



Tuesday, 1 July 2025

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 9 July 2025 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 6.00 pm.

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

Yours faithfully

Chief Executive

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

A G E N D A

1. Apologies

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

2. Declarations of Interest

(Pages 3 - 10)

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

3. Minutes

(Pages 11 - 22)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 11 June 2025.

Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB

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- 4. Notification of Lobbying
- 5. Development Control
- 5.1 25/00352/FUL (Pages 23 - 36)

Construct detached single storey dwelling
Garden At 55 Mansfield Road, Brinsley, Nottinghamshire,
NG16 5AF
- 5.2 24/00486/FUL (Pages 37 - 48)

Change of use of land to outdoor children's recreation area
(use class F2c) and associated works
Land Adjacent High Park Cottages, Moorgreen, Newthorpe,
Nottinghamshire
- 5.3 25/00359/FUL (Pages 49 - 58)

Construct single storey front and side extension
34 Town Street, Bramcote, NG9 3HH
- 6. Consultation Response (Pages 59 - 66)

To consider a response to the Reform of Planning
Committees: Technical Consultation.
- 7. Information Items
- 7.1 Delegated Decisions (Pages 67 - 74)
- 7.2 Appeal Decisions (Pages 75 - 82)

Report of the Monitoring Officer

DECLARATIONS OF INTEREST

1. Purpose of Report

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

Part 2 – Member Code of Conduct

General Obligations:

10. Interest

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

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

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

Advice from the Monitoring Officer:

On reading the agenda it is advised that you:

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

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

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

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

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

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

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

1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)

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

2. OTHER REGISTERABLE INTERESTS (ORIs)

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

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

3. NON-REGISTRABLE INTERESTS (NRIs)

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

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

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

Declarations and Participation in Meetings

1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)

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

Action to be taken

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

2. OTHER REGISTERABLE INTERESTS (ORIs)

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

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

3. NON-REGISTRABLE INTERESTS (NRIs)

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

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

Dispensation and Sensitive Interests

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

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

BIAS and PREDETERMINATION

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

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

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

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

BIAS

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

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

PREDETERMINATION

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

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

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Registerable Interests

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

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

Disclosable Pecuniary Interests

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

Other Registerable Interests

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

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

No

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

No

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

No

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

No

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

No

You must:

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

You must:

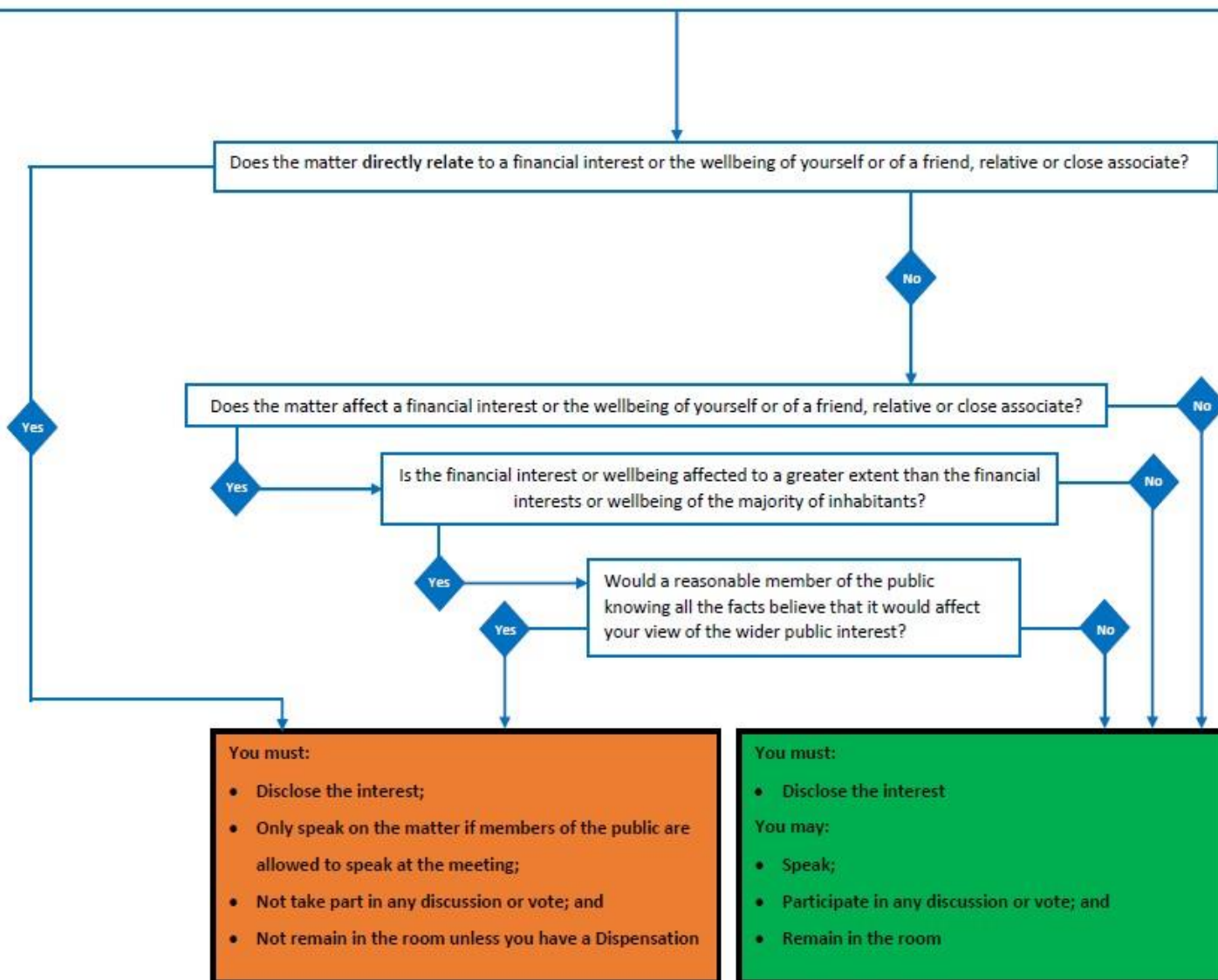
- Disclose the interest;
- Only speak on the matter if members of the public are allowed to speak at the meeting;
- Not take part in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

You must:

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

Non-Registerable Interests

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



PLANNING COMMITTEE

WEDNESDAY, 11 JUNE 2025

Present: Councillor S P Jeremiah, Chair

Councillors: P A Smith (Vice-Chair)
D Bagshaw
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
D K Watts

There were no apologies for absence.

Councillor P J Owen was present as Ex-Officio.

The Officers present were R Ayoub, R Dawson, S Henron, K Newton and K Tuck.

1 **DECLARATIONS OF INTEREST**

Councillor D K Watts declared a non – pecuniary, non registrable interest in item 5.3, as he was acquainted with a number of people in the public gallery who had attended in support of the application. Minute number 3.3 refers.

Councillor D Bagshaw declared a non – pecuniary, non registrable interest in item 5.1, as he was acquainted with the applicant. Minute number 3.1 refers.

2 **MINUTES**

The minutes of the meeting on 12 March 2025 were confirmed and signed as a correct record.

3 **NOTIFICATION OF LOBBYING**

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

4 DEVELOPMENT CONTROL

4.1 24/00304/VOC

Variation of condition 1 of 21/00023/FUL to regularise works carried out not in accordance with plans (revised scheme)

Land North of Home Farm Cottage and Park, View Cottage, Main Street, Strelley, Nottinghamshire

The Assistant Director of Planning and Economic Development had requested that this item be brought before the Committee.

There were no late items.

Reece Oliver, the applicant, made representation to the Committee prior to the general debate.

Having considered all the information before it the Committee debated the item, with particular reference the application being retrospective. It was also noted that the development would improve animal welfare.

RESOLVED that planning permission be granted subject to the prior completion of a unilateral undertaking under Section 106 of the Town and County Planning Act 1990 and conditions below:

1. **The development hereby permitted shall be completed within three months of the date of the permission.**

Reason: To ensure the development is completed in a reasonable time period.

2. **The development hereby permitted shall be retained in accordance with the following plans:**

- **Fence Detail January 2021**
- **Gate Detail January 2021**

(Received by the Local Planning Authority 11/01/2021)

- **Proposed Elevations – Stables dated January 2021**
- **Proposed Floor Plans – Stables dated January 2021**

(Received by the Local Planning Authority 12/02/2021)

- **Viewing Platform No. 300 Rev. A**

(Received by the Local Planning Authority 01/08/24)

- **Proposed No. 001 Rev. E**

(Received by the Local Planning Authority 06/08/24)

- **Site Location Plan No. 100 Rev. E**

(Received by the Local Planning Authority 07/08/24)

Reason: For the avoidance of doubt.

- 3. There shall be no general exhibition or viewing of the animals.**

Reason: To protect nearby residents from excessive disturbance or operational nuisance in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Local Plan Part 2.

- 4. The site shall not be floodlit or illuminated in any way.**

Reason: In the interests of visual amenity and to protect nearby residents from light pollution in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Local Plan Part 2.

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. Please note this planning permission is granted in accordance with the new Unilateral Undertaking to be agreed by the applicant.**
- 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.**

4.2 24/00839/FUL

**Construct two detached dwellings
Land South of 70 and 72 Sandy Lane Beeston**

The application was brought before Committee at the request of Councillor S J Carr.

There were a number of late items including submissions from the agent and residents, along with a correction to the report. There was a late, late item comprised of a communication from a resident.

Moneesh Patel, supporting and Councillor B C Carr, Ward Member, made representation to the Committee prior to the general debate.

The Committee took into account all the representations before it and commenced the debate. The Committee acknowledged the urgency of the situation regarding an

infestation of Japanese knotweed on the site of the proposed development and an adjacent site in the Nottingham City Council area. Consideration was given to the responsibilities of the landlord, the risk to the Council and the impact of development in a wildlife corridor.

It was proposed by Councillor S P Jeremiah and seconded by Councillor P A Smith that there be a brief recess. On being put the meeting the motion was carried. The meeting resumed thereafter.

RESOLVED that planning permission be granted.

RESOLVED that planning permission be granted planning permission be approved, with the reasons for approval and conditions and associated legal documents to include times, drawing, materials, curtilage, method statement, landscapes, reintroduction of species and section 106 agreement, and that the precise wording of the approval be delegated to the Chair of Planning Committee in agreement with Assistant Director of Planning and Economic Development.

4.3 24/00835/FUL

Construct single storey detached classroom and 3m high screening
The Secret Garden Attenborough Day Nursery and Pre School, Shady Lane, Attenborough, Nottinghamshire

Councillor P A Smith had requested that this proposal come before Committee.

Consideration was given to the late items comprised of one letter in support of the application and one letter against.

Sylvia Dobson, the applicant and David Britton, objecting, made representation to the Committee prior to the general debate.

After given due consideration to all of the evidence before it the Committee commenced the debate with particular reference to a suggestion that the boundary treatment be changed. The boundary wall, raised platform and trees were also discussed.

It was proposed by Councillor D D Pringle and seconded by Councillor S P Jeremiah that condition 4 be amended to ensure the boundary wall was not touched by the screening fence. On being put to the meeting the motion was carried.

RESOLVED that planning permission, with an amendment to condition 4, 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:
- o Site Location Plan 1 :1250 received by the Local Planning Authority on 11 December 2024, and
 - Site Plan (1), Floor Plan (3), Front (5), Left (7), Right (8) and Rear (6) Elevations, and Roof Plan (4) received by the Local Planning Authority on 10 March 2025.

Reason: For the avoidance of doubt.

3. The detached building shall be constructed with a treated timber frame and a black EDPM rubber roof, and the trellis screening shall be constructed using timber with details as per options 1 on the submitted Screening Addendum dated March 2025.

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. The building hereby approved shall not be brought into use until details of the position and appearance of the screening details have been submitted to and approved in writing by the Local Planning Authority. The Trellis Screening as approved shall be installed prior to the first use of the development and shall be retained and maintained as such for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of privacy and amenity for nearby residents 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).

5. The development shall be carried out in accordance with the submitted Flood Risk Assessment compiled by Corylus Planning & Environmental Ltd (ref 20241203 v2i and dated 03.12.2024) and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 28.37 metres above Ordnance Datum (AOD) as stipulated within section 5b of the submitted FRA.
 - Flood resistance and resilience measures shall be implemented in to the final design as indicated within section 5f of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 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. 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. During the period of construction there should be no disposal of materials by burning owing to the proximity of neighbouring sensitive receptors.

4.4 25/00223/VOC

Variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL
390 Nottingham Road, Newthorpe, Nottinghamshire, NG16 2ED

The application had been called to Planning Committee by Councillor M Brown and Councillor P J Owen.

There were a number of late items objecting to the proposed development, including several from residents and one from Greasley Parish Council.

John Furniss, the applicant, Nigel Lowe, objecting and Councillor M Brown, Ward Member, made representation to the Committee prior to the general debate.

Having considered all the representations before it the Committee commenced the debate. There was specific reference to the colour and sound proofing quality of the new material that had been proposed to clad the shed development.

It was proposed by Councillor D D Pringle and seconded by Councillor P A Smith that the cladding be amended to a lighter colour in agreement with the applicant. On being put to the meeting the motion was carried.

RESOLVED that planning permission be granted, with an agreement to be reached with the applicant for a lighter colour of materials and subject to the following conditions:

1. The development hereby permitted shall be commenced before 24.11.25, that is, three years from the expiration of planning permission reference 22/00675/FUL.

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 drawings

Received by the Local Planning Authority on 18 August 2022:

- Site Location Plan (1:1250)

Received by the Local Planning Authority on 20 May 2025:

- Proposed Site Plan (1:100), Proposed Roof Plan (1:100), Garage Section (1:50) & Amended Elevations (1:50) (Drawing Number: FURN05/2025, Revision: F)

Reason: For the avoidance of doubt.

3. The external walls of the detached garage shall be constructed using Arena Premium Composite Woodgrain Cladding in Graphite Grey colour as shown in the website link received by the Local Planning Authority on 18 June 2025.

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. You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).
3. The proposed development lies within an area that has been defined by the Mining Remediation 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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your

attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk)
In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

4.5 25/00266/FUL

Construct single storey rear extension
61 Nottingham Road, Trowell

The application was brought to the Committee at the request of Councillor D D Pringle.

There were no late items and no public speakers.

After consideration of the information pertaining to the item, the Committee debated the item.

RESOLVED that planning permission be approved.

RESOLVED that the precise wording and conditions of the approval to be delegated to the Chair of the Planning Committee in conjunction with the Assistant Director 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.

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 Proposed Floor Plan (drawing no. Nott-05) and Proposed Roof Plan (drawing no. Nott-06) received by the Local Planning Authority on 26 March 2025, the Site Location Plan and Proposed Block Plan Revision A (drawing no. Nott-01) and Proposed Elevations Revision A (drawing no. Nott-07) received by the Local Planning Authority on 16 April 2025.

Reason: For the avoidance of doubt.

3. The extension shall be constructed in accordance with the materials contained within the submitted application form.

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

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. You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).
3. The agreed gas prevention measures submitted on 27 May 2025, will require approval and inspection during installation by Building Control.
4. The proposed development lies within an area that has been defined by the Mining Remediation 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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, noncoal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

5. The applicant is advised that the balcony shall remain as a Juliet style balcony and not used to access the flat roof to be used as a balcony. Should the flat roof of the extension be used as a balcony then formal planning permission would be required.

5 INFORMATION ITEMS

5.1 APPEAL DECISIONS

The appeal decisions for applications 24/00430/FUL, 23/00903/FUL and 24/00431/FUL were noted.

5.2 DELEGATED DECISIONS

The delegated decisions were noted.

6 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100A of the Local Government Act 1972, the public and press be excluded from the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.

7 ENFORCEMENT ACTION

RESOLVED that the Head of Planning and Economic Development be given authority to take appropriate enforcement action.

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Report of the Chief Executive

APPLICATION NUMBER:	25/00352/FUL
LOCATION:	Garden At 55 Mansfield Road, Brinsley, Nottinghamshire, NG16 5AF
PROPOSAL:	Construct detached single storey dwelling

The application is brought to the Committee at request of Councillor E Williamson.

1. Purpose of the Report

- 1.1 The application seeks full planning permission for the construction of a two- bedroom dwelling with an attached garage, solar panels on the south western elevation roof plane, with off road parking and widening of the existing access to the site and to 55 Mansfield Road Brinsley.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be refused as it is considered that the proposal would have a detrimental impact on the openness of the Green Belt.

3. Detail

- 3.1 The application seeks full planning permission to construct a detached single storey two-bedroom dwelling with an attached garage on a parcel of land that has recently been granted a lawful development certificate for to the area of land to be classed as garden land within the curtilage of 55 Mansfield Road, 23/00376/CLUE refers.
- 3.2 The detached bungalow will be positioned north east of the plot (L shape arrangement) with vehicular access being to the south east of the site leading to an area of off- road parking to the principal elevation, and to the west of the site will be an area of land designated as garden area.
- 3.3 The site lies within the Nottinghamshire Green Belt where Policy 8 of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 154 of the NPPF states that the construction of new buildings as inappropriate in Green Belt unless exceptions apply, specifically limited infilling in villages. Infilling is defined as being where there is built development on each side of the site and not open countryside.
- 3.3 The design, massing, scale and proportion along with the style would not be out of character with the area, subject to the materials being conditioned and the boundary treatment along the highway and the boundary between the site and 55 Mansfield Road to secure privacy.

- 3.4 It is considered the site is not an infill parcel of land within the village of Brinsley and so the proposal to create a single storey detached dwelling with off road parking does not meet the criteria to be considered and exception and would not comply with paragraph 154 e) of the NPPF and Policy 8 of the Part 2 Local Plan.

4. Financial Implications

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

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

5. Legal Implications

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

6. Data Protection Compliance Implications

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

7. Background Papers

Nil.

Appendix

1. Details of the application

- 1.1 This application seeks permission to construct a single storey detached two- bedroom dwelling with an attached garage on a parcel of land recently granted a lawful development certificate as garden land for 55 Mansfield Road. To the southwestern roof slope would be solar panels and to the south east would be the vehicular access to the site. The access is to be shared with 55 Mansfield Road.
- 1.2 The dwelling is sited to the north east of the plot and measures approximately 19.7m in width, 13m in length to create an L shaped dwelling, with the overall height being 4.97m to the ridge. The shape of the dwelling has been designed to maximize the views over the open countryside.
- 1.3 The dwelling would have two bedrooms both with their own ensuite and dressing room, a large open plan kitchen, lounge and dining area, utility, plant room separate bathroom and an attached garage.
- 1.4 The application form states the roofing material will be slate, external walls to be Hampton Rural Blend Facing bricks, windows and doors to be UPVC. During determination of the application negotiations have taken place to overcome the objections raised by Nottinghamshire County Council Highways.

2. Site and surroundings

- 2.1 The application site is washed over by Green Belt and is a small area of land authorised as garden use associated with 55 Mansfield Road and is separated from the open fields to the south and west by a small post and rail fence, allowing views across the fields. To the north lies 55 Mansfield Road, a detached two storey dwelling with a small garden area circling around the dwelling. To the south east of the site is the access to 55 Mansfield Road and fields are located to the south and west.
- 2.2 When approaching the site from the south along Mansfield Road, that is, from Eastwood, it is noted that there is no development on the western side of the highway and as such this provides a rural open character when approaching Brinsley. The existing dwelling 55 Mansfield Road and 57 to 59 Mansfield Road are the only development on this side of the road until arriving at the main village.
- 2.3 To the east of the highway is a car park providing parking for access to the open space (Brinsley Headstock), and north from this car park is Brinsley Lodge, a public house/ restaurant, which is the first built form on the eastern side of the highway leading into the main part of the village.

It is acknowledged that a planning application has been granted for outline permission for two dwellings to the north west of the site (to the rear of 55 Mansfield Road), 23/00509/OUT refers. This is an outline application with some matters reserved. The Local Planning Authority granted consent for outline on the basis of limited infill, due to the location of the proposed development being between 55 Mansfield Road to the south east of the

site and 57 and 59 Mansfield Road to the north west of the site. It should also be acknowledged that within that site there is an existing double garage with an attached block building and three timber outbuildings where the outline planning permission has been granted. The Local Planning Authority considered that there was no impact on the openness of the Green Belt, being located between dwellings, and classed that development as limited infill which complied with the NPPF and Green Belt policies.

3. Relevant Planning History

- 3.1 In 1989 an application was refused for the parcel of land to domestic garden (89/00210/FUL refers), in 2013 planning permission was granted for change of use of land to residential to form a new driveway and access for 55 Mansfield Road (13/00342/FUL refers). In 2023 a Certificate of Lawfulness for the existing 'garden land' to be included within curtilage of dwelling at 55 Mansfield Road was issued and as such the authorised use of the site is as garden land.
- 3.2 In June 2024 an application was refused by the Planning Committee, in line with the Officers recommendation, for a three bedroom detached bungalow on the parcel of land. 23/00895/FUL refers. The application was refused for two reasons, inappropriate development in Green Belt and the position of the dwelling within the plot being out of character with the area and viewed as an incongruous addition to the street scene. Following the refusal the application the applicant did not choose to appeal the refusal.

4. Relevant Policies and Guidance

4.1 Broxtowe Aligned Core Strategy 2014:

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

- Policy A: presumption in Favour of Sustainable Development
- Policy 3: The Green Belt
- Policy 8: Housing, size, mix and choice
- Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019

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

- Policy 8: Development in the Green Belt
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-Making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground conditions
- Policy 21: Unstable Land
- Policy 31: Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2024

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a sufficient supply of homes
- Section 4 - Decision-making
- Section 11 - Making effective Use of Land
- Section 12 - Achieving well-designed places
- Section 13 - Protecting the Green Belt
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

5. Consultations

- 5.1 **Broxtowe Borough Council - Environmental Health** - The Environmental Health Officer has assessed the application and has raised no objections to the application, subject to conditions and informatives in respect of hours of construction, burning of materials on site and construction/demolition method statement.
- 5.2 **Broxtowe Borough Council - Refuse and Waste** - The Environmental Coordinator has assessed the information and has not raised any objection to the application subject to an informative to ensure the correct bin provision is provided and presented adjacent to the highway on bin collection days.
- 5.3 **Nottinghamshire County Council Highways Authority** - The Highways Authority has assessed the submitted information and requested additional information regarding the visibility from the access and the swept path for the site. The submitted plans shows the visibility splay through the existing hedge and will be trimmed to provide visibility, the hedge will grow and will have sub standard visibility when existing and entering from the right. The Highway Authority had requested a speed survey due to A608 due to the volume and speed of traffic. Concerns have been raised regarding the existing access material. Given the lack of speed survey and visibility not being achieved the Highway Authority recommends refusal of the application.
- 5.4 **Nottinghamshire County Council -The Lead Local Flood Authority (LLFA)** The LLFA has assessed the information submitted and considers the application to be minor in nature and did not provide bespoke comments but did ask for information to be passed onto the applicant regarding any development should not increase flood risk to existing properties, surface water from the site should look at infiltration/watercourse/sewer as priority order for discharge, any alteration to culverting/pipe crossing must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

- 5.5 **Environment Agency (EA)** - The EA has assessed the information submitted and has stated no comments will be provided as the site falls within flood zone 1 and therefore no fluvial flood risk concerns associated with this site.
- 5.6 **Coal Authority (CA)** - The CA has assessed the information submitted and states this current application represents a resubmission of 23/00895/FUL, albeit the proposed dwelling is shown in a slightly different position and of a different design. Consequently, and whilst the same supporting information has not been submitted as previous, the CA does not wish to raise any specific observations, but would reiterate previous comments. The previous comments are as follows:

Previous CA comments were that that the site falls within an area defined as High Risk Area. The Coal Authority previously objected to this planning application, as the required Coal Mining Risk Assessment Report (CMRA) had not been submitted as part of the application.

The agent provided a CMRA (December 2023, prepared by Erda Associates Ltd), which accompanied the planning application, the content of which is able to discount any undue stability risks posed by the recorded mine entry due to its distance away. The report does acknowledge potential stability issues associated with the former open cast extraction and confirms that the proposed development may need to incorporate bespoke foundations, which will be a matter for the Building Regulations process.

Based the mitigation strategy proposed within the CMRA considering the coal mining legacy issues which are associated with the site, the CA raises no objections subject to the proposed measures being undertaken. The CA commented that the local authority should seek their own technical advice on mine gasses within the area.

The CA considers that the information now submitted in support of this planning application is broadly sufficient for the purposes of the planning system and meets the requirements of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The CA would expect the proposed development to be carried out in accordance with the mitigation strategy included in the CMRA. The CA therefore withdraws its objection to this planning application on the basis of the information submitted.

- 5.7 Ward Councillors and Parish Council were consulted and no comments have been received aside from the request to committee.
- 5.8 Four neighbouring addresses were consulted on the application and a site notice was displayed. No comments have been received.

6. Assessment

- 6.1 The main issues for consideration are whether or not the principle of the development is acceptable in the Green Belt, whether access to and from the highway is acceptable, whether there would be an increase in flooding to existing properties, whether the development would contribute to unacceptable levels of water pollution, whether the site meets the requirements to be safe and stable, impact on the upon residential amenity, and the design of the proposal.

6.2 Green Belt and Principle of Development

- 6.2.1 The application site is situated within the Green Belt and therefore the principle of the development is subject to whether or not it complies with local and national Green Belt policy. Broxtowe's Part 2 Local Plan (2019) Policy 8 states that development in the Green Belt will be determined in accordance with the NPPF. Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence and inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.2.2 Paragraph 153 of the NPPF continues that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.2.3 Paragraph 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, although one exception to this is the limited infilling in villages.
- 6.2.4 The site is not considered to be classed as infilling within the village of Brinsley, as there is only development on one side of the site, this being the dwelling and garden area for 55 Mansfield Road, north of the site. To the south and west lies open countryside with views towards Eastwood. As such the development cannot be considered as 'infill' given the lack of built development to the south and west.
- 6.2.5 No 'very special circumstances' have been demonstrated within the submitted information.
- 6.2.6 It is considered that no 'very special circumstances' have been demonstrated that would outweigh the harm caused to the openness of the Green Belt and the site is not considered to be an infill site and therefore the application should be refused on this basis.

6.3 Amenity

- 6.3.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.3.2 To the north of the site lies 55 Mansfield Road, in ownership of, and occupied by, the applicant, and both the site and 55 Mansfield Road will share a vehicular access that runs to the south east of the site. No details have been provided regarding the boundary treatments specifically to the northern boundary. Given the position of the proposed dwelling and the dwelling to the north it is considered that the proposal would not have any significant impact on the living conditions of this dwelling in terms of loss of light, outlook or privacy, subject to a condition securing appropriate boundary treatments.
- 6.3.3 To the south and west is open countryside and to the east is the access track for 55 Mansfield Road and the public highway, and as such there would be no impact on residential amenity.

6.4 Design and visual amenity

- 6.4.1 Policy 10 of the ACS section 2 states that developments will be assessed in terms of d) massing, scale and proportion and e) materials and style. Policy 17 of the Part 2 Local Plan part 4 a) states that development should be of a size and design that makes a positive contribution to the appearance of the area.
- 6.4.2 The proposed single storey dwelling is to be sited to the south east of the site with the main rooms facing southwest of the site to maximise the views and sun. The dwelling will create two bedrooms each with an ensuite and walk in wardrobe area. The submitted elevations show traditional arched windows and a central garage door with the impression of a traditionally constructed dwelling with materials fitting with the area. To ensure the materials match this could be conditioned.
- 6.4.3 The design, massing, scale and proportion along with the style would not be out of character with the area, subject to the materials being conditioned, but the position of the dwelling being side on to the highway and set within the south east of the site would be out of character with the pattern of development along Mansfield Road. The dwelling is set away from the highway and with the principal elevation facing towards the open countryside and not the highway would be out of character with the area. It is acknowledged that 55, 57 and 59 Mansfield Road are side on to the highway but they are located closer to the boundary and keeps the development close to the highway maintaining a pattern and character of the area.
- 6.4.4 The position of the proposed dwelling, being located south of 55 Mansfield Road, would be viewed as an incongruous addition within the streetscape, and would be considered out of character with the pattern of development within the area and as such fails to comply to Policy 17 of the Part 2 Local Plan and the NPPF.

6.5 Environment Agency and Flooding

- 6.5.1 Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 6.5.2 The EA considered the submitted information and since the last application the remit has changed and as a result stated no comments will be provided as the site falls within flood zone 1 and therefore no fluvial flood risk concerns associated with this site.
- 6.5.3 The Lead Local Flood Authority (LLFA) has assessed the information submitted and considers the application to minor in nature and did not provide bespoke comments. As an information to be passed on to the applicant regarding any development should not increase flood risk to existing properties, surface water from the site should look at infiltration/watercourse/sewer as priority order for discharge, any alteration to culverting/pipe crossing must be discussed with the Flood Risk Management Team at NCC.

6.6 Coal Authority

- 6.6.1 Policy 21 of the ACS states that within the Coal Authority's 'Development High Risk Area' permission for no householder development will only be granted if it is demonstrated that the site is, or can be made, safe and stable.
- 6.7.1 Paragraph 190 of the NPPF states that Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner
- 6.7.2 The current application has been submitted without an CMRA and the CA commented using the previous CMRA on the previous planning application. No information can be transferred between applications and this information was submitted to the applicant/agent to address but there has not been a new CMRA for the current application.
- 6.7.3 The comments raised by the CA cannot be used in this application, due to the CMRA not formally being submitted and so due to the lack of information the proposal fails to demonstrate adequate protection for the site, associated with the form open cast extraction and mining in the area.

6.6 Highways

- 6.8.1 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.8.2 The Highways Authority has assessed all the submitted information and requested additional information regarding visibility splays and a speed survey. The applicant only provided a plan demonstrating a visibility splay cutting through an existing hedge and no speed survey.
- 6.8.3 The proposed dwelling will be served from the existing driveway associated to 55 Mansfield Road which also provides access to an enclosed field. The visibility splays are shown running through the hedging, even though it shows on the plans that the hedging will be trimmed down to achieve the visibility splay, the hedge will grow and will have sub-standard visibility when exiting and entering from the right. Right turners entering the site may also have their view of exiting vehicles obstructed by the hedgerow that could increase the likelihood of conflicts.

- 6.8.4 The A608 is to distribute Road which carries higher volumes of traffic and so the likelihood is that vehicle speeds will be much higher. The Highway Authority therefore request a speed survey is undertaken to determine the 85th percentile speed at which traffic passes by to inform the required splay which must be achieved without crossing third party land.
- 6.8.5 Concerns have also been raised regarding the access driveway that is currently surfaced with loose aggregate, that over time will be discharged to the public highway by the additional traffic associated to the development. It should therefore be re-surfaced in a bound material for a minimum distance of 8.0m behind the highway boundary.
- 6.8.6 The Highways Authority requested this information previously but it has not been addressed. As the visibility is still of a concern and sub standard for highway safety. It is therefore recommended that the application be refused as the visibility cannot be achieved to meet current standards.

6.9 Biodiversity Net Gain

- 6.9.1 The application is exempt from BNG requirements due to it being self-build application as specified in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7. Planning Balance

- 7.1 The benefits of the proposal would be in the provision of one new dwelling, which would not have a detrimental impact on neighbour amenity and is acceptable in design terms. Subject to conditions, the dwelling would not have an impact on highway safety, contamination and flooding.
- 7.2 The negative impact is that the development would be inappropriate within the Green Belt, have a detrimental impact on the openness of the Green Belt and is not classed as an infill plot. The position of the dwelling south of 55 Mansfield Road Brinsley is considered out of character with the area due to the siting being positioned within the centre of the site, set away from the highway and as a result is considered out of character with the pattern of development within the area
- 7.3 On balance, as no very special circumstances have been demonstrated, the negative impacts are therefore considered to carry sufficient weight to outweigh the benefits of the proposal.

8. Conclusion

- 8.1 The proposal is considered to be inappropriate development that is harmful to the openness of the Green Belt.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be refused for the following reasons:	
1.	The site lies within the Nottinghamshire Green Belt, where in accordance with paragraph 152 of the NPPF, inappropriate development is by definition harmful and should not be approved except in very special circumstances. The proposal constitutes inappropriate development as the detached dwelling would not be classed as an infill development and as a result would have a detrimental impact on the openness of the Green Belt. There have been no special circumstances demonstrated and the proposal is therefore contrary to Policy 8 of the Broxtowe Part 2 Local Plan (2019) and paragraph 152 and 154 e) of the National Planning Policy Framework (2023) and there are no other material considerations that justify treating this proposal as an exception.
2.	The position of the proposed dwelling southeast of 55 Mansfield Road Brinsley is considered out of character with the area due to the context, where it would be viewed as an incongruous addition within the streetscape, and as a result is considered out of character with the pattern of development within the area and as such fails to comply to Policy 17 of the Part 2 Local Plan and the NPPF.
3.	The site lies within an area with coal mining features and hazards and an application should be accompanied with a Coal Mining Risk Assessment. As no CMRA submitted with the current application the application fails to comply with Policy 21 of Broxtowe Aligned Core Strategy 2014 and the NPPF.
4.	The proposal to create a dwelling using the existing substandard vehicular access fails to comply with Policy 17 of Broxtowe Part 2 Local Plan and the NPPF due to visibility splay not being achieved to meet current standards.
	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, allowing an Extension of Time to overcome the objections from consultees.

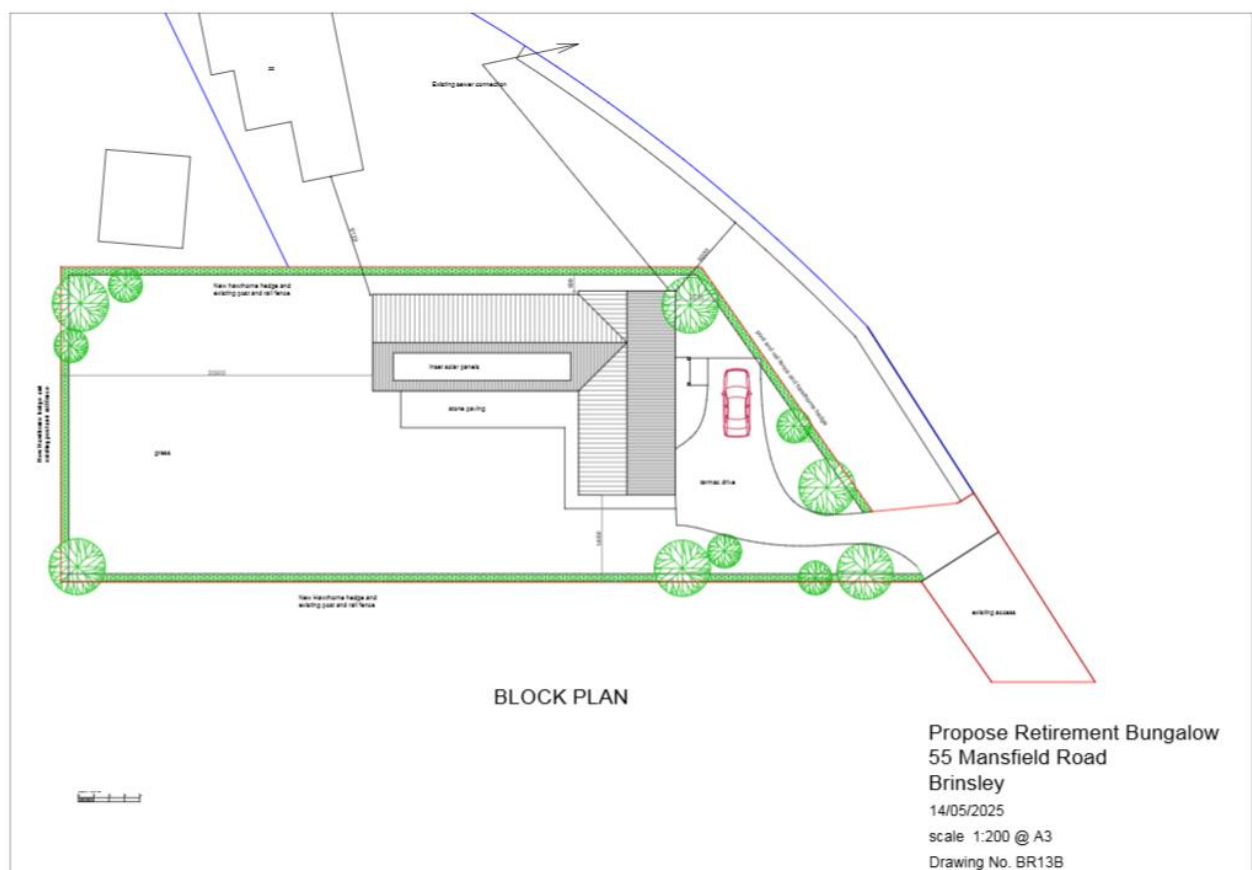
Map



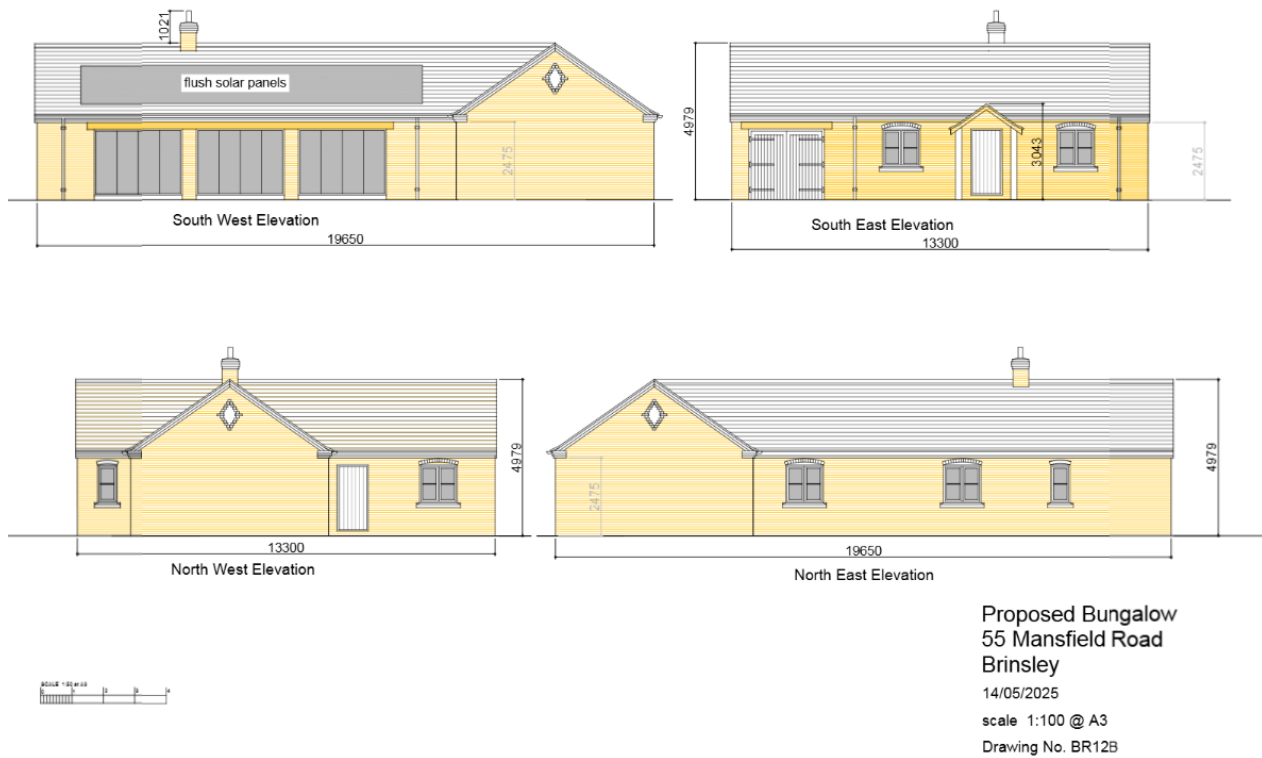
Plans (not to scale)



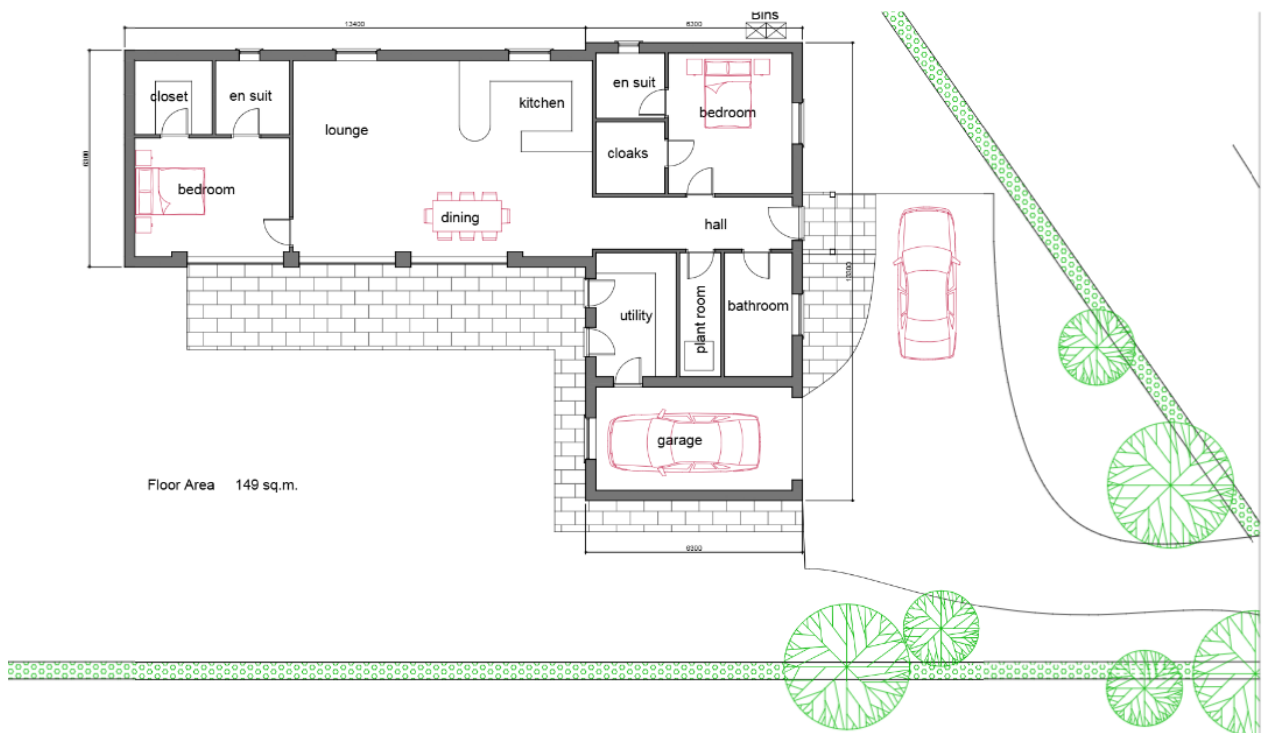
Site location plan and block plan



Block plan



Proposed elevations



Proposed floor plan

Report of the Chief Executive

APPLICATION NUMBER:	24/00486/FUL
LOCATION:	Land Adjacent High Park Cottages, Moorgreen, Newthorpe, Nottinghamshire
PROPOSAL:	Change of use of land to outdoor children's recreation area (use class F2c) and associated works

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

1. Purpose of the Report

- 1.1 The application seeks retrospective planning permission for the change of use of sections of land adjacent High Park Cottages to form an outdoor children's recreation area within planning use class F2c, along with associated works including the provision of associated parking.

2. Recommendation

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

3. Detail

- 3.1 The application seeks retrospective planning permission for the change of use of sections of land adjacent High Park Cottages to form an outdoor children's recreation area within planning use class F2c, along with associated works including the provision of associated parking and a water attenuation basin.

The application site is located within the Nottinghamshire Green Belt on land adjacent High Park Cottages. Directly adjacent the cottages there is an open section of land which is used for the parking of vehicles associated with the children's nursery. Access to the two areas of land being used for the children's nursery is via a visitor walking route which consists of a stoned surface and is not enclosed in any way. The main area which is used by children between the age of 1 – 4 years is located within existing dense woodland and the smaller baby area used for activities with 0 – 1 year old is located directly opposite within an area of grassland with semi-mature trees surrounding.

It should be noted that the only structure of any substantial feature on the site is an open sided structure which is used for storage of associated children's play equipment and rainwater collection. In addition to the above, a small water attenuation basin is proposed to alleviate from previous flooding issues experienced by nearby resident of High Park Cottages.

The main issues in the determination of this application include the principle of development, impact upon the character and openness of the Green Belt, residential amenity, ecology, flooding and highway safety.

4. Financial Implications**4.1 The comments from the Head of Finance Services were as follows:**

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

5. Legal Implications**5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.****6 Data Protection Compliance Implications****6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.****7. Background Papers**

Nil.

Appendix

1. Details of the application

- 1.1 The application seeks retrospective planning permission for the change of use of sections of land adjacent High Park Cottages to form an outdoor children's recreation area within planning use class F2c, along with associated works including the provision of associated parking and a water attenuation basin.
- 1.2 The application site is located within the Nottinghamshire Green Belt on land adjacent High Park Cottages. Directly adjacent to the cottages there is an open section of land which is used for the parking of vehicles associated with the children's nursery. Access to the two areas of land being used for the children's nursery is via a visitor walking route which consists of a stoned surface and is not enclosed in any way. The main area which is used by children between the age of 1 – 4 years is located within existing dense woodland and the smaller baby area used for activities with 0 – 1 year old is located directly opposite within an area of grassland with semi-mature trees surrounding.
- 1.3 It should be noted that the only structure of any substantial feature on the site is an open sided structure which is used for storage of associated children's play equipment and rainwater collection. In addition to the above, a small water attenuation basin is proposed to alleviate from previous flooding issues experienced by nearby resident of High Park Cottages.

2. Site and surroundings

- 2.1 The application site is located within the Nottinghamshire Green Belt. Access to the car park serving the site is via a unadopted private road leading from Moorgreen/Willey Lane. Directly to the north west of the car park there are residential dwellings High Park Cottages, with woodland areas further beyond. There are also woodland areas located to the south and west, with agricultural land located beyond.

3. Relevant Planning History

- 3.1 No relevant planning history post 1974.

4. Relevant Policies and Guidance4.1 **Broxtowe Aligned Core Strategy 2014:**

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

- Policy 3 – Green Belt
- Policy 10 - Design and Enhancing Local Identity.
- Policy 12 - Local Services and Healthy Lifestyles
- Policy 11 – The Historic Environment
- Policy 17 - Biodiversity

4.2 Part 2 Local Plan 2019

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

- Policy 1 - Flood Risk
- Policy 8 - Development in the Green Belt
- Policy 17 - Place-making, Design and Amenity
- Policy 19 - Pollution, Hazardous Substances and Ground Conditions
- Policy 21 - Unstable Land
- Policy 23 - Proposals affecting Designated and Non-Designated Heritage Assets
- Policy 28 - Green Infrastructure Assets
- Policy 31 - Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making.
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5. Consultations

5.1 Consultees

- Cllr H L Crosby - Greasley Ward – No comments received.
- Cllr M Brown - Greasley Ward – No comments received in respect of the planning application but has requested the application goes to Planning Committee.
- Greasley Parish Council – No comments received.
- Environmental Health - No objections, satisfied with the submitted assessment of the land and no further remedial works are required. Recommend a note to applicant against having open fires on the ground site.
- The Coal Authority – No objections.
- Nottinghamshire Wildlife Trust – No objections, provide general advice.
- The Highway Authority – No objections, advise visibility at the junction appears sufficient. Advise the access track to the land is a single lane width and will force some drivers to reverse for oncoming traffic but not all users of the nursery are likely to arrive together, but the track isn't adopted highway or a public right of way.

5.2 Ten Neighbours were consulted on the application along with the posting of a site notice. There have been 85 responses in support and 15 comments received raising objections on the grounds of:

- Impact on the natural environment and wildlife;
- Increased noise;
- Traffic and access concerns;
- Flooding;
- Contaminated land;
- Precedent for further development on the land.

6. Assessment

6.1 Principle

6.1.1 The main issues in the determination of this application include the principle of development, impact upon the character and openness of the Green Belt, residential amenity, ecology, flooding and highway safety. These will be discussed in turn as follows:

6.2 Impact on the Green Belt

6.2.1 Policy 8 of the Local Plan 2019 states that applications for development and diversification of the rural economy in the Green Belt will be supported, provided that they are in accordance with the NPPF. Policy 154 of the NPPF states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with purposes of including land within it. These include the provision of appropriate facilities including buildings for outdoor recreation.

6.2.2 The proposed change of use also supports the rural diversification of the local economy through supporting the growth of a small local business alongside the provision of a facility which serves the local community as an outdoor nursery. The proposal includes one small open timber structure. This is located within the established woodland of the Main Area and so benefits from being screened by existing trees and is considered to be a very minor addition to built-form. Because of this, the proposed timber structure is not considered to harm the openness of the Green Belt in this instance. All other equipment, toys and decorations are also located within the woodland areas and are temporary and are removable.

6.2.3 The principle of development is therefore considered for the proposed change of use and associated works, subject to residential amenity, ecology, flooding and highway safety issues.

6.3 Amenity

- 6.3.1 Policy 10 of the Local Plan Part 1 and Policy 17 of the Local Plan Part 2 seek to ensure that the proposal would not impact on the amenity of nearby residents or occupiers.
- 6.3.2 The proposed nursery is located within the established woodland, and approximately 100m southeast from the residential gardens associated with High Park Cottages. Any noise will be limited to a few of hours a day in terms of comings and goings, and in any case limited to children's voices and will cause no harm to nearby residents. The hours of operation are Monday to Friday 10am to 3pm and Saturday and Sunday 10am – 4am. These hours are not considered to be unsociable hours of operation during the day time and are weather dependant. In view of the above, it is not considered the proposal will give rise to any significant impact upon the residential amenity of the occupiers of High Park Cottages in terms of noise impacts.

6.4 Ecology

- 6.4.1 Policy 31 of the Local Plan Part 2 and the NPPF seek to ensure that planning proposals protect and enhance valued landscapes and sites of biodiversity value.
- 6.4.2 An Ecological Assessment has been prepared by Turnstone Ecology to support the change of use of the land. The assessment confirms a local wildlife site (High Park Colliery cLWS) is located on site. Notwithstanding this, due to the small scale of the development and the general retention of the habitat on site, the Ecological Assessment concludes that it is unlikely there will be any significant impact. Furthermore and again due to the small nature of the proposal, it is unlikely the proposal will have any impact on LWS within 2km of the site. In terms of general habitats and flora, the Ecologist has calculated there will be limited habitat loss throughout and that the stream would remain unaffected. It is not considered the proposal will give rise to any significant impacts upon ecology within the site or surrounding area.
- 6.4.3 Whilst trees have been felled on surrounding land, this area is not within the red line of the application site. Furthermore, the trees were not located within a Conservation Area or covered by Tree Preservation Orders and did not require consent to be removed.

6.5 Flooding

- 6.5.1 Policy 1 of the Local Plan Part 2 2019 seeks to ensure that flood risk is not increased elsewhere as a result of development. The proposed change of use application has been supported by a Flood Risk Assessment and Drainage Strategy prepared by M-EC Consulting. This Assessment concludes that the site is located within Flood Zone 1 (Low Probability of Flooding) and that the majority of the site is at a very low risk of surface water flooding.

6.5.2 Historically, earth movement works around the car park area by the land owner have led to flooding issues of the occupiers of High Park Cottages. To alleviate any future issues, surface water will be stored, treated and conveyed to an attenuation basin on the site. Given the land levels of the site, surface water flows will outfall via a swale to an unnamed watercourse running to the east of the application site. A condition is recommended for full details of the attenuation basin to be submitted and approved.

6.6 Highway Safety

6.6.1 Policy 17 of the Local Plan Part 2 seeks to ensure safe suitable access can be achieved, and that there would be no adverse impacts on the surrounding local highway network.

6.6.2 Access to the application site and associated car park along with residents of High Park Cottages is via an unadopted single lane access track located off the main roads of Moorgreen and Willey Lane. The existing point of access into the car park to the south of High Park Cottages is to be utilised and widened to 4.8m.

6.6.3 The proposed change of use is supported by a Transport Statement prepared by M-EC Consulting, and a review of local collision data concludes that there are no highway safety issues or accident trends associated with the local highway network. It goes on to conclude that the unadopted road off the B600 is deemed appropriate to serve the site, with informal passing locations present. The Statement sets out that the site is estimated to generate a maximum of 32 movements to and away from the site at the beginning and after the nursery sessions. It should be noted that the nursery sessions do not run at traditional peak hours and is not currently operated on a daily basis.

6.6.4 No objections, advise visibility at the junction appears sufficient. Advise the access track to the land is a single lane width and will force some drivers to reverse for oncoming traffic but not all users of the nursery are likely to arrive together but the track isn't adopted highway or a public right of way. In view of the above, it is not considered the proposal will give rise to any significant highway safety issues.

6.7 Impact upon nearby Heritage Assets

6.7.1 Although there are Listed Buildings Beauvale Manor Farm and Beauvale Abbey Farm along with a scheduled Ancient Monument Beauvale Corthisian Priory within the local vicinity of the red line of the application site, given the minor nature of the proposal it is not considered the proposal will affect these buildings or their setting.

7. Planning Balance

7.1 On balance, the principle of development is considered acceptable and will enable. It is not considered the proposal will have any negative impact upon the openness of the Green Belt, residential amenity, ecology, highway safety or the

nearby heritage assets and on balance therefore, it is considered the scheme is acceptable.

8. Conclusion

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

Recommendation

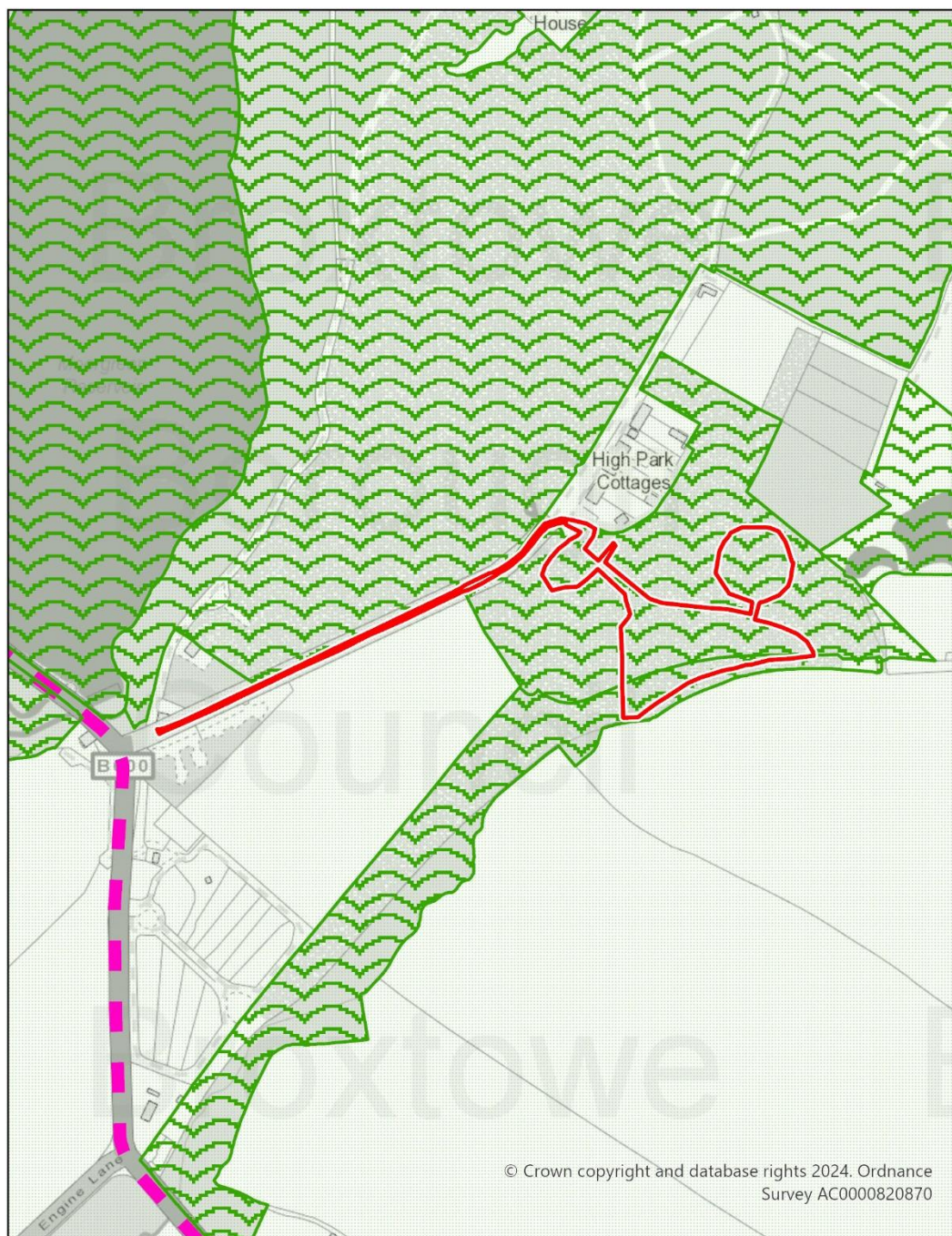
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

1.	<p>The development hereby permitted shall be carried out in accordance with Site Location Plan – LP01 Rev C, Block Plan - BP01 Rev A1 and Rainwater Collection and Storage unit received by the Local Planning Authority 23 July 2024.</p> <p>Reason: For the avoidance of doubt.</p>
2.	<p>Within 3 months from the date of this permission, full details of the attenuation basin and associated works shall be submitted to and approved in writing. The attenuation basin shall then be maintained in accordance with the approved details for the life of the development.</p> <p>Reason: To provide sufficient surface water management in accordance with Policy 1 of the Part 2 Local Plan 2019.</p>
3.	<p>The use of the site shall be limited to the activities contained within Class F2c and for no other purpose (including any other purpose in Class F of the Schedule to the Town and Country (Use Class) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Reason: To ensure the site is used in accordance with the terms of the application only and to protect the openness of the Green Belt in accordance with Policy 8 of the Broxtowe Part 2 Local Plan (2019).</p>

4.	<p>The site shall not be used except between the hours of 10 – 3 Monday to Friday 10am to 3pm and 10 – 4 Saturday and Sunday and at no time on Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.</p> <p>Reason: To protect nearby residents from excessive operational development, in accordance with the aims of policy 17 of the Part 2 Local Plan.</p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>The proposed development lies within an area that has been defined by the Mining Remediation 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.</p> <p>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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from</p>

	<p>The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</p> <p>What is a permit and how to get one? - GOV.UK (www.gov.uk)</p> <p>In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.</p> <p>If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK</p>
3.	<p>It is strongly advised against having open fires (campfires, BBQ etc) on the ground at the site. The submitted report has highlighted that the made ground on site contains ash, clinker and coal fragments. Whilst no combustibility testing was carried out we would recommend that, as a precaution, open fires are not used at ground level.</p>

Map



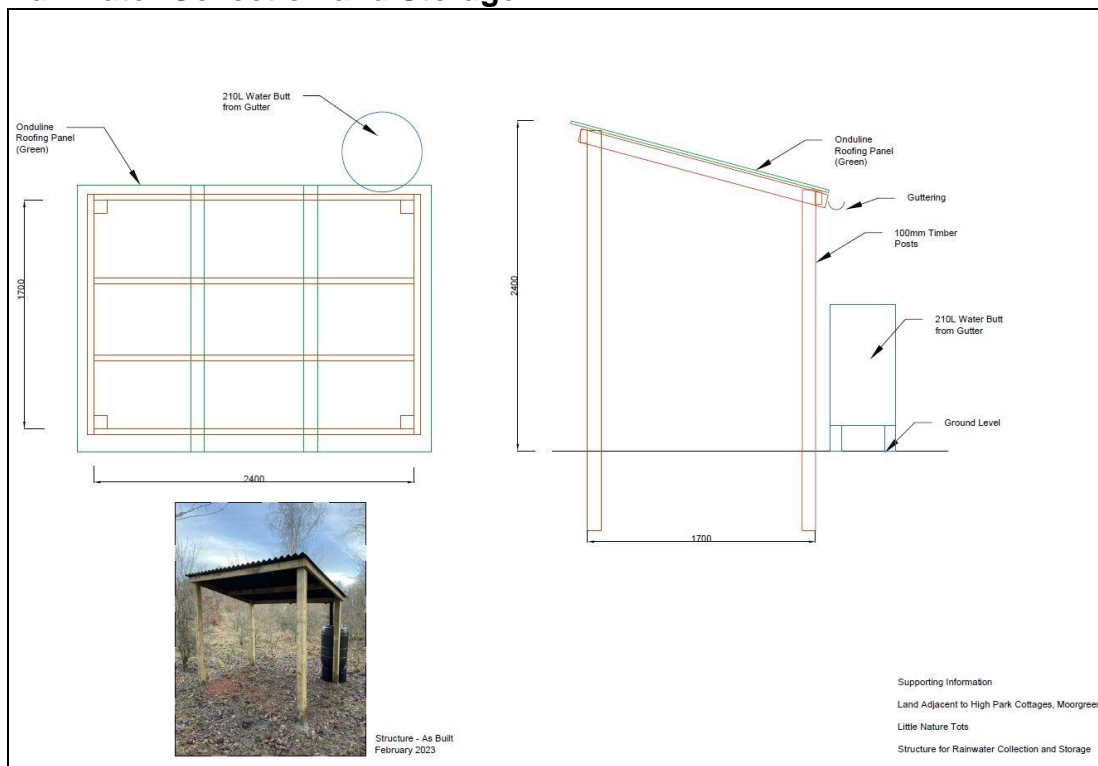
- Site
- Green Belt
- Classified Road
- Local Wildlife Site

Plans (not to scale)

Block Plan



Rainwater Collection and Storage



Report of the Chief Executive

APPLICATION NUMBER:	25/00359/FUL
LOCATION:	34 Town Street, Bramcote, NG9 3HH
PROPOSAL:	Construct single storey front and side extension

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

1. Purpose of the Report

- 1.1 The application seeks planning permission for a single storey front and side extension, which will sit to the west of the dwelling and replace the existing side extension.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be refused for the reasons outlined in the appendix.

3. Detail

- 3.1 The application seeks permission for a single storey front and side extension.
- 3.2. The site is located within the Green Belt and the proposed extension is over the 30% rule.

4. Financial Implications

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

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

5. Legal Implications

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

6 Data Protection Compliance Implications

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

7. Background Papers

Nil.

Appendix

1. Details of the application

- 1.1 The application seeks planning permission for a single storey front and side extension, which will sit to the west of the dwelling and replace the existing side extension.

2. Site and surroundings

- 2.1 The application site is two storey detached dwelling, with white render. The site is located within the Bramcote Conservation Area and is also part of the Green Belt. North of the site is the principal access route of Town Street, with rear garden to the south and a recreation ground to the south of this. North-west is number 32 Town Street and number 36 to the south-east. Flats 1-4 45 Town Street face the site from the north.

3. Relevant Planning History

- 3.1 No relevant planning history post 1974.

4. Relevant Policies and Guidance4.1 **Broxtowe Aligned Core Strategy 2014:**

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

- Policy 3 – Green Belt
- Policy 10 - Design and Enhancing Local Identity.
- Policy 11 – The Historic Environment

4.2 **Part 2 Local Plan 2019**

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

- Policy 8 – Development in the Green Belt
- Policy 17 - Place-making, design and amenity.
- Policy 23 - Proposals affecting Designated and Non-Designated Heritage Assets

4.3 **National Planning Policy Framework (NPPF) 2023**

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making.
- Section 12 - Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 16 - Conserving and enhancing the historic environment

5. Consultations

5.1 Consultees

- Conservation Officer (Toby Ebbs) – no objection, comments below
- Bramcote Neighbourhood Forum – no comment
- Cllr H Land - Bramcote Ward – no comment
- Cllr A Kingdon - Bramcote Ward – no comment
- Cllr D K Watts - Bramcote Ward – called in to Committee.

5.2 Eight Neighbours were consulted on the application. There was one response in support and no objections received.

6. Assessment

6.1 Principle

6.1.1 The principle of a single storey side and front extension is deemed acceptable in regard to the existing character of the dwelling and of the surrounding area but the proposal must comply with Green Belt policy.

6.2 Design and Impact on Conservation Area

6.2.1 Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

6.2.2 Policy 23 of the Part 2 Local Plan 2019 states that proposals will be support ` where heritage assets and their settings are conserved or enhanced in line with their significance. Policy 11 of the Aligned Core Strategy states that development will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their assets and significance.

6.2.3 The proposed extension will protrude from the existing side elevation by 5m, with a length of 6.2m. It will feature a new kitchen space, new bedroom and ensuite. The existing office will adjoin the extension and will increase in length by 2m. There will be two new windows proposed within the front elevation, one new side elevation window off the kitchen and one new side elevation window to serve the existing office. The extension will replace an existing side extension that will be demolished.

6.2.4 The existing office space extension will have a flat roof with a height of 3.5m and will be mostly obscured by the proposed side extension, which will feature a new entranceway and stairs. The side extension will have a gabled roof with an eaves height of 2.7m and ridge height of 5m. The proposed extension is

subservient to the existing dwelling and will not be over prominent from the street scene.

6.2.5 Information provided on the submitted application form indicates that the proposed extension will be white render to match the existing house, with grey roof slate tiles also to match and windows will be white upvc to match those used on the existing dwelling.

6.2.6 The Conservation Officer stated: The Conservation Officer stated that they have no objection to the proposal. The proposal will have a partial degree of screening to the property from the hedge to the front of the house. The host property makes a neutral contribution to the street scene of the conversation area and the proposal is deemed acceptable as the form, scale and massing is not unduly prominent, the property is on an elevated plot, will not harm the conservation area and the new extension will be built upon the footprint of former extension.

The Conservation Officer recommended conditions:

- All new windows must not be stormproofed and cannot feature visible trickle vents
- The new rooflight must be conservation profile and fitted flush to the roof plane
- The window openings cannot feature soldier course lintels.
- The verges and eaves of the new extension must not be cloaked.

There must be no boiler flue, extractor outlet or other accretion installed on the gable end of the new extension facing onto Town Street.

6.3 Amenity

6.3.1 Policy 10 (F) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

6.3.2 There was one objection received in respect of window to the side as could impact privacy. It is considered that this window is not considered to have a significant impact due to land levels and outlook.

6.3.3 It is considered that flats 1-4 45 Town Street which is across the street to the north will be minimally impacted, since the extension will be set back from Town Street by 7m, and the flats are 20m from the road, meaning that as a result of the single storey height and distance that any loss of light, privacy or overlooking should be minimal.

6.3.4 Number 36 to the south-east should be minimally impacted by the proposal since the works are to the north-west of the dwelling and will be over 14m from the boundary with number 36, meaning loss of light, privacy and overlooking should be minimal.

6.4 Access

6.4.1 It is considered that the proposed side extension and removal of existing porch will have no impact on the access to and from the application site, as well to the adjacent neighbouring properties. This is because the access route and existing parking arrangements will be unaffected.

6.5 Impact on Green Belt

6.5.1 Paragraph 142 of the NPPF (2024) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.5.2 Policy 8 of the Part 2 Local Plan 2019 states that applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe-specific points, which state that 'Disproportionate additions' to a building will be treated as those that, taken cumulatively, exceed 30% of the volume of the original building.

6.5.3 The applicant confirmed that the existing volume of the dwelling is 300m³ and the proposed extension will be 110m³ - making this a 37% increase and therefore would be refusable as it would be considered to be a disproportionate addition and therefore contrary to Policy 8.

7. Planning Balance

7.1 The benefits of the proposal are that it would provide enhanced living accommodation for the occupier and would not have significant impact on neighbouring amenity.

7.2 The negative impact is that the development would be inappropriate development within the Green Belt and the applicant has not demonstrated very special circumstances which would allow for development over and above the allowed 30%.

7.3 On balance, the negative impacts, in respect of Green Belt policy, are considered to carry sufficient weight to outweigh the benefits of the proposal.

8. Conclusion

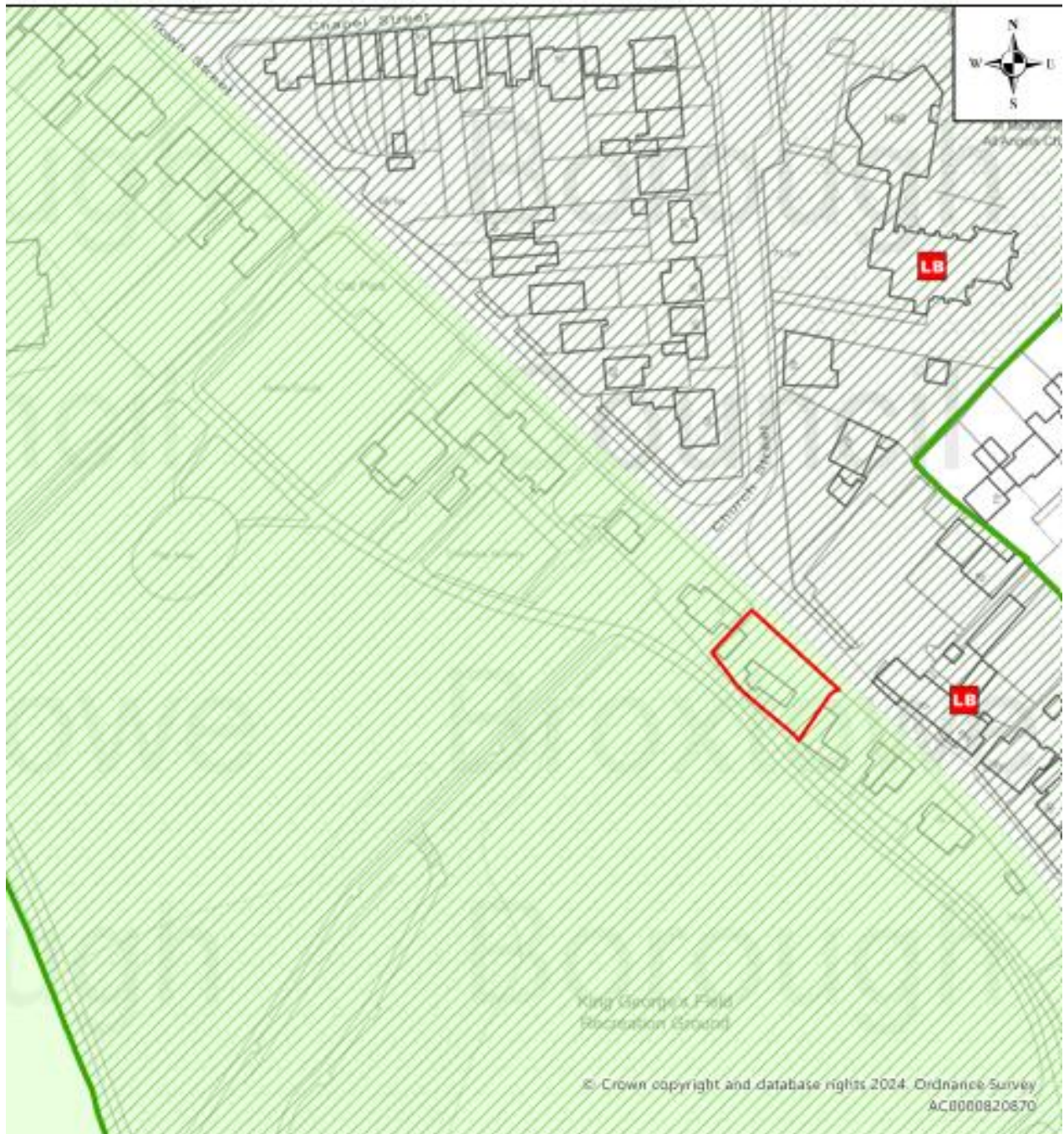
Recommend that planning permission for the development is refused.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that the development be refused for the following reason:	
1.	The proposal constitutes inappropriate development within the Green Belt as the proposed extension represents a disproportionate addition to the size of the original building. There are insufficient very special circumstances demonstrated to clearly outweigh the harm resulting from the inappropriateness of the proposed development and the harm on openness. Accordingly, the proposal is contrary to Policy 8 of the Part 2 Local Plan and Section 13: Protecting Green Belt Land of the NPPF 2024 and there are no other material considerations that justify treating this proposal as an exception.
	NOTES TO APPLICANT
1.	The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any minor alterations which could be made to the scheme to make the proposal acceptable.

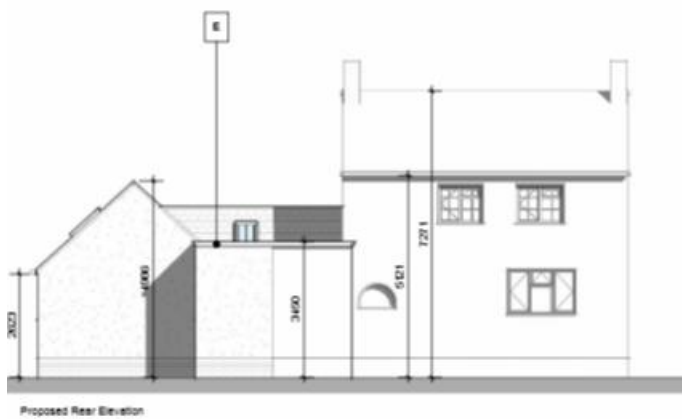
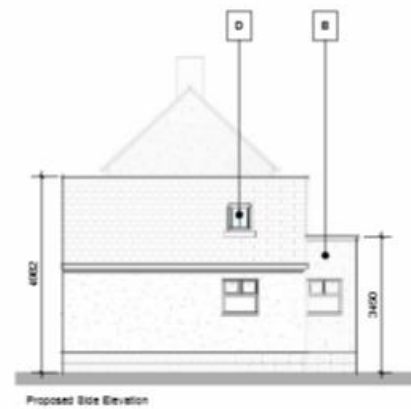
Map

25/00359/FUL

ArcGIS Web AppBuilder



Plans (not to scale)



Proposed Elevations



Proposed Floor Plan



Proposed Block Plan

Report of the Assistant Director for Planning and Economic Development

Reform of Planning Committees: Technical Consultation
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1. Purpose of Report

To consider a response to the Reform of Planning Committees: Technical Consultation.

2. Recommendation

The Committee is to RESOLVE that the response at the appendix be approved.

3. Detail

The response at the **appendix** is recommended by officers. The Committee is invited to make comments and changes.

4. Key Decision

This is not a key decision.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

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

There are no additional financial implications associated with this report. Any significant additional budgets required, above virement limits, would require approval by Cabinet.

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

8. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

9. Union Comments

The Union comments were as follows:

Not applicable.

10. Climate Change Implications

The climate change implications are contained within the report.

Not applicable.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not applicable.

13. Background Papers

Nil.

Ministry of Housing, Communities & Local Government

Reform of Planning Committees: Technical Consultation

**Representations prepared by Broxtowe
Borough Council in its role as a Local Planning
Authority**

June 2025

1.0 Introduction

- 1.1 These representations have been prepared by Broxtowe Borough Council and relate to the Government's 'Reform of Planning Committees: Technical Consultation', which was published on 28 May 2025 and is available at the following link: <https://www.gov.uk/government/consultations/reform-of-planning-committees-technical-consultation/reform-of-planning-committees-technical-consultation>.
- 1.2 The Borough Council has significant concerns about the proposed changes, as set out within this document. The Borough Council has set out its concerns within its responses to the consultation questions.
- 1.3 These representations will be forwarded to the Ministry of Housing, Communities and Local Government by email to planningcommittees@communities.gov.uk and a copy will also be published on the Borough Council's website.

2.0 Consultation Response

- 2.1 The Borough Council's responses to the questions within the Technical Consultation are as follows.

Question One: Do you agree with the principle of having a two tier structure for the national scheme of delegation?

The Borough Council very strongly disagrees with the proposal for a 'blanket approach' of requiring all applications of a certain type to be delegated to Planning Officers, rather than offering Local Planning Authorities the option for these to be determined by a Planning Committee. The Borough Council is of the view that the determination route for each application should be considered on the individual circumstances of each case and that there may be valid reasons why some smaller and more technical applications should be determined by the Planning Committee.

The Borough Council is deeply concerned that the approach which the Government is proposing has the potential to severely impact public confidence in the planning system as a whole and undermine local democracy and accountability.

The Borough Council is further concerned that this approach, as currently proposed, will harm the interests of disadvantaged groups within the local community, such as the elderly or disabled, and that it is contrary to the principles of openness and transparency which have guided the planning system since its inception.

In the experience of the Borough Council, Planning Committees are not a barrier to development or growth, but instead work to improve the quality of proposed development, with the result being better quality and more sustainable development for the benefit of existing and future residents. The Borough Council's view is therefore that the Government's proposed changes to the roles of Planning

Committees are misguided and could be counterproductive. An example of the latter could be where additional discussion and compromise at Planning Committees facilitates solutions to create more acceptable and appropriate development, reducing the need for expensive and time-consuming planning appeals.

The Borough Council is of the view that Local Planning Authorities should have the flexibility to determine applications using the method that they consider most appropriate.

Question 2: Do you agree the following application types should fall within Tier A?

As the Borough Council is of the view that the proposals to restrict the method of determination of certain applications is misguided, has the potential to undermine public confidence in the planning system, and will undermine local democracy, it follows that the Borough Council is of the view that none of the application types listed should be included within this tier, as such a 'tier' should not exist.

Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?

The Borough Council is of the view that, as the proposals for tiers are misguided, no additional development types should be included within Tier A.

Question 4: Are there further types of application which should fall within Tier A?

As per the Borough Council's responses to previous questions, the system of tiers should not be developed and so no further application types should be included within Tier A.

Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

Notwithstanding the Borough Council's responses to Questions 1 to 4 of this technical consultation, should the Government be minded to proceed with these proposals, the Borough Council is of the view that it would be absolutely essential for a mechanism to exist for applications in such a tier to be brought to Planning Committee in certain circumstances. Not to do so would risk severely undermining public trust in the planning system.

Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?

Should the Government proceed with these proposals, a system will be needed. In the case of disagreement between the Chief Planning Officer and the Chair of the Planning Committee, it is unclear from the Government's proposals as to who would ultimately make the decision. In the view of the Borough Council, this is likely to lead to further uncertainty and delay.

Question 7: Do you agree that the following types of application should fall within Tier B?

a) Applications for planning permission aside from:

Householder applications

Minor commercial applications

Minor residential development applications

b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer

c) applications for s73 applications to vary conditions/s73B applications to vary permissions

As the Borough Council is of the view that a 'tiered' system, as proposed, is inappropriate, it follows that all application types should be included within Tier B.

Question 8: Are there further types of application which should fall within Tier B?

Please refer to the Borough Council's response to Question 7.

Question 9: Do you consider that special control applications should be included in:

Tier A or

Tier B?

As the Technical Consultation acknowledges that most such applications are delegated, the Borough Council is of the view that there is very little practical justification for restricting such applications to Tier A. This would appear, in practice, to be proposing solutions to a 'problem' which does not exist.

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?

As per its response to Question 1, the Borough Council is of the view that Local Planning Authorities should have the flexibility to determine applications using the method that they consider most appropriate, rather than for such mechanisms to be set by (national) Government.

Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?

As per its response to Question 1, the Borough Council is of the view that Local Planning Authorities should have the flexibility to make decisions using the method that they consider most appropriate, rather than for such mechanisms to be set by (national) Government.

Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?

The Borough Council is of the view that Local Planning Authorities should have the flexibility to establish such committees as consider most appropriate, based upon their local circumstances and expertise, rather than for such mechanisms to be set by (national) Government.

Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?

The Borough Council is of the view that this should be a matter for Local Planning Authorities to decide.

Question 14: Do you think the regulations should additionally set a minimum size requirement?

Please refer to the Borough Council's response to Question 13.

Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?

The Borough Council is of the view that this should be a matter for Local Planning Authorities to set locally. Government may not be aware of local issues and may not achieve the correct balance between different requirements. Either way, Government will need to provide additional funding to support Local Planning Authorities and councillors in achieving these new certifications.

Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?

The Borough Council is of the view that this would not be helpful at the current time. Additional bureaucracy will not be helpful in delivering the additional growth which the Government wishes to see.

Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?

The Borough Council is of the view that this would not be helpful at the current time. Please refer to the Borough Council's response to Question 16.

Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

The Borough Council is of the view that the Government's proposed changes will result in potentially serious and damaging impacts upon a number of such groups.

Examples of such groups include the elderly and disabled. This could be prevented by not proceeding with these proposals.

Question 19: Is there anything that could be done to mitigate any impact identified?

Impacts could be mitigated by allowing Local Planning Authorities to determine applications using the mechanisms which they consider will be best help to protect those with protected characteristics.

Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

The Borough Council does not have any comments to make in relation to this question.

3.0 Further Information

- 3.1 For further information or clarification in relation to these representations, please contact the Borough Council's Planning Policy Team on 0115 917 7777 or by email at policy@broxtowe.gov.uk.

Broxtowe Borough Council
June 2025

BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DEALT WITH FROM
26.05.2025 TO 20.06.2025**

CONTENTS

Planning applications dealt with under Delegated Powers

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

BROXTOWE BOROUGH COUNCIL

DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

P L A N N I N G A P P L I C A T I O N S D E T E R M I N E D B Y D E V E L O P M E N T C O N T R O L

ATTENBOROUGH & CHILWELL EAST WARD

Applicant	:	Sylvia Dobson	24/00835/FUL
Site Address	:	The Secret Garden Attenborough Day Nursery And Pre School Shady Lane Attenborough Nottinghamshire	
Proposal	:	Construct single storey detached classroom and 3m high screening	
Decision	:	Conditional Permission	

Applicant	:	Mr Stephan Richeax	25/00286/TPOW
Site Address	:	4 St Marys Close Attenborough Nottinghamshire NG9 6AT	
Proposal	:	Eucalyptus - crown reduce and branch removal	
Decision	:	Conditional Permission	

Applicant	:	Mrs Helen Sutcliffe	25/00305/CAT
Site Address	:	8 Calvert Close Chilwell Nottinghamshire NG9 5HG	
Proposal	:	T1 Maple: Pollard the tree to allow regeneration at a smaller height.	
Decision	:	Conditional Permission	

Applicant	:	Mrs Hannah Noble	25/00315/CAT
Site Address	:	Twitchell House 1 Shady Lane Attenborough Nottinghamshire NG9 6AW	
Proposal	:	T1 Apple - Pollard to approx 15ft	
Decision	:	Conditional Permission	

Applicant	:	Mr Jonathan Phillip	25/00374/FUL
Site Address	:	88 Mottram Road Chilwell Nottinghamshire NG9 4FW	
Proposal	:	Construct single storey side and rear extension	
Decision	:	Conditional Permission	

Applicant	:	Mr Mark Gay Hayfield Homes (Construction) Limited	25/00404/CLUE
Site Address	:	Barton House 61 High Road Chilwell Nottinghamshire NG9 4AJ	
Proposal	:	Implementation of Permissions 18/00854/MMA & 21/00578/REM for the "Phase 2" construction of 93 Dwellings (as identified on approved planning drawing A2-100 Rev C).	
Decision	:	Approval - CLU	

AWSWORTH, COSSALL & TROWELL WARD

Applicant	:	Mr Gregory Stackhouse	24/00098/FUL
Site Address	:	The View Newtons Lane Cossall Nottinghamshire NG16 2YH	
Proposal	:	Demolition of garage and out buildings to facilitate construction of a detached dwelling	
Decision	:	Conditional Permission	

Applicant	:	. Harworth Group and Broxtowe Borough Council	25/00203/DOC
Site Address	:	Land Off Shilo Way Awsworth Nottinghamshire	
Proposal	:	Discharge of conditions 3, 4, 6 of planning permission 24/00687/REG3	
Decision	:	Discharge of Conditions	

Applicant	:	C Irons	25/00266/FUL
Site Address	:	61 Nottingham Road Trowell Nottinghamshire NG9 3PJ	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	

Applicant	:	Mr Jack Doddy	25/00324/DOC
Site Address	:	Shortwood House Waterloo Lane Trowell Nottinghamshire NG9 3QQ	
Proposal	:	Discharge of condition 4 of application reference 24/00783/FUL	
Decision	:	Discharge of Conditions	

Applicant	:	Mr Timothy Eyre	25/00338/FUL
Site Address	:	10 Ellesmere Drive Trowell Nottinghamshire NG9 3PH	
Proposal	:	Retain garden room	
Decision	:	Conditional Permission	

BEESTON CENTRAL WARD

Applicant	:	Rev. Ryan Ireland Sign It (Nottm) Ltd	25/00195/ADV
Site Address	:	Oasis Christian Centre Willoughby Street Beeston Nottinghamshire NG9 2LT	
Proposal	:	Proposed new signs for a Church and Christian Centre. Please see attached drawings Beeston Oasis Sign Artwork, Beeston Oasis signs 1 and 2, Beeston Oasis signs 3,4,5, and Beeston Oasis sign 6.	
Decision	:	Conditional Permission	

Applicant	:	Mrs Yvonne Lee	25/00263/CLUE
Site Address	:	25 Myrtle Grove Beeston Nottinghamshire NG9 2EP	
Proposal	:	Certificate Of Lawfulness For Existing Use As HMO	
Decision	:	Approval - CLU	

Applicant	:	Mr J Ali	25/00298/TPOW
Site Address	:	2 Clemency Mews Beeston Nottinghamshire NG9 2WL	
Proposal	:	Remove Holly Tree to repair boundary wall (Group TPO Bee/08/G7)	
Decision	:	Conditional Permission	

Applicant	:	Mr Jawad Ali	25/00304/TPOW
Site Address	:	2 Clemency Mews Beeston Nottinghamshire NG9 2WL	
Proposal	:	TG1 - 2 x Holly - fell to repair boundary wall (Group TPO Bee/08/G7)	
Decision	:	Conditional Permission	

BEESTON NORTH WARD

Applicant	:	Mr Pardeep Singh	25/00190/FUL
Site Address	:	3 David Grove Beeston Nottinghamshire NG9 3AF	
Proposal	:	Construct two storey side extension, single storey front and rear extension, pitched roof to resulting build and rear dormer to create new dwelling attached to existing dwelling	
Decision	:	Refusal	

Applicant	:	Elizabeth Gaughan Homes Ltd Elizabeth Gaughan Elizabeth Gaughan Homes Ltd	25/00207/ADV
Site Address	:	122 Wollaton Road Beeston Nottinghamshire NG9 2PE	
Proposal	:	Retain signs	
Decision	:	Conditional Permission	

Applicant	:	Mr Tang	25/00245/FUL
Site Address	:	71 Abbey Road Beeston Nottinghamshire NG9 2HP	
Proposal	:	Construct single storey rear extension, hip to gable extension and rear dormer	
Decision	:	Conditional Permission	

BEESTON RYLANDS WARD

Applicant	:	Mr Alex Stilborn Trent Oil Lubricants Ltd	25/00065/FUL
Site Address	:	Enterprise Rent-A-Car 98A Lilac Grove Beeston Nottinghamshire NG9 1PF	
Proposal	:	Construction of a new tank farm consisting of up to 9 steel storage tanks, 2.4m Black Wire Mesh,, 2 new cantilevered gates along the front, replacement of windows and doors on the front and addition of new cladding on the front elevation of the building. Additional dropped kerb to no. 98A and new dropped kerb and access to no. 98.	
Decision	:	Conditional Permission	

Applicant	:	Faresin	25/00317/DOC
Site Address	:	54 Trent Road Beeston Nottinghamshire NG9 1LQ	
Proposal	:	Discharge of conditions 3 & 4 of planning permission 24/00481/FUL	
Decision	:	Discharge of Conditions	

BEESTON WEST WARD

Applicant	:	Sartre/Northey	25/00205/FUL
Site Address	:	17 Middleton Street Beeston Nottinghamshire NG9 1BB	
Proposal	:	Construct pitched roof addition to rear	
Decision	:	Withdrawn	

Applicant	:	Smith	25/00256/ADV
Site Address	:	35-37 The Square Beeston Nottinghamshire NG9 2JJ	
Proposal	:	Non-illuminated fascia signs	
Decision	:	Conditional Permission	

Applicant	:	Dr K Logan	25/00273/TPOW
Site Address	:	68 Grove Avenue Chilwell Nottinghamshire NG9 4DX	
Proposal	:	T3 - Beech - prune (TPO/BEE/14)	
Decision	:	Conditional Permission	

Applicant	:	Wickens	25/00289/TPOW
Site Address	:	2 Bramcote Road Beeston Nottinghamshire NG9 1AG	
Proposal	:	T87 and T88 - Lime - Remove epicormic and crown lift to approx. 5m. Crown clean removing new growth and remove any deadwood >40mm diameter. Prune back and clear street furniture (telephone pole) by 1-2m.	
Decision	:	Conditional Permission	

Applicant	:	Knight	25/00290/TPOW
Site Address	:	45 Grove Avenue Chilwell Nottinghamshire NG9 4DZ	
Proposal	:	T1 & T2 Limes - repollard to previous points	
Decision	:	Conditional Permission	

Applicant	:	Ms Sally Hodgson	25/00328/CAT
Site Address	:	68 Grove Avenue Chilwell Nottinghamshire NG9 4DX	
Proposal	:	Over hanging Yew Tree lower branch removal	
Decision	:	Conditional Permission	

Applicant	:	c/o Agent Sainsbury's Supermarkets Limited	25/00346/FUL
Site Address	:	Sainsbury's Stoney Street Beeston Nottinghamshire NG9 2LA	
Proposal	:	Installation of external plant within the service yard and roof	
Decision	:	Conditional Permission	

Applicant	:	Dr Rachel Sokal	25/00356/CAT
Site Address	:	60 Grove Avenue Chilwell Nottinghamshire NG9 4DX	
Proposal	:	T1 Damson - Prune and reduce height	
Decision	:	No Objection	

BRAMCOTE WARD

Applicant	:	Sam (Coe) and Joanne (Wilkins) Coe and Wilkins	25/00271/FUL
Site Address	:	97 Beeston Fields Drive Bramcote Nottinghamshire NG9 3TD	
Proposal	:	Construct two storey and first floor side extension, construct detached double garage.	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Morgan	25/00325/FUL
Site Address	:	29 Claremont Avenue Bramcote Nottinghamshire NG9 3DG	
Proposal	:	Increase ridge height and construct rear dormer to facilitate loft conversion. Construct single storey rear extension. Alterations to elevations including replacement windows and openings	
Decision	:	Conditional Permission	
Applicant	:	Mrs Prince	25/00339/TPOW
Site Address	:	12 Holly Court Bramcote Nottinghamshire NG9 3DZ	
Proposal	:	T1 Beech - Crown reduction T2 Pine - Fell T3 Beech - Crown reduction T4 Beech - Crown reduction T5 Sycamore - Fell	
Decision	:	Conditional Permission	
Applicant	:	Mr Sam Connelly Game of Lions Ltd	25/00370/CAT
Site Address	:	White Lion 47 - 49 Town Street Bramcote Nottinghamshire NG9 3HH	
Proposal	:	Holly Tree - Reduce by half	
Decision	:	Conditional Permission	
Applicant	:	Mr I Jowett Meadow Lane Services Ltd	25/00386/CAT
Site Address	:	Land Between St Johns College And School Chilwell Lane Bramcote Nottinghamshire	
Proposal	:	T40-T49 Lawson Cypress - line of 10 trees along southern boundary - fell to ground level.	
Decision	:	Conditional Permission	
EASTWOOD HALL WARD			
Applicant	:	Mr Murray Pullen	25/00228/FUL
Site Address	:	54 Lower Beauvale Newthorpe Nottinghamshire NG16 3PU	
Proposal	:	Ground floor rear/side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr A Collins	25/00259/FUL
Site Address	:	12 Bosworth Drive Newthorpe Nottinghamshire NG16 3RF	
Proposal	:	Construct single storey front and side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Christopher Bampton	25/00270/CLUP
Site Address	:	25 Nether Green Eastwood Nottinghamshire NG16 3DW	
Proposal	:	Certificate of Proposed Lawfulness use for single storey outbuilding for uses ancillary to the main dwelling, being a snooker room, home cinema, gymnasium, small secure tool store, and a garden room. They land it is situated on has been classified as a residential garden since 1981. No additional hard standing will be created around the proposal, an existing path leads directly to the proposed site.	
Decision	:	Approval - CLU	
EASTWOOD HILLTOP WARD			
Applicant	:	Mr Ryan Waddell Gleeson Homes	25/00150/VOC
Site Address	:	Land At End Of Braemar Avenue Eastwood Nottinghamshire	
Proposal	:	Variation of condition 2 of planning permission 20/00826/FUL to allow substitution of house types for plots 235 - 237	
Decision	:	Conditional Permission	

Applicant	:	Paul Lawton	25/00281/FUL
Site Address	:	38 Lynncroft Eastwood Nottinghamshire NG16 3FD	
Proposal	:	Change of use of gazebo to a cattery	
Decision	:	Conditional Permission	
Applicant	:	miss Eloise George Avant Homes East Midlands	25/00299/DOC
Site Address	:	Former Site Of Lynncroft Primary School Lynncroft Eastwood Nottinghamshire	
Proposal	:	Discharge of condition 4 (Traffic Calming Details) of planning reference 22/00894/REM	
Decision	:	Discharge of Conditions	
EASTWOOD ST MARY'S WARD			
Applicant	:	Rowland Woolley	25/00159/ADV
Site Address	:	93 Nottingham Road Eastwood Nottinghamshire NG16 3AJ	
Proposal	:	1 x internally illuminated fascia sign and 1 x externally illuminated projecting sign	
Decision	:	Conditional Permission	
Applicant	:	Mr Liam Toland C/o Kedd Limited	25/00316/CLUP
Site Address	:	15 Lawrence Avenue Eastwood Nottinghamshire NG16 3LD	
Proposal	:	Certificate of Proposed Lawfulness for change of use of a dwelling house (C3) to a children's care home (use class C2)	
Decision	:	Withdrawn	
GREASLEY WARD			
Applicant	:	Mr Mark Flint Oakfield Construction Ltd	25/00153/VOC
Site Address	:	Birch Park Park Lodge Road Giltbrook Nottinghamshire NG16 2AR	
Proposal	:	Variation of condition 4 (hours and days of operation) on planning permission 24/00805/FUL	
Decision	:	Conditional Permission	
Applicant	:	Mr Ian Wesley Blue Monkey Brewing Limited	25/00210/FUL
Site Address	:	11 Pentrich Road Giltbrook Industrial Park Giltbrook Nottinghamshire NG16 2UZ	
Proposal	:	Change of use from B8 warehouse, showroom and distribution unit to B2 Brewery with Ancillary Shop & Tap Room.	
Decision	:	Refusal	
Applicant	:	Mr & Mrs Parkin	25/00240/CLUP
Site Address	:	3 Alton Drive Giltbrook Nottinghamshire NG16 2WN	
Proposal	:	Certificate of Lawful Development to construct single storey rear extension	
Decision	:	Approval - CLU	
KIMBERLEY WARD			
Applicant	:	Town Clerk Julie Darbyshire KimberleyTown Council	25/00144/VOC
Site Address	:	Kimberley Parish Hall Newdigate Street Kimberley Nottinghamshire NG16 2NJ	
Proposal	:	Variation of condition 7 of planning permission 24/00147/FUL to alter details of the proposed ventilation system, the associated plant and other changes.	
Decision	:	Conditional Permission	
Applicant	:	Mr P Godber	25/00218/FUL
Site Address	:	20 West Street Kimberley Nottinghamshire NG16 2PP	
Proposal	:	Construct two-storey side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Liam Bentley Tanbry Construction Limited	25/00247/DOC
Site Address	:	Graphic House Noel Street Kimberley Nottinghamshire NG16 2NE	
Proposal	:	Discharge of condition 3 (Landscape Scheme) of 23/00856/VOC	
Decision	:	Discharge of Conditions	

NUTHALL EAST & STRELLEY WARD

Applicant	:	Mrs J McLeod Arc Partnership	25/00022/FUL
Site Address	:	68 Drummond Drive Nuthall Nottinghamshire NG16 1BL	
Proposal	:	Construct rear dormer to facilitate loft conversion	
Decision	:	Conditional Permission	

Applicant	:	Mr George Brown HS2	25/00307/TPOW
Site Address	:	Nuthall Lodge 29 Nottingham Road Nuthall Nottinghamshire NG16 1DH	
Proposal	:	2 x Corsican Pine - Prune	
Decision	:	Conditional Permission	

STAPLEFORD SOUTH EAST WARD

Applicant	:	Mr & Mrs Daykin	25/00244/FUL
Site Address	:	33 Sisley Avenue Stapleford Nottinghamshire NG9 7HW	
Proposal	:	Construct single storey front and rear extension following demolition of garage	
Decision	:	Conditional Permission	

Applicant	:	Mr Jonathan Baldock Greater Nottingham LIFT Project Company (No.1) Limited	25/00257/FUL
Site Address	:	Stapleford Care Centre Church Street Stapleford Nottinghamshire NG9 8DA	
Proposal	:	Install ventilation ductwork and air handling unit on flat roof area at second floor level	
Decision	:	Conditional Permission	

Applicant	:	Mr M Lynch Geda	25/00349/DOC
Site Address	:	Pavilion Hickings Lane Recreation Ground Hickings Lane Stapleford Nottinghamshire	
Proposal	:	Discharge of condition 4b, 9, 10 and 13 of 24/00863/VOC	
Decision	:	Discharge of Conditions	

STAPLEFORD SOUTH WEST WARD

Applicant	:	Mr Reuben Welsh My Build Pro Investments Ltd	25/00396/CLUP
Site Address	:	80 Brookhill Street Stapleford Nottinghamshire NG9 7GD	
Proposal	:	Certificate of lawfulness for proposed loft conversion with side and rear dormer.	
Decision	:	Approval - CLU	

Applicant	:	Hill and Smith Infrastructure Ltd	25/00403/DEM
Site Address	:	Kennelpak Limited Palmer Drive Stapleford Nottinghamshire NG9 7BW	
Proposal	:	Demolish buildings	
Decision	:	Prior Approval Not Required	

TOTON & CHILWELL MEADOWS WARD

Applicant	:	Mr Tom Kerslake efe design	25/00258/FUL
Site Address	:	15 Stapleford Lane Toton Nottinghamshire NG9 6FZ	
Proposal	:	Construct side and rear extensions, porch to front, dormers to front and rear	
Decision	:	Conditional Permission	

Applicant	:	Mr & Mrs Goldsbury	25/00341/FUL
Site Address	:	26 Leafe Close Chilwell Nottinghamshire NG9 6NR	
Proposal	:	Remove conservatory and construct single-storey rear extension.	
Decision	:	Conditional Permission	

WATNALL & NUTHALL WEST WARD

Applicant	:	Mr & Mrs Trigg	25/00174/FUL
Site Address	:	81 Kimberley Road Nuthall Nottinghamshire NG16 1DD	
Proposal	:	Construct single storey side and rear extension	
Decision	:	Conditional Permission	

Applicant	:	Mr & Mrs Ridgway	25/00204/FUL
Site Address	:	14 Fleming Close Watnall Nottinghamshire NG16 1JY	
Proposal	:	Single storey side & rear extensions including associated internal and external alterations & external flue	
Decision	:	Conditional Permission	
<hr/>			
Applicant	:	Mr Colin Hartshorn	25/00314/CAT
Site Address	:	19 Kimberley Road Nuthall Nottinghamshire NG16 1DA	
Proposal	:	Fell tree in front garden	
Decision	:	Rejection for CAT Applications	
<hr/>			
Applicant	:	Mrs Whitehurst	25/00331/FUL
Site Address	:	2 Edward Road Nuthall Nottinghamshire NG16 1DB	
Proposal	:	Construct single storey rear extension to dwelling including new wrap around roof to existing garage	
Decision	:	Conditional Permission	

Report of the Chief Executive

Appeal Decision

APPLICATION NUMBER:	24/00754/FUL
LOCATION:	26 Birley Street Stapleford Nottinghamshire NG9 7GE
PROPOSAL:	Conversion to 8 Person HMO

APPEAL ALLOWED

RECOMMENDATION BY OFFICER – REFUSAL

REASON FOR REFUSAL –

The proposal, by virtue of the change of use into an 8-bed house in multiple occupancy (sui generis use) would be unacceptable due to the significant direct and cumulative impact on the amenity and highway safety of the immediate adjacent neighbouring properties. as such, the development would fail to accord with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

The inspector considered the main issue to consider was:

- Effect of the proposal on the living conditions of local residents with regard to car parking, noise and disturbance.

REASONS

1. The appeal site consists of a semi-detached property in a residential area. Very few of the properties in the street have off-street parking, and there are currently no restrictions for on-street parking. At the time of my site visit there was a moderate amount of on-street parking available close to the appeal site. However, this was only a snapshot in time during the middle of a weekday morning, when people may have left their homes to go to work or the shops, for example. Given the number of houses in the Birley Street and the surrounding area, I do not doubt that on-street parking would be more limited during evenings and weekends when people are likely to be at home.
2. The Council does not appear to dispute that the property has already been converted to a House in Multiple Occupation (HMO) for up to six persons through permitted development. The appeal proposal would see two of the existing single bedrooms turned into double bedrooms. As no new bedrooms or households are being created, and as the occupiers of the double rooms could well be couples who share a car, it is unlikely that the proposal would result in any significant increase in the number of cars used by the occupiers of the property. Furthermore, there are bus stops and a parade of shops within walking distance

of the appeal site, so current and future occupiers of the HMO would not necessarily be reliant on cars.

3. During the original application, a representation was received from a neighbouring resident saying they like to park as close to their house as possible for medical reasons. I have had regard to the evidence of the personal circumstances of this neighbouring resident and from this I cannot rule out the possibility that they may have protected characteristics under the Equality Act 2010 (EA2010). Consequently, I have had due regard to the Public Sector Equality Duty (PSED) contained at Section 149 of the EA2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
4. Since it has not been demonstrated that the proposal would lead to a significant demand for additional on-street parking, it would not be reasonable to dismiss the appeal on the grounds that the scheme would prejudice the ability of a resident with medical needs to park near their property.
5. The Council contends that two additional occupants at the HMO may give rise to unacceptable noise and disturbance. However, it provides no substantive evidence to support this assertion, and I note that there is no evidence of any complaints to the environmental health department regarding the existing use. Although local residents have raised concerns regarding bins left at the front of the property and people smoking in the doorway, I have not been provided with the evidence to persuade me that this results in a level of harm sufficient to justify dismissing the appeal.
6. For these reasons, the proposal would not cause unacceptable harm to the living conditions of occupiers of neighbouring properties. The proposal would therefore accord with Policy 17 of the Broxtowe Borough Council Part 2 Local Plan 2018-2028 (2019) and Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014), insofar as they seek to protect the living conditions of nearby residents or occupiers.

Other Matters

1. In the officer's report, the Council states that 'the layout and design of the bedroom is not optimal and the room size for two occupants is relatively small.' However, it is not clear which particular bedroom the Council is referring to, and this matter was not included in the reason for refusal. Notwithstanding this, the Council Appeal Decision APP/J3015/W/25/3359633 <https://www.gov.uk/planning-inspectorate> 3 accepts that the two bedrooms which would have two occupants would satisfy the minimum space standards. From the evidence before me, the bedrooms appear to be of a reasonable size and would be adequately furnished.

I therefore have no justifiable reason to conclude that the proposal would lead to unsatisfactory living conditions for the occupiers of the HMO.

2. A number of nearby residents have raised concerns surrounding the conversion of a family house to an HMO. However, as stated above, the conversion to an HMO appears to have been carried out through permitted development. This appeal proposal is for conversion to a larger HMO to accommodate two additional occupiers within existing bedrooms, and not the creation of the HMO itself. As such, any matters which have been raised regarding the conversion of a family house to an HMO fall outside the scope of this appeal.
3. It is suggested that a property containing individual flatlets would not constitute an HMO. However, as the property would contain a shared communal kitchen space available to all of the occupants, I have no reason to believe that the appeal property would not meet the definition of an HMO as set out in Section 254 of the Housing Act 2004.
4. I have taken into account the concerns from local residents regarding the effects of the proposal on the character of the street, privacy and infrastructure and amenities. However, the property is already in use as an HMO for up to six persons, and there is no evidence before me to demonstrate that the addition of two further occupants would have adverse effects in respect of these matters. Although it is suggested that an Environmental Impact Assessment is required, the scheme falls well short of the relevant thresholds for the submission of an Environmental Statement.
5. The effect of a proposal on property values is not a material planning consideration. The premature advertising of rooms and profiteering are matters which fall outside the scope of this appeal. I have made my decision based on the planning merits.

Conditions

1. The standard time limit condition and a condition specifying the approved plans are necessary to provide certainty and in the interests of proper planning.
2. I note from the officer report that the Council's Environmental Health team suggested conditions to limit construction noise and require the submission of a construction/method statement. However, as the proposal would not result in any construction work to the property, these conditions would be neither reasonable nor necessary.

Conclusion

For the reasons given above the appeal should be allowed.

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Report of the Chief Executive

Appeal Decision

APPLICATION NUMBER:	24/00784/FUL
LOCATION:	108 Long Lane, Attenborough, Nottinghamshire NG9 6BW
PROPOSAL:	Change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis).

APPEAL DISMISSED**RECOMMENDATION BY OFFICER – APPROVAL****RECOMMENDATION BY PLANNING COMMITTEE - REFUSAL****REASON FOR REFUSAL –**

1. 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).

LEVEL OF DECISION: COMMITTEE DECISION

The inspector considered the main issues to consider were:

- Flood Risk
- Whether the proposal would provide adequate living conditions for current and future occupiers of the property, with particular regard to shared amenity space.

REASONS

Flood risk

The appellant's Flood Risk Assessment accepts that the appeal site is on land that is at risk of fluvial and groundwater flooding, and that the development would have a flood risk vulnerability classification of 'More Vulnerable'. Two bedrooms already exist on the ground floor; however, I understand that comments were not sought from the EA during the consideration of the previous application at the appeal property for the creation of these bedrooms. Furthermore, I do not have substantive details of this permission, such as the officer's report, before me so the reasons why the two bedrooms were acceptable to the Council are unclear.

Notwithstanding the presence of these existing bedrooms, the proposal would create a third bedroom on the ground floor. The rooms on the ground floor of the property would be most at risk from flooding and those sleeping in these bedrooms would be seriously affected by any flooding. The first-floor landing is modest in size and lacking in facilities, and therefore I am not convinced that it would provide adequate refuge for the ground floor occupiers.

The EA has suggested two conditions in the event that planning permission is granted. However, the building is already in place and I have no evidence before me to demonstrate that the raising of the ground floor levels would be practicable or achievable without unacceptably reducing the floor-to-ceiling height. Furthermore, the proposal seeks to create a ground floor bedroom and as such a condition prohibiting bedrooms on the ground floor would render the proposal impossible to achieve. The suggested conditions would therefore fail to satisfy the test for reasonableness.

For these reasons, the creation of a further bedroom on the ground floor would increase the number of people at risk with insufficient areas for refuge and would therefore cause unacceptable harm to future occupiers of the bedroom with regards to flood risk. The proposal would be contrary to Policy 1 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) (ACS), which seeks for development to adopt the precautionary principle that avoids areas of current and future flood risk.

Living conditions of current and future occupiers

The proposed bedroom would replace a lounge, however the property would still have a communal area comprising two kitchens, one of which would be used as a dining area, and a conservatory which would become a lounge. These communal areas would be reasonably sized and I am satisfied that they would provide adequate amenity space for the current and future occupiers of the property.

The proposal would therefore comply with ACS Policy 10 and Policy 17 of the Broxtowe Borough Council Part 2 Local Plan 2018-2028 (2019), insofar as they require development to provide a satisfactory level of amenity for its occupiers.

Other Matters

The appellant states that the proposed use will ensure that the unit is reoccupied and can contribute to the vitality and viability of the wider area. However, the property is

already operating as a 6-bed House in Multiple Occupation and I have no evidence before me that the lounge has previously been used as a bedroom. Furthermore, the creation of one additional bedroom would not have a significant effect on the vitality and viability of the wider area.

CONCLUSION

The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

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