

PLANNING COMMITTEE

WEDNESDAY, 24 JULY 2024

Present: Councillor D Bagshaw, Chair

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

Apologies for absence were received from Councillors S J Carr

8 **DECLARATIONS OF INTEREST**

Councillor E Williamson declared a non registrable, non pecuniary interest in item 5.2, stating that she was not predetermined. Minute number 11.2 refers.

Councillor D Bagshaw declared a non registrable, non pecuniary interest in item 5.2, as he was acquainted with the applicant. Minute number 11.2 refers.

Councillor E Williamson declared a non registrable, non pecuniary interest in item 5.3, as Greasley Parish Council had discussed the application. Minute number 11.3 refers.

Councillor P J Owen declared a non registrable interest in item 5.6, stating that a relative was a neighbour to the development. Minute number 11.6 refers.

Councillor L A Ball BEM declared a non registrable interest in item 5.6, stating that a close relative was a neighbour to the development. Minute number 11.6 refers.

9 **MINUTES**

The minutes of the meeting on 5 June 2024 were confirmed and signed as a correct record.

10 **NOTIFICATION OF LOBBYING**

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

11 DEVELOPMENT CONTROL

11.1 24/00066/FUL

Construction and operation of two adjacent Battery Energy Storage Systems (BESS) facilities operating at different voltages (132kV and 33kV) in order to fully support the local electricity network. Both facilities are adjacent to each other within a single new overall site compound comprising: the erection of battery containers, switchgear containers, inverters, control building, and new substations; installation of new underground cable circuits to connect the new BESS substations; improvements to access from Common Lane; establishing new internal access roads, resurfaced compound, and turning area; installation of perimeter fencing and access gate; associated ground works; and landscaping (revised scheme).

Southfields Farm, Common Lane, Bramcote, Nottinghamshire, NG9 3DT

The application was brought to the Committee at the request of Councillor H Land. The proposal was also a departure from the Broxtowe Part 2 Local Plan.

The Committee noted the late items, including changes to the proposed landscaping scheme condition.

Anna Woodward, the agent on behalf of the applicant, Ann Whittingham, objecting and Councillor H Land made representation to the Committee prior to the general debate.

Having considered the representations before it the Committee debated the item, in particular concerns about noise pollution from the proposed development, access for lorries should the site be built and maintained, and whether the site could be returned to the Green Belt after the lifetime of the development. There were also concerns about whether the battery storage site would be connected to the national grid.

The debate progressed on to the improvement of the biodiversity of the site and the decrease in size due to advances in battery technology. The size and scale of the proposed development was noted, as was the increase in biodiversity. There followed a debate about climate change and the importance of increasing green infrastructure.

It was proposed by Councillor G Bunn and seconded by Councillor G Marshall that the following wording be added to condition 28, "if no electricity would be stored at the site, it would be decommissioned and returned to it's original state." On being put to the meeting the motion was carried.

RESOLVED that planning permission be granted subject to the following conditions, with the above amendment:

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans:**
 - AUG-TOTON-GRID-104-S Site Access Sheet 1 & 2**
 - AUG-TOTON-GRID-104-S 100MW 2H Site + 30MW 2H Site**

Layout Sheet 1 & 2

- **AUG-TOTON-GRID-106-B Land Regs Borders**
- **AUG-TOTON-GRID-107-D Tree Survey**
- **AUG-TOTON-GRID-108-E Proposed Footpaths and Bridal Ways Sheet 1 & 2**
- **AUG-TOTON-GRID-109-E Topo Sheet 1**
- **AUG-TOTON-GRID-109-E Topo Sheet 2**
- **AUG-TOTON-GRID-109-E Topo Sheet 3**
- **AUG-TOTON-GRID-111-D Existing Site Plan**
- **AUG-TOTON-GRID-113-C Site Cross Sections**
- **AUG-TOTON-GRID-114-B Indicative Cable Route**
- **AUG-TOTON-GRID-115-B Prominent Area of Special Protection Overlay**
- **AUG-TOTON-GRID-301-B Std Battery Container**
- **AUG-TOTON-GRID-302-B Invertor**
- **AUG-TOTON-GRID-302-B TX**
- **AUG-TOTON-GRID-303-A Switchgear container**
- **AUG-TOTON-GRID-304-A Aux. Transformer**
- **AUG-TOTON-GRID-305-A Fence Panel & Gate Sheet 1 & 2**
- **AUG-TOTON-GRID-306-A Substation elevation**
- **AUG-TOTON-GRID-307-D DNO control room Sheet 1**
- **AUG-TOTON-GRID-308-A 33kV S/S**
- **AUG-TOTON-GRID-309-A 20 FT Container – Storage pump**
- **AUG-TOTON-GRID-401-A Boundary Comparison**
- **AUG-TOTON-GRID-402-C Fire hydrant coverage**
- **AUG-TOTON-GRID-403-B Water connection layout**

(All received by the Local Planning Authority 31/01/24)

- **AUG- TOTON GRID-117-A – Cabling Sheet 1 & 2**

(Received by the Local Planning Authority 28/03/24)

- **AUG-TOTON-GRID-307-D DNO control room Sheet 2**

(Received by the Local Planning Authority 17/05/24)

Reason: For the avoidance of doubt.

- 3. The planning permission hereby granted shall be for a temporary period only, to expire 30 years after the date of the first import of electricity to the development. Written confirmation of the first import date shall be provided to the local planning authority within one month after the first import date.**

Reason: In the interests of preserving the Green Belt in the longer term and in the interests of visual amenity to secure the restoration of the land upon removal/extinguishment of the buildings and use for which permission has been justified on the basis of a special temporary need and in order to comply

with Policy 3 – The Green Belt and Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 8 - Development in the Green Belt and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

- 4. No development 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.

- 5. No development shall take place until a detailed drainage strategy has been submitted to and approved by the Local Planning Authority in consultation with National Highways. The drainage strategy should include the detailed design of the soakaway and mechanism for discharging surface water to the A52 highway ditch via the soakaway. Thereafter, the agreed drainage should be installed prior to the installation of the battery storage site and be maintained in accordance with the strategy in perpetuity.**

Reason: In the interests of reducing flood risk in accordance with Policy 1 Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 1 – Flood Risk of the Broxtowe Part 2 Local Plan 2019.

- 6. No development shall commence until a detailed cabling plan has been submitted to and agreed in writing by the Local Planning Authority in consultation with National Highways and Nottinghamshire County Council Highway Authority. The cabling plan shall include the exact layout including cross sections of the proposed cabling. The development shall be constructed only in accordance with the approved details.**

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

- 7. Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out only in accordance with the approved details.**

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 are not impaired, in order to comply with Policy 17 – Biodiversity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.

- 8. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority in consultation with National Highways. 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 scheme shall be carried out strictly in accordance with the agreed details.

Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and highway safety in accordance with Policy 10 - Design and Enhancing Local Identity and Policy 17 – Biodiversity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.

- 9. No development shall take place until an excavation works plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. This should include details of any excavation works within 10 metres of the A52 boundary undertaken in accordance with Chapter CD122 of the Design Manual for Roads and Bridges (DMRB). The approved scheme shall be carried out strictly in accordance with the agreed details.**

Reason: In the interests of highway safety to ensure the integrity and stability of the A52 is not compromised 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 and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Local Plan Part 2.

- 10. No development shall take place until temporary traffic management measures have been provided at the Chilwell Lane / Common Lane junction, in accordance with details to be**

submitted to and approved in writing by the Local Planning Authority.

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

11. No development shall take place until a dilapidation survey along Common Lane has been submitted to the Local Planning Authority. The survey shall establish the existing condition of Common Lane before construction works take place. Within 3 months after construction works have been completed a survey shall be submitted confirming the condition of Common Lane. Arrangements will then be made to repair any damage caused by construction vehicles as soon as practicable.

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

12. No development 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) construction, delivery and site preparation working hours
- h) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

Reason: To protect the amenity of neighbouring residents and in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Local Plan Part 2.

13. No external lighting shall be installed on site until the details of the lighting, columns, including their number, type and locations, the intensity of illumination and predicted lighting contours and the details of when the lighting would be operational have been first submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The scheme shall ensure the lighting

remains off at all times unless necessary for access, service and maintenance. Any external lighting that is installed shall accord with the details so approved.

Reason: In the interests of the living conditions of nearby residential properties, highway safety and biodiversity in accordance with Policy 10 - Design and Enhancing Local Identity and Policy 17 – Biodiversity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.

14. 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 include biodiversity enhancement measures and habitat creation. The development shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.

15. Prior to the commencement of the development, a detailed Construction and Environmental Management Plan shall be submitted to and approved by the Local Planning Authority. The Construction and Environmental Management Plan shall contain mitigation measures to ensure the protection of wildlife on the site and shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting existing environmental features and habitats during the construction period 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.

16. Due to the presence of badger activity locally, prior to the commencement of development, including preparatory site clearance, a detailed badger survey of the site and a 30-metre buffer of the site boundary should be undertaken by a qualified ecologist. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval.

Reason: In the interests of protecting existing environmental features and habitats during the construction period 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.

17. Prior to the commencement of the development, a footpath management plan shall be submitted to approved and by the Local Planning Authority. The development shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure any new footpaths are maintained in perpetuity 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.

18. Prior to the commencement of the development, a Construction Traffic Management Plan (CTMP) setting out the peak hourly traffic generation over the construction period for all vehicle movements and the routing of this traffic shall be submitted to approved and by the Local Planning Authority in consultation with National Highways. The development shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

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

19. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels at the nearest sound sensitive property during the day and at night (taken as a 15 minute LA90).

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Reason: To protect the amenity of neighbouring residents and in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Local Plan Part 2.

20. A 'statement of good practice' shall be signed upon completion by a competent ecologist, and be submitted to the Local Planning Authority, confirming that the specified habitat creation and precautionary working measures have been implemented in accordance with the submitted Ecological Impact Assessment (SLR, 2024).

Reason: In the interests of securing ecological enhancements and protection of existing environmental features and habitats

during the construction period 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.

21. Any construction traffic using Common Lane associated with the proposed development shall not take place within between the hours of 08.20 to 8.50 and 15.20 to 15.50 Monday to Friday during school term time.

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

22. Vehicular access to and from the A52 shall be for emergency vehicles only for the lifetime of the development.

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

23. The development hereby permitted shall be carried out in accordance with Battery Storage Safety Management Plan V3 (26/01/24) for the lifetime of the development.

Reason: In the interests of fire safety 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.

24. The development hereby permitted shall be carried out in accordance with noise mitigation measures contained within the Noise Assessment by Ian Sharland Limited (14/01/24) and retained in perpetuity.

Reason: To protect the amenity of neighbouring residents and in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Local Plan Part 2.

25. The development hereby permitted shall be carried out in accordance with the access widening details contained within the Transport Statement and Access Strategy (28/03/24) as shown on drawing VN222321-D100-A retained in perpetuity.

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

26. The hereby permitted underground cabling and any associated works shall only be carried out outside of the bird breeding season March to September inclusive.

Reason: In the interests of protecting any nested birds during the construction period 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.

27. 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. This is with the exception of the area identified on the approved landscaping strategy as 'advance planting' which is to be planted prior to the commencement of any works.

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.

28. No later than 12 months prior to the expiry of the planning permission, or within 18 months of the cessation of the operation of the site, or within 24 months following the disconnection of the BESS from the local distribution network, whichever is the sooner, a decommissioning scheme shall be submitted to and approved by the local planning authority. The decommissioning scheme shall include a programme and a scheme of work and shall be implemented in accordance with the approved details. The operator shall notify the local planning authority in writing within five working days following the cessation of the operation of the battery facility. All buildings, structures and associated infrastructure of the BESS facility shall be removed within 12 months of the approval of the decommissioning scheme, and the land restored, in accordance with the approved details.

Reason: In the interests of preserving the Green Belt in the longer term and in the interests of visual amenity to secure the restoration of the land upon removal/extinguishment of the buildings and use for which permission has been justified on the basis of a special temporary need and in order to comply with Policy 3 - The Green Belt and Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 8 - Development in the Green Belt and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. The development makes it necessary to undertake works on 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 apply for a licence for which there will be additional design checking and supervision fees. Please contact licences@viaem.co.uk for details.

A representative from Via East Midlands must take part in the survey of Common Lane to agree its condition. Please contact highwaysouth.dm@viaem.co.uk for details.

4. Nottinghamshire County Council PROW:
 - 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.
 - 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
 - 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
 - If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottscc.gov.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-and-permits/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.

11.2 24/00127/FUL

Change of use of land to rear of public house and retention of marquee (revised scheme)

Oliver's Pub and Kitchen, 20 Nottingham Road, Eastwood, NG16 3NQ

The application is brought to the Committee at request of Councillor D Bagshaw.

The Committee paid due regard to the late items, including a number of issues raised by residents.

Kane Oliver, the applicant and Ian Ward, objecting made representation to the Committee prior to the general debate. A statement was read on behalf of Councillor K Woodhead, Ward Member.

The Committee, having noted the information provided to it, debated the item. Consideration was given to the proximity of the development to neighbours and the materials and appearance of the marquee. It was noted that if the marquee was taken down, the pub could still put tables and chairs outside and that could create more noise. There was a discussion about the temporary nature of the structure and the permanency of the permission.

RESOLVED that planning permission be granted, subject to conditions.

RESOLVED that the conditions include the limitation of the number of events to twenty a year, with a curfew of 11pm and the precise wording of the permission and conditions delegated to the Vice Chair of Planning Committee, the Chair of Planning Committee and the Head of Planning and Economic Development.

Conditions:

- 1. The development hereby permitted shall be retained in accordance with the Block Plan (1:500), Floor Plan and Elevation Plan ref: TO_GKO_16_036_05 Rev A received by the Local Planning Authority on 29 February 2024 and in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 11 March 2024.**
- 2. The use of the marquee shall be limited to 20 sessions per annum. Such sessions shall only take place between 10:00 - 23.00 hours on any given day. Staff shall take all reasonable steps to clear marquee of customers by 23:00 each evening and ensure no consumption of food or drink within the marquee after 23:00.**
- 3. No amplified music or speech shall be permitted within the marquee at any time.**

Reasons:

- 1. For the avoidance of doubt**
- 2. To protect residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan.**

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

Note to Applicant

1. **The Council has acted positively and proactively in the determination of this application by working to determine it within the 13 week agreed determination timescale.**

(Having declared a non registrable interest in the item, Councillor D Bagshaw left the meeting for the duration of the item and did not vote thereon. The Vice Chair, in the Chair for the item was Councillor S P Jeremiah.)

11.3 24/00091/FUL

Construct a pair of semi-detached houses
Land between 3 and 5 Bosworth Drive, Newthorpe, Nottinghamshire

The application was called to Committee at the request of Councillor R Bullock.

The late items were noted, including an objection received from Brinsley Parish Council regarding the loss of the unregistered footpath and other concerns from residents.

Councillor R Bullock, Ward Member, made representation to the Committee prior to the general debate.

After considering the evidence before it, the Committee commenced the debate. It was noted that deferring the application until the footpath had been adopted was impractical, as the process was lengthy. The debate progressed on to the size and scale of the proposed development, and it was stated that although the houses would have three storeys, the top storey would be a loft conversion, maintaining the same ridge height as the other properties on the street.

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.**

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 February 2024:**
 - **Site Location Plan (Drawing Number: 22-113-08-01),**
in accordance with the following plans received by the Local Planning Authority on 13 March 2024:
 - **Proposed Site Plan (Drawing Reference 22-113-08-03 Rev B),**

- **Proposed Elevations and Floor Plans (Drawing Number 22-113-08-10 Rev D),**

Reason: For the avoidance of doubt

- 3. No development shall commence until full detailed drawings and particulars showing the existing and site levels have been submitted to and approved in writing by the planning authority. Thereafter, development and work shall progress in accordance with these approved details.**

Reason: In the interests of the amenity of the surrounding area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019)

- 4. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.**

Reason: To ensure that all flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019).

- 5. No development shall commence until;**
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;**
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.**

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interest of Safety and in accordance with the aims of Policy 22 of the Broxtowe Part 2 Local Plan (2019)

- 6. 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 / site clearance; and**

f) details of dust and noise suppression to be used during the construction phase.

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

Reason: In the interests of neighbour amenity and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019)

- 7. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:**
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;**
 - ii. A plan showing existing landscaping features and vegetation to be retained;**
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;**
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and**
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.**

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site 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).

- 8. The semi-detached properties shall be constructed using materials as specified in the amended Elevation plans received by the Local Planning Authority on 13 March 2024, 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).

- 9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local**

Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of the safety of the occupants of the property and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

11.4 24/00212/FUL

Construct two storey side extension
28 Broad Oak Drive, Brinsley, NG16 5DJ

Councillor E Williamson requested that the application be determined by Committee.

The Committee noted the late items, which were comprised of additional responses from neighbours objecting to the development and a comment regarding the presence of bats.

Andrew Mart, objecting, made representation to the Committee prior to the general debate.

Having given due regard to the information before it, the Committee debated the item. There was concern about the presence of bats in an adjoining property and the tunnelling effect that would be caused by the proposed development. It was noted that there were no bats in the property where development was proposed. It was considered that the proposed development would not impact upon the light of the adjoining neighbours.

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.**

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 plans**

Received by the Local Planning Authority on 3 April 2024:

- Site Location Plan (1:1250)**

Received by the Local Planning Authority on 28 June 2024:

- Amended Floor Plans (1:40), Roof Plan (1:50) & Elevations (1:40)
(Drawing Number: 052-A1-001, Revision: D)**

Received by the Local Planning Authority on 1 July 2024:

- Amended Block Plan (1:500) (Revision: B)

Reason: For the avoidance of doubt.

3. The two storey side extension shall be constructed using materials as noted on the submitted planning application form received by the Local Planning Authority on 3 April 2024.
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).

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. 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

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

11.5 24/00241/FUL

Retain fencing and increase in rear garden level
4 Peacock Drive, Eastwood, Nottinghamshire, NG16 3HW

The application is brought to the Committee at the request of Councillor M Radulovic MBE.

There were no late items for the Committee to consider.

Jonathon Sowell, the applicant, made representation to the Committee prior to the general debate.

After considering all of the representations before it, the Committee debated the item, with specific reference to the height of the fence and the limited impact on neighbour amenity. It was noted that the fence would improve the look of the gardens and protect the privacy of neighbouring properties.

RESOLVED that planning permission be approved.

RESOLVED that the precise wording of the approval and conditions to be delegated to the Chair of the Planning Committee and the Head of Planning and Economic Development.

Condition:

- 1. The development hereby permitted shall be retained in accordance with the Site Location Plan received by the Local Planning Authority on 25 April 2024, Proposed Block Plan (showing extent of fence) and Existing and Proposed Elevations received by the Local Planning Authority on 22 May 2024.**

Reason:

- 1. For the avoidance of doubt.**

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.**

11.6 24/00044/VOC

Variation of condition 3 of application Reference Number: 20/00056/OUT to allow the occupation of up to 20 dwellings prior to the Shilo Way site access arrangements being made available.

Land West of Awwsworth, Shilo Way, Awwsworth, Nottinghamshire

The application was brought before Committee at the request of Councillor D D Pringle. A decision on the item was deferred at a meeting of the Committee on 5 June 2024.

There were no late items.

Phil Brennan, objecting, made representation to the Committee prior to the general debate.

Having given consideration to all matters before it, the Committee debated the item, with specific reference to the disruption to residents and the importance of the construction of the Shilo Way junction.

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

- 1. The development hereby approved shall be carried out in accordance with drawing numbers ADC1044/005 revision D and drawing ADC1044/007 revision A received by the Local Planning Authority on 7 October and 29 January 2020 respectively. No more than 20 occupations of the proposed development shall take place until site access arrangements shown on drawing ADC1044/005 revision D have been provided.**

Reason: For the avoidance of doubt and in the interest of highway safety.

- 2. Following the written approval of the Local Planning Authority dated 31 May 2023 of the Site Investigation findings, the remedial works identified, shall be implemented for each dwelling in full accordance with the approved details prior to the occupation of each dwelling.**

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

- 3. The hereby approved development shall be carried out in accordance with the approved Construction Method Statement (February 2023 REV B) unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interest of highway safety.

- 4. The hereby approved detailed Surface Water Drainage Scheme shall be**

carried out in accordance with the following approved details dated 01 August 2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason: A detailed surface water management plan is required to ensure that the development prevents an increase in flood risk, improves and protects water quality and sufficient surface water management in accordance with the aims of the NPPF and Policy 1 of the Broxtowe Part 2 Local Plan 2019.

5. The hereby approved development shall be carried out in accordance with the approved details of appropriate gas prevention measures. 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: The application was submitted in outline only so no such details were provided. The development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

6. The hereby approved development shall be carried out in accordance with the approved Environmental Noise Assessment (210879, February 2022), unless otherwise agreed in writing.
 - b) All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme and completed under the supervision of an acoustic engineer. All works shall be completed before any permitted dwelling is occupied.

Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed satisfactorily without such details being provided. In the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

7. Details of any necessary piling or other penetrative foundation design shall be submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be constructed in accordance with the approved details.

Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences in the interests of public health and safety so as to protect occupants from excessive construction noise and vibration and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

8. The hereby approved development shall be carried out in accordance with the submitted Construction Environmental Management Plan dated October 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.

9. The hereby approved development shall be carried out in accordance with the submitted Biodiversity Enhancement and Management Plan dated October 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.

10. Any historic or archaeological features which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the Local Planning Authority in writing within 5 working days. Works shall be halted in the area affected until provision has been made for the retention and/or recording and any associated reporting, publication and archiving commensurate to the archaeological work undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate investigation and recording/mitigation of any below ground archaeology in accordance with Paragraph 199 of the NPPF.

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. This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3. The submitted plans are for indicative purposes only in relation to access and this decision does not approve the layout, form or design of any of the dwellings, landscaping or any other matters.
4. The developer will need to purchase first time bins. Notice will be

served in due course. Properties will be allocated the following:

1x 240l bin for residual waste

1x 240l bin for dry recycling

1x 37l bag for glass recycling.

5. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.
 - a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
 - b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.
6. The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151 of the Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.
7. 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.
8. Many buildings still contain asbestos. In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). This must be carried out before any structural work on a building occurs. For properties or parts of properties that need upgrading, refurbishing or demolition, a 'Refurbishment/Demolition Survey is required. Copies of reports relating to asbestos identification and management should be sent to the Council's Environmental Health Team at health@broxtowe.gov.uk

9. You will need to contact the Council's Environmental Health Team on 01159173714 to notify them of the arrival on site of any Mobile Crushing plant for them to carry out an inspection of the crushing equipment in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended)
10. Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
11. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. It is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

12. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
13. Searches have identified that there are gas apparatus within the vicinity of your site which may be affected by the proposals. Please contact Cadent Gas at plantprotection@cadentgas.com to discuss your proposals further. Further guidance can be found on both the Cadent Gas and National Grid websites and you are encouraged to investigate these matters prior to the commencement of development.
14. As part of the detailed design of the scheme, consideration should be given to the potential for providing an indication of the former activity within the site and its links with the Bennerley Viaduct.

(Having declared a non registrable interest in the item Councillor L A Ball BEM left the meeting for the duration of the item and did not vote thereon.

Having declared a non registrable interest in the item Councillor P J Owen, ex – officio with no voting rights, also left the meeting for the duration of the item.)

12 INFORMATION ITEMS

12.1 APPEAL DECISIONS

The appeal decision for application number 23/00577/OUT 48 Rivergreen Crescent, was noted.

12.2 DELEGATED DECISIONS

The delegated decisions were noted.

13 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Schedule 12A of the Act.

14 ENFORCEMENT UPDATE

The Enforcement Update was noted.