794/DEM  
Site Address : 76 High Road Toton Nottinghamshire NG9 6FS  
Proposal : **Demolish building**  
Decision : **Non Determination**

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## WATNALL & NUTHALL WEST WARD

Applicant : Mr David Fewster Big Dogs Pub & Kitchen Ltd 24/00705/CLUP  
Site Address : Royal Oak Inn 25 Main Road Watnall Nottinghamshire NG16 1HS  
Proposal : **Certificate of lawfulness for proposed use as an occasional wedding venue within existing buildings.**  
Decision : **Approval - CLU**

---

Applicant : mr jack sills 24/00742/FUL  
Site Address : 81 Main Road Watnall Nottinghamshire NG16 1HE  
Proposal : **Proposed replacement of existing orangery and external stairs**  
Decision : **Conditional Permission**

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Applicant : Mr Darren Shaw  
Site Address : 65 Newdigate Road Watnall Nottinghamshire NG16 1HN  
Proposal : **Fell T1 Corsican Pine**  
Decision : **Withdrawn**

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24/00817/TPOW

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