

## **PLANNING COMMITTEE**

**WEDNESDAY, 8 NOVEMBER 2023**

Present: Councillor D Bagshaw, Chair

Councillors: R S Falvey (Vice-Chair)  
P J Bales  
L A Ball BEM  
R E Bofinger  
G S Hills  
G Marshall  
D D Pringle  
D K Watts  
R Bullock (Substitute)  
V C Smith (Substitute)  
S Webb (Substitute)

Also in attendance were Councillor A Kingdon and Councillor J M Owen.

The officers in attendance were R Ayoub, R Dawson, C Hallas, S Heron and K Newton.

Apologies for absence were received from Councillors G Bunn, S J Carr, H E Skinner and P A Smith and E Williamson.

### 31 **DECLARATIONS OF INTEREST**

Councillor R Bullock declared a non-registrable, personal interest in item 5.6 as he was acquainted with the agent. Minute number 34.6 refers.

Councillor P Bales declared a non-registrable, personal interest in item 5.9 as he was acquainted with the objector to the application. Minute number 34.9 refers.

### 32 **MINUTES**

The minutes of the meeting on 4 October 2023 were confirmed and signed as a correct record.

### 33 **NOTIFICATION OF LOBBYING**

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

34 DEVELOPMENT CONTROL

34.1 23/00512/FUL

Construct ground floor side / rear extension  
97 Lynncroft, Eastwood, Nottinghamshire, NG16 3ER

This item was deferred at the meeting of 4 October 2023.

The late items were noted and comprised of a plan demonstrating the difficulty in providing parking to the rear of the property.

There were no public speakers.

Having considered all of the information before it, the Committee debated the application. It was stated that there would be a number of benefits to the renovation of the property, but that the intensity of the development would impact negatively on neighbour amenity, in particular car parking. There was a discussion about the possibility of listing the building, though it was noted that the initial attempt had been rejected and the subsequent appeal was yet to be determined.

**RESOLVED that planning permission be refused with the reasons to include the intensification of use exacerbating existing car parking issues.**

**RESOLVED that the precise wording of the refusal be delegated to the Chair of the Planning Committee in agreement with the Head of Planning and Economic Development.**

Reasons

The development, by virtue of the potential level of occupation and, as a result, increased demand for on-street parking, would have a detrimental impact on highway safety contrary to Policy 17 of the Part 2 Local Plan (2019) Policy 10 of the Broxtowe Aligned Core Strategy (2014).

34.2 22/00967/FUL

Construct 470 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works  
Land East of Coventry Lane, Bramcote, Nottinghamshire

The application was brought to the Committee at the request of Councillor D K Watts on behalf of all Bramcote Ward Councillors.

A number of late items were considered by the Committee, including an amendment to the resolution to include reference to the signing of the Section 106 Agreement. There were also a number of comments from residents and partner agencies.

Andrea Caplan, the applicant and Councillor A Kingdon, Ward Member, made representation to the Committee prior to the general debate. The Committee also noted a statement from Councillor S J Carr.

Having considered all the evidence, the Committee debated the item with particular concerns regarding the design of the scheme, flooding at the site and the travel plan. There was also discussion of the grass habitats, Section 106 contributions and the access to the site.

The debate progressed on to the need for housing and it was noted that the site was allocated for development in the Local Plan.

**RESOLVED that planning permission be granted subject to the following conditions and the prior signing of a Section 106 Agreement.**

- 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 drawings numbered:**

- 47039/001 REV A - Proposed Exploratory Hole Location**
- 47039/002 REV A - Proposed Exploratory Hole Location**

**Received by the Local Planning Authority on 05.12.22**

**Boundary treatments:**

- SD 12-045 - Hedgehog Highway Standard Design**
- SD 12-001 – Boundary Treatment**
- SD 12-010 – Boundary Treatment**
- SD 12-025 – Boundary Treatment**
- Q9229 – Play Equipment**

**Received by the Local Planning Authority on 28.04.23**

- 500-005 – Single Gable Front Garage**
- 502-006 – Double Side Gable Garage**
- 503-006 – Double Hipped Garage**
- 506-006 – Jack and Jill Hipped Garage**

**Received by the Local Planning Authority on 02.05.23**

**House types:**

- APP/0-001 REV A**
- APP/0-002 REV A**
- ASK/END/0-001.5 REV A**
- ASK/END/0-002.5 REV A**
- ASK/MID/0-001.5 REV A**
- ASK/MID/0-002.5 REV A**

- BAI/0-001 REV A (END)
- BAI/0-002 REV A (END)
- BAI/0-001 REV A (MID)
- BAI/0-002 REV A (MID)
- BIL/0-001 REV A
- BIL/0-002 REV 2
- COO/0-001.5 REV A
- COO/0-002.5 REV A
- COV/0-001 REV A
- COV/0-002-REV A
- DAL/0-001 REV A
- DAL/0-002 REV A
- DAR/0-001.5 REV A
- DAR/0-002.5 REV A
- EAS/END/0-001.5 REV A
- EAS/END/0-002.5 REV A
- EAS/MID/0-001.5 REV A
- EAS/MID/0-002.5 REV A
- FER/END/0-001.5 REV A
- FER/END/0-002.5 REV A
- HOR/0-001 REV A
- HOR/0-002 REV A
- LEY/DET/0-001 REV A
- LEY/DET/0-002 REV A
- OAK/0-001 REV A
- OAK/0-002 REV A
- RIP/END/0-001.5 REV A
- RIP/END/0-002.5 REV A
- SAL/END/0-001.5 REV A
- SAL/END/0.002.5 REV A
- THO/DET/0-001.5 REV A
- THO/DET/0-002.5 REV A
- B3/0.001 REV A (END)
- B3/0.002 REV A (END)
- B3/0-001 REV A (MID)
- B3/0-002 REV A (MID)
- E2.1/END/0-001.5 REV A
- E2.1/END/0-002.5 REV A
- E2.1/MID/0-001.5 REV A
- E2.1/MID/0-002.5 REV A
- MILLER HOMES HOUSE TYPE PACK

Received by the Local Planning Authority on 18.08.23

- 6220-261 (Boundary treatment plan)
- NC1v-004 REV 1.1 (substation details)
- SD 12-027 (Timber knee rail)

Received by the Local Planning Authority on 01.09.23

Detailed landscaping proposals:

- 3942/6 REV A
- 3942/7 REV A
- 3942/8 REV A
- 3942/9 REV A
- 3942/10 REV A
- 3942/11 REV A

Received by the Local Planning Authority on 08.09.23

- 6220-201 REV D (Site Layout)
- 6220-290 REV B (Tracking Plan)

Received by the Local Planning Authority on 20.09.23

- ADC2733-DR-001 REV P5 (Off-site Highway works)

Received by the Local Planning Authority on 25.09.23

- 6220-270 Rev A - Bus Stop Distribution Plan
- 6220-280 Rev B - Ecological Mitigation Plan
- 6220-250 Rev B - Materials Layout
- 6220-260 Rev C – Boundary Treatment
- BRAM/PL003 REV B - Materials Plan
- BRAM/PL/004 REV A - Boundary Treatment

Received by the Local Planning Authority on 04.10.23

- 6220-220 Rev A – Site Sections

Received by the Local Planning Authority on 10.10.23

In addition to the above, the development as hereby approved shall be phased in accordance with the details shown on drawing number 6220-201 Rev D (site layout), unless otherwise agreed in writing by the Local Planning Authority.

*Reason: For the avoidance of doubt.*

3. (a) No part of the development hereby approved within a phase, (excluding the carrying out of any site investigation and/or remediation works) shall be commenced until an investigative survey of the phase has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.

(b) No building within a phase to be erected pursuant to this permission shall be first occupied or brought into use until:

**i) all the necessary remedial measures for that phase have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**

**ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures for that phase have been implemented in full and that they have rendered the phase free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.**

***Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).***

**4 The development hereby permitted within a phase shall not be commenced (excluding the carrying out of any site investigation and/or remediation works) until:**

**a) any remediation works and/or mitigation measures to address the mine entries and the shallow coal mine workings, as may be necessary, have been implemented within a phase in full in order to ensure that the site within that phase is safe and stable for the development proposed.**

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

**Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019)**

**5. The development hereby permitted shall not be commenced within a phase (excluding the carrying out of any site investigation and/or remediation works) until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme for that phase shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:**

- Demonstrate that the development will use SuDS throughout the phase as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.**
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area within that phase.**
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme for that phase, including details on any attenuation system, the outfall arrangements and any private drainage assets within that phase.**

**Calculations should demonstrate the performance of the designed system for a range of return periods and storm**

**durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.**

- No surcharge shown in a 1 in 1 year.**
- No flooding shown in a 1 in 30 year.**
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.**
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from that phase.**
- Provide a surface water management plan for that phase demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.**
- Evidence of how the on-site surface water drainage systems for that phase shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.**

***Reason: To ensure the development is in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of Broxtowe Part 2 Local Plan (2019).***

- 6. No above ground works shall be commenced within a phase until details including samples of all external materials for that phase have first been submitted to and approved in writing. The development shall thereafter be carried out in accordance with the approved details.**

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

- 7. The development hereby permitted shall not be commenced within a phase, (excluding the carrying out of any site investigation and/or remediation works) until details of any necessary piling or other penetrative foundation design for that phase have been submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.**

***Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).***

- 8. The development hereby permitted shall not be commenced within a phase (excluding the carrying out of any site investigation and/or remediation works) until details of a Construction Method Statement for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The statement shall include:**

- a) The means of access and routing to / from the site for construction traffic;**
- b) Parking provision for site operatives and visitors;**

- c) The loading and unloading of plant and materials including details of hours of loading / unloading;
- d) The storage of plant and materials used in construction of the development;
- e) A scheme for the recycling / disposal of waste resulting from construction / development works;
- f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g) Details of dust and noise suppression to be used during the construction period;
- h) Full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence: and
- i) Details, where vibro-compaction machinery is to be used i)  
  - Details, where vibro-compaction machinery is to be used, of the use of such machinery and a method statement.

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

**Reason:** In the interests of highway and rail safety, and residential amenity, in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).

9. No development (excluding the carrying out of any site investigation and/or remediation works) within a phase shall take place until a programme of archaeological work within a phase has been secured, in accordance with an approved Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The Written Scheme of Investigation shall include a programme for the archaeological investigation and recording (including extant earthworks) of all significant remains across that phase with provision for post-excavation analysis, reporting and publication proportionate to the significance of the remains. The scheme shall thereafter be implemented in full accordance with the approved details.

**Reason:** *In order to safeguard potential designated and non-designated heritage assets in accordance with Policy 11 of the Broxtowe Aligned Core Strategy (2014), and Policy 23 of the Broxtowe Part 2 Local Plan (2019).*

10. No development within Phase 1 (excluding the carrying out of any site investigation and/or remediation works) shall take place until details of any above ground works associated with the pump station including elevations and plans of above ground structures, and any enclosures have first been submitted to and approved in writing by the Local Planning authority. The approved details shall be carried out in accordance with the agreed details.

**Reason:** *Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).*



11. No above ground works shall take place within a phase until a landscaping scheme for that phase has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:

- (a) measures for the protection of any trees, hedges and shrubs to be retained during the course of development
- (b) proposed boundary treatments including to public spaces including retained pond, public highways, and railway boundaries
- (c) proposed external lighting details (other than to the public highway / adopted roads)
- (d) enclosures pertaining to bin collection points where outwith dwelling curtilage

The approved scheme shall be carried out strictly in accordance with the agreed details.

*Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).*

12. No above ground works shall take place until details of play equipment to be provided within the site has been submitted to and approved by the Local Planning Authority. This scheme shall include the following and shall thereafter be provided in accordance with the approved details:

- a) Appearance, position and location of the play equipment which shall include provision for accessible equipment and surfacing;
- b) Access and boundary treatments; and
- c) Timetable for delivery of the play area and associated equipment.

*Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).*

13. No above ground works shall take place within a phase until details of solar panels for that phase, including design, appearance and location, have been submitted to and approved by the Local Planning Authority. The solar panels shall thereafter be installed in accordance with the approved details prior to first occupation.

*Reason: In the interests of addressing climate change, in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).*

14. Prior to the commencement of the development including any site investigation or land clearance works, a Landscape Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved LEMP.

*Reason: In the interests of ensuring that biodiversity enhancements can*

*be achieved, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).*

15. Prior to the commencement of the development within a phase including any site investigation or land clearance works, a detailed Construction and Environmental Management Plan (CEMP) for that phase shall be submitted to and approved by the Local Planning Authority. The Construction and Environmental Management Plan shall contain mitigation measures to ensure the protection of wildlife on the site. The development shall be implemented in accordance with the approved CEMP.

*Reason: In the interests of protecting existing environmental features and habitats during the construction period, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).*

16. Prior to the commencement of the development, a badger survey shall first be carried out and the results submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of safeguarding protected species, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).*

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

*Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).*

18. No part of the development hereby permitted shall be brought into use unless or until plans denoting the location of two new bus stops located on Coventry Lane fronting the development to the south of the access junction have been submitted to and approved in writing by the Local Planning Authority. Details of the bus stops should include: real time bus stop poles and displays; low voltage power source to within 1 metre of the real time information pole; polycarbonate bus shelter; solar or electric lighting; raised boarding kerbs; hardstands and enforceable bus stop clearways, and a timetable for installation. The infrastructure shall be carried out in accordance with the approved details.

*Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).*

19. No part of the development hereby permitted shall be brought into use unless or until plans denoting the location of two new pairs of bus stops (four in total) within the site including two safeguarded bus stop locations within the site to facilitate the counter direction operation and two stops with infrastructure to facilitate single direction working have been submitted to and approved in writing by the Local Planning Authority. Details of the bus stops should include: real time bus stop poles and displays; low voltage power source to within 1 metre of the real time information pole; polycarbonate bus shelter; solar or electric lighting; raised boarding kerbs; hardstands and enforceable bus stop clearways, and a timetable for installation. The infrastructure shall be carried out in accordance with the approved details.

*Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).*

20. No dwelling shall be occupied until the off-site highway works relating to the site access, and no more than 50 dwellings shall be occupied until the associated highway improvements including improved cycle lanes shown indicatively on drawing reference ADC2733-DR-001 revision P5 received 25.09.23 have been provided.

*Reason: In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).*

21. No dwelling shall be occupied until the boundary enclosure, parking and access pertinent to that dwelling have first been provided in accordance with the approved details. Parking bays shall be surfaced in a material other than loose gravel for a minimum of 5 metres behind the highway boundary, and shall be constructed so as to prevent the discharge of surface water to the public highway and retained as such for the lifetime of the development.

*In the interests of the appearance of the area and to ensure highway safety and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).*

22. No dwelling shall be occupied until the noise mitigation measures as approved under BWB ref 220488-003 for that dwelling have been installed, and shall be retained for the lifetime of the development.

*Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).*

23. No dwelling shall be occupied until an Electric Vehicle Charging point for that dwelling has first been provided and made operational.

*Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and*

***Policy 20 of the Broxtowe Local Plan Part 2 (2019).***

24. No more than 10% dwellings within a phase shall be occupied until a travel plan co-ordinator has been appointed for that phase. The travel plan co-ordinator shall then be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan, and whose details of shall be submitted to the Local Planning Authority. The travel plan co-ordinator shall thereafter remain in place for a minimum period of 5 years to perform this role, with any changes in details to be submitted to the Local Planning Authority.

***Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).***

25. The revised Travel Plan (reference ADC2773-RP-D received 04.10.23) shall be implemented and monitoring carried out in accordance with the approved details contained within the Travel Plan.

***Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).***

26. If, during development, contamination not previously identified is found to be present at within a phase then no further development (unless otherwise agreed in writing with the local planning authority) within a phase shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

***Reason: In the interests of public health and safety as well as prevention of contamination to the water system and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policies 1 and 19 of the Broxtowe Local Plan Part 2 (2019).***

27. No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08.00 – 18.00 Monday to Friday, 08.00-13.00 Saturdays and at no time on Sundays or Bank / Public Holidays.

***Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).***

28. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the buildings within a phase, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a

variation.

***Reason: In the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (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. As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: [3015snn@broxtowe.gov.uk](mailto:3015snn@broxtowe.gov.uk) to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.**
- 3. The County Council Public Rights of Way team advise:**
  - There should be no disturbance to the surface of the paths without prior authorisation from the Rights of Way team.**
  - If the Public Right of Way is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.**
  - If a structure is to be built adjacent to the paths, the width of the right of way is not to be encroached upon.**
  - Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of Way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.**
  - The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line, ensuring that it is cut back so as not to interfere with the right of way.**
  - Should scaffolding be required on or over the RoW then the applicant should apply for a license via email [licences@viaem.co.uk](mailto:licences@viaem.co.uk) and ensure that the scaffold is constructed so as to allow the public use without interruption.  
If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), via email [countryside.access@nottsc.gov.uk](mailto:countryside.access@nottsc.gov.uk)**

If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit.

<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status e.g. equestrians if on a bridleway, motorised vehicles if on a byway open to all traffic.

**4. The Council's Waste and Refuse team advise:**

- Developer to purchase the first time provision of bins. Notice served in due course.
- Each property would be allocated the following:
  - 1 x 240 litre bin for residual waste
  - 1 x 240 litre bin for recycling waste
  - 1 x 37 litre bag for glass
- The size of a 240 litre bin is 1074mm (h) x 580mm (w) x 734mm (d)
- Bins need to be presented at the edge of adopted highway for emptying or within 15m of the adopted highway in accordance with BS5906 for properties on private roads
- The layout in the design and access statement appears to show some roads servicing properties are unadopted. The refuse vehicle and operatives will not enter these roads to collect, empty and return bins
- The road needs to be wide enough to accommodate the access and maneuvering of a vehicle with the attached specification

**5. The Environment Agency advise:**

The proposed development is located on or within 250 metres of a landfill site that is potentially producing landfill gas.

Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Under the conditions of the environmental permit for the landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. An examination of our records of this monitoring show that there is no previous evidence of landfill gas migration from the site that could affect the proposed development. This environmental monitoring data from the site is available on our public register.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No 27

- Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
- Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001
- Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991
- CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 200

6. The Coal Authority advise:

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

The undertaking of remedial measures, prior to the commencement of the development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

7. Network Rail advise:

**Wayleaves and or easements for underline drainage assets:**

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

**Protection of existing railway drainage assets within a clearance area:**

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Asset Protection ([assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)) for further information and assistance.

**Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following: crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

**Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

**Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

**Demolition**

Any demolition or refurbishment works must not be carried out on the



development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

### **Scaffolding**

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

### **Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

### **Abnormal Loads**

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

### **Two Metre Boundary**

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

### **ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the

proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

8. 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.
9. The Travel Plan coordinator shall commission travel surveys and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar method to be approved after the first, third, and fifth year after 50% occupation, and produce monitoring reports at intervals as required by the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the Local Planning Authority.
10. Nottinghamshire County Council as Highway Authority advise:
  - 1) Nottinghamshire County Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). Payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, and /or to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible after Planning Permission is granted.

Correspondence with Highway Authority should be addressed to:  
[hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)
  - 2) The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to be provided in accordance with Highway Development Control's requirements for Nottinghamshire County Council as highway authority. The guidance can be found at:

[www.nottinghamshire.gov.uk/transport/roads/highway-design-guide](http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide)

- 3) It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring by installing wheel washing facilities on site.
- 4) In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk) for details.

### 34.3 23/00510/FUL

Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. (Revised Scheme)

Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT

This application is brought to the Committee upon the request of Councillor D D Pringle.

There were no late items for the Committee to consider.

Marie Gilbert, supporting and Tim Allen, objecting on behalf of Historic England, made representation to the Committee prior to the debate.

The Committee, having paid due regard to the representations made to it, debated the item with particular reference to the current dilapidated state of the almshouses, the importance of preservation and the need to bring the buildings back into use. Local support for the application was noted.

It was proposed by Councillor G Marshall and seconded by Councillor R Falvey that, should the proposed development be approved, any permitted development rights should be removed. On being put to the meeting the motion was carried.

**RESOLVED that should the proposed development be approved, any permitted development rights should be removed.**

**RESOLVED that planning permission be granted with the wording of the approval to include conditions on plans, time, materials, boundary treatments and the removals of permitted development rights.**

**RESOLVED that the precise wording of the approval be delegated to the Chair of the Planning Committee in agreement with the Head of Planning and Economic Development.**

**Conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing(s) numbered Proposed South Elevation Image, 259/30, Proposed North Elevation Image, 2259/29B, Site Location Plan, 2259/15A, Proposed Site Block Plan, 2259/14J, Proposed Elevations, 2259/21H, Proposed Ground Floor Plan, 2259/12K, Proposed First Floor Plan, 2259/12I, Proposed Sections A,B,C and D, Tree and Arboricultural Impact Assessment (08.02.2021) received by the Local Planning Authority on 03 July 2023.**
- 3. No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in facing Elevations, Roof, Windows, Doors, Bin/Cycle Storage Areas, Walls, Driveway/Parking Areas and Cycle/Bin Storage Areas have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**
- 4. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:**

- (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**
- (b) numbers, types, sizes and positions of proposed trees and shrubs**
- (c) proposed boundary treatments**
- (d) proposed hard surfacing treatment**
- (e) proposed lighting details**
- (f) planting, seeding/turfing of other soft landscape areas**

**The approved scheme shall be carried out strictly in accordance with the agreed details.**

- 5. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.**
- 6. No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:**
  - a) The means of access for construction traffic;**
  - b) parking provision for site operatives and visitors;**
  - c) the loading and unloading of plant and materials;**

- d) the storage of plant and materials used in construction / demolition the development;**
- e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and**
- f) details of dust and noise suppression to be used during the construction phase.**
- g) a scheme for the identification and safe removal of asbestos containing material.**

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

- 7. 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.**
- 8. No part of the development hereby permitted shall be brought into use until the parking/turning areas and access driveway are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing titled proposed site plan' number 2259/14J. The parking/turning areas and access driveway shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning and access of vehicles.**
- 9. No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with drawing titled proposed access (5.3m) Visibility splays number CL-HSP-00-00-DR-C-209.**
- 10. No part of the development hereby permitted shall be brought into use until the access has been widened and provides a minimum width of 5.3 (m) for the first 8.0 (m) rear of the highway boundary in accordance with drawing titled proposed access (5.3m) Visibility splays number CL-HSP-00-00-DR-C-209.**
- 11. The rooflights hereby approved shall be of a traditional conservation type and maintained as such for the life of the development.**
- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further extensions to the dwelling or outbuildings shall be erected within the curtilage of the dwelling without the prior approval of the local planning authority, by way of a formal planning application.**

**Reasons:**

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**

3. **No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), Policy 11 and Policy 17 of the Part 2 Local Plan (2019).**
4. **No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area 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).**
5. **In the interests of the appearance of the area 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).**
6. **To protect the amenity of neighbouring properties, in accordance with policy 17 of the Broxtowe Part 2 Local Plan (2019).**
7. **To protect the amenity of neighbouring properties, in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019).**
8. **To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, in accordance with policy 17 of the Broxtowe Part 2 Local Plan (2019).**
9. **In the interest of highway safety.**
10. **To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.**
11. **No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), Policy 11 and Policy 17 of the Part 2 Local Plan (2019).**
12. **Further extensions to the dwelling or outbuildings in the garden would be considered disproportionate additions within the Green Belt and would be contrary to Policy 8 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. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.**

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

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

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

**If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)**

- 3. As this permission relates to the creation of a new unit(s), please contact the Council's Street Naming and Numbering team: [3015snn@broxtowe.gov.uk](mailto:3015snn@broxtowe.gov.uk) to ensure an address(es) is(are) created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.**
- 4. 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.**
- 5. There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team. It is noted that the developer intends to resurface the footpath. Before any works are undertaken the Rights of Way team should be provided with full details of the works that are intended to be carried out. Authorisation should be given before any works are carried out, by contacting Helen Spencer at email: [helen.spencer@viaem.co.uk](mailto:helen.spencer@viaem.co.uk)**

6. **No works shall commence following the granting of planning permission until Listed Building Consent (LBC) has been granted (23/00511/LBC).**

34.4 23/00511/LBC

Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. (Revised Scheme)

Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT

This application is brought to the Committee upon the request of Councillor D D Pringle.

There were no late items for the Committee to consider.

The Committee debated the listed building consent, with reference to the evidence before it.

**RESOLVED that planning permission be granted with the wording of the approval to include conditions on plans, time, materials, boundary treatments and the removals of permitted development rights.**

**RESOLVED that the precise wording of the approval be delegated to the Chair of the Planning Committee in agreement with the Head of Planning and Economic Development.**

**Conditions:**

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
2. **The development hereby permitted shall be carried out in accordance with drawing(s) numbered Proposed South Elevation Image, 259/30, Proposed North Elevation Image, 2259/29B, Site Location Plan, 2259/15A, Proposed Site Block Plan, 2259/14J, Proposed Elevations, 2259/21H, Proposed Ground Floor Plan, 2259/12K, Proposed First Floor Plan, 2259/12I, Proposed Sections A,B,C and D, Tree and Arboricultural Impact Assessment (08.02.2021) received by the Local Planning Authority on 03 July 2023.**
3. **No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in facing Elevations, Roof, Windows, Doors, Bin/Cycle Storage Areas, Walls, Driveway/Parking Areas and Cycle/Bin Storage Areas have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**



4. **No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:**

- (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**
- (b) numbers, types, sizes and positions of proposed trees and shrubs**
- (c) proposed boundary treatments**
- (d) proposed hard surfacing treatment**
- (e) proposed lighting details**
- (f) planting, seeding/turfing of other soft landscape areas**

**The approved scheme shall be carried out strictly in accordance with the agreed details.**

5. **The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.**

6. **No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:**

- a) The means of access for construction traffic;**
- b) parking provision for site operatives and visitors;**
- c) the loading and unloading of plant and materials;**
- d) the storage of plant and materials used in construction / demolition the development;**
- e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and**
- f) details of dust and noise suppression to be used during the construction phase.**
- g) a scheme for the identification and safe removal of asbestos containing material.**

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

7. **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.**

- 8. No part of the development hereby permitted shall be brought into use until the parking/turning areas and access driveway are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing titled proposed site plan' number 2259/14J. The parking/turning areas and access driveway shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning and access of vehicles.**
- 9. No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with drawing titled proposed access (5.3m) Visibility splays number CL-HSP-00-00-DR-C-209.**
- 10. No part of the development hereby permitted shall be brought into use until the access has been widened and provides a minimum width of 5.3 (m) for the first 8.0 (m) rear of the highway boundary in accordance with drawing titled proposed access (5.3m) Visibility splays number CL-HSP-00-00-DR-C-209.**
- 11. The rooflights hereby approved shall be of a traditional conservation type and maintained as such for the life of the development.**
- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further extensions to the dwelling or outbuildings shall be erected within the curtilage of the dwelling without the prior approval of the local planning authority, by way of a formal planning application.**

**Reasons:**

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), Policy 11 and Policy 17 of the Part 2 Local Plan (2019).**
- 4. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area 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).**
- 5. In the interests of the appearance of the area 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).**
- 6. To protect the amenity of neighbouring properties, in accordance with policy 17 of the Broxtowe Part 2 Local Plan (2019).**

7. To protect the amenity of neighbouring properties, in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019).
8. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, in accordance with policy 17 of the Broxtowe Part 2 Local Plan (2019).
9. In the interest of highway safety.
10. To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.
11. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), Policy 11 and Policy 17 of the Part 2 Local Plan (2019).
12. Further extensions to the dwelling or outbuildings in the garden would be considered disproportionate additions within the Green Belt and would be contrary to Policy 8 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. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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

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

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. As this permission relates to the creation of a new unit(s), please contact the Council's Street Naming and Numbering team: [3015snn@broxtowe.gov.uk](mailto:3015snn@broxtowe.gov.uk) to ensure an address(es) is(are) created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
4. 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.
5. There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team. It is noted that the developer intends to resurface the footpath. Before any works are undertaken the Rights of Way team should be provided with full details of the works that are intended to be carried out. Authorisation should be given before any works are carried out, by contacting Helen Spencer at email: [helen.spencer@viaem.co.uk](mailto:helen.spencer@viaem.co.uk)
6. No works shall commence following the granting of planning permission until Listed Building Consent (LBC) has been granted (23/00511/LBC).

#### 34.5 23/00554/FUL

Construct detached bungalow to rear garden, with access from Old Kiln Lane Land Behind 79 Chewton Street, Eastwood, Nottinghamshire, NG16 3JQ

The application had been brought before Committee at request of Councillor M Radulovic MBE.

There were no late items.

Daniel Bright, the applicant, made representation to the Committee prior to the general debate.

Having given due regard to the evidence before it, the Committee considered the application with the debate focussing on the size of the site, access and the size of the bungalow. It was considered that, should an extension be made to the bungalow, this would make the development over intensive.

It was proposed by Councillor R Bullock and seconded by Councillor R Falvey, that should the development be approved, permitted development rights be removed. On being put to the meeting the motion was carried.

**RESOLVED that should the development be approved, permitted development rights be removed.**

**RESOLVED that planning permission be granted with the conditions of the approval to include plans, materials, a construction management plan and the removal of permitted development rights.**

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

#### Reasons and 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 Plan (Drawing Number: 011B) received by the Local Planning Authority on 29 August 2023.

Reason: For the avoidance of doubt.

3. No above ground works shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

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. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the property without planning permission being granted on application to the Planning Authority.

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

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

*Reason: To protect the amenity of 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).*

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

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

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and in accordance with the aims of Policy 21 of the Broxtowe Part 2 Local Plan (2019).*

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

*Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and in accordance with the aims of Policy 21 of the Broxtowe Part 2 Local Plan (2019).*

34.6 23/00659/FUL

Construct detached bungalow  
Land at 196 Cator Lane, Chilwell, Nottinghamshire, NG9 4BE

Councillor M Radulovic MBE had requested that this application be determined by the Committee.

There were no late items to consider and no public speakers.

The Committee considered the application and all matters pertaining to it, including the size of the bungalow in relation to the plot, the intensity of proposed development and the character of the area. It was stated that the bungalow would be well below recommended space standards, with very little space around it on the plot.

**RESOLVED that planning permission be refused subject to the following conditions:**

- 1. The proposal by virtue of its scale and massing and the small site of the plot is considered to be contrary to the local vernacular and settlement pattern and also constitutes overdevelopment of the site. Consequently, the development would be contrary to Policies 8 and 10 of the Broxtowe Aligned Core Strategy 2014, and Policies 15 and 17 of the Part 2 Local Plan 2018.**

**The proposal by virtue of its limited amenity space and reduced amenity space to 196 Cator Lane would adversely affect the living conditions of the occupiers of no 196 Cator Lane in terms of outlook, and the living conditions of the future occupiers of the proposed bungalow with regard to adverse impact on the proposed bungalow and the existing house. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.**

**The proposal will have an unacceptable impact on the amenity of the proposed occupiers of the building from neighbouring properties by virtue of the distance to boundaries of the neighbouring properties windows creating an overlooking issue onto the amenity spaces of the proposed property. Consequently, the development would be contrary to Policy 10 of the Broxtowe Aligned Core Strategy 2014, and Policy 17 of the Part 2 Local Plan 2018.**

**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 alterations which could be made to the scheme to make the proposal acceptable.**

(Having declared a non - registrable, personal interest in the item, as he was acquainted with the developer, Councillor Bullock left the meeting for the duration of the item and did not vote thereon.)

34.7 23/00676/VOC

Variation of condition 2 of application 21/00376/FUL  
76 Abbey Road, Beeston, Nottinghamshire, NG9 2QH

This application was called before Committee by Councillor S J Carr.

There were no late items and no public speakers. A statement was read out on behalf of Councillor S J Carr.

The Committee considered all representations before it and debated the application with reference to the size and scale of the dormer windows.

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

- 1. The development hereby permitted shall be retained in accordance with drawings:**

**Received on by the Local Planning Authority on 14 September 2023:**

- **Proposed Elevations ref: 74AR-23-P02**
- **Site Location Plan, Proposed Floor and Roof Plans and Site Location plan ref: 74AR-23-P01 Rev A**

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

**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.**

34.8 23/00677/VOC

Variation of condition 2 of application 20/00147/FUL  
74 Abbey Road, Beeston, Nottinghamshire, NG9 2QH

This application was brought before Committee by Councillor S J Carr.

There were no late items and no public speakers.

The Committee considered all evidence before it, including the statement from Councillor S J Carr that had been read pertaining to both this and the previous application.

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



1. **The development hereby permitted shall be retained in accordance with drawings:**

**Received on by the Local Planning Authority on 14 September 2023:**

- **Proposed Elevations ref: 74AR-23-P02**
- **Site Location Plan, Proposed Floor and Roof Plans and Site Location plan ref: 74AR-23-P01 Rev A**

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

#### **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.**

#### 34.9 23/00627/FUL

Construct a single storey side/rear extension  
181 Nottingham Road, Nuthall

Councillor P J Owen had requested that this application be determined by the Committee.

There were no late items.

Samantha Beckworth, objecting, made representation to the Committee prior to the general debate.

After giving due regard to the evidence before it the Committee debated the item, with reference to the size of the proposed extension, its scale and the detrimental impact this would have on neighbour amenity. There was specific concern that the size and position of the proposed development would cause a tunnel effect and have a negative impact on the privacy of the neighbour.

It was proposed by Councillor L A Ball BEM and seconded by Councillor G Marshall that the item be deferred to allow the applicant to consider reducing the impact of the proposed extension on the amenity of the neighbour. On being put to the meeting the motion was carried.

**RESOLVED that the item be deferred.**

#### Reason

To allow the applicant to consider reducing the impact of the proposed extension on the amenity of the neighbour

(Having declared a non - registrable, personal interest in the item, Councillor Bales left the meeting for the duration of the item and did not vote thereon.)

34.10 23/00666/REG3

Replacement roofs to 38 properties (3-12 and 14-41 Scalby Close) with insulation, increase in roof height and replacement cladding to some properties  
Scalby Close (3-12 and 14-41), Eastwood Nottinghamshire

This item was brought to the Committee because as the Council was the landowner and applicant.

There were no late items for consideration and no public speakers.

The Committee, having given due regard to the representations made to it, debated the item. It was noted that the proposed development was aimed at making the properties more energy efficient.

**RESOLVE that planning permission be approved for the following reasons:**

- 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 eaves details for 3 and 4 Scalby Close SC2023-004-A, proposed elevations of bungalows SC2023-001 and SC2023-007, proposed elevations of 3 and 4 Scalby Close and Ultratile brochure and Hardie-Plank Family Brochure received by the Local Planning Authority 15 September 2023.**

*Reason: For the avoidance of doubt*

**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.**

35 INFORMATION ITEMS

35.1 DELEGATED DECISIONS

The Committee noted the delegated decisions.

35.2 PLANNING ENFORCEMENT SERVICE UPDATE

The Committee noted the Planning Enforcement Service Update.