

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 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

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; Compiled 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

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

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

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

43 INFORMATION ITEMS

43.1 DELEGATED DECISIONS

The delegated decisions were noted.