

PLANNING COMMITTEE

WEDNESDAY, 5 JUNE 2024

Present: Councillor D Bagshaw, Chair

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

Apologies for absence were received from Councillors S J Carr and P A Smith.

1 **DECLARATIONS OF INTEREST**

Councillor R E Bofinger declared a non registrable, non pecuniary interest in item 5.2 as he was a member of Stapleford Town Board. Minute number 3.2 refers.

Councillor S P Jeremiah declared a non registrable, non pecuniary interest in item 5.2 as he was a member of Stapleford Town Board. He noted that he was a new member of the Board and had not yet participated in any meetings of the Board. Minute number 3.2 refers.

Councillor L A Ball BEM declared a non registrable, non pecuniary personal interest in item 5.3 as a close family member lived near to the proposed development. Minute number 3.3 refers.

Councillor P J Owen declared a non registrable, non pecuniary personal interest in item 5.3 as a close family member lived near to the proposed development. Minute number 3.3 refers.

Councillor E Williamson declared a non registrable, non pecuniary personal interest in item 5.7 as she was acquainted with the applicant. Minute number 3.7 refers.

2 **MINUTES**

The minutes of the meeting on 17 April 2024 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 23/00349/FUL

Construct detached two storey building comprising 4 apartments (C4 Use)
Land south of Neville Sadler Court Beeston Nottinghamshire

Councillor G Bunn had requested that this application be determined by Committee. The application was brought to the meeting of 17 April 2024 and was deferred to allow the developer to give consideration to increasing the size of the dwellings.

The late item, comprised of an objection from a resident living close to the proposed development was noted.

There were no public speakers.

Having given due regard to all of the representations before them, the Committee debated the item. There was concern about flooding, noise and car parking, as well as the intensity of the proposal. It was noted that the size of the dwellings had been increased in line with the request of the Committee.

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

(i) Prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of open space contributions

(ii) 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 drawings:**

Received by the Local Planning Authority on 9 May 2024:

- Site Location Plan, Proposed Site Plan and Block Plan ref: 02 Rev N**
- Proposed Floor Plans and Elevations ref: 06 Rev G**
- Proposed Elevations ref: 07 Ref H**

Received by the Local Planning Authority on 13 May 2024:

- Proposed Elevations, Floor Plans and Roof Plan ref: 06 Rev H

Reason: For the avoidance of doubt.

3. No above ground works shall be carried out until samples and details of the materials to be used in the facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.

Reason: Insufficient details were submitted and the development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. To ensure the satisfactory standard of external appearance in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

4. No above ground works shall be carried out until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- (a) numbers, types, sizes and positions of proposed trees and shrubs;
- (b) details of planting, seeding/ turfing of other soft landscape areas and hardscape areas;
- (c) details of the site boundary treatments and curtilage boundary treatments; and
- (d) a timetable for implementation of the scheme.

The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.

Reason: Insufficient information was submitted and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

No dwelling shall not be first occupied until:

5.
 - (i) a dropped vehicular footway crossing serving the parking spaces is available for use and constructed in accordance with the Highway Authority specification;
 - (ii) the parking area is surfaced in a bound material and each space has been clearly delineated as shown on the drawing: 02 Rev M

and constructed to prevent the unregulated discharge of surface water onto the highway. This area shall be maintained for the life of the development.

Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).

6. The development hereby approved shall be carried out in accordance with the Construction Phase Plan by Swish Architecture & Planning Rev A dated August 2023 received by the Local Planning Authority on 24 August 2023. The approved statement shall be adhered to throughout the construction period.

Reason: In order to mitigate the impact of the development on the tram and ensure the tram remains fully operational throughout and after the development and to protect the amenity of neighbouring residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policies 10 and 14 of the Aligned Core strategy (2014).

7. The development hereby approved shall be carried out in accordance with the Noise Assessment by NoiseAssess ref: 12851.02v1 dated September 2022 received by the Local Planning Authority on 24 August 2023.

Reason: To protect future occupiers from excessive environmental noise and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core strategy (2014).

8. The development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Swish Architecture & Planning received by the Local Planning Authority on 11 July 2023. The finished floor levels shall be set no lower than 27.55 metres Above Ordnance Datum (AOD). These mitigation measures shall be completed prior to occupation and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Part 2 Local Plan (2019).

9. No construction work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core strategy (2014).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking

and re-enacting that Order with or without modification), the dwellings hereby permitted must not be used within Class C3.

Reason: To ensure compliance with Policy 15 of the Broxtowe Part 2 Local Plan (2019) and Policy 8 of the Aligned Core Strategy (2014).

NOTE TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
3. Burning waste on site is strictly prohibited.
4. The removal of the conifer trees should be avoided between nesting season (March until August). If any nesting birds are found within the trees, works to the trees should cease immediately and a licensed ecologist be consulted.
5. The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.
6. A NET Permit to Work may be required. Please visit: <https://www.thetram.net/building-work-near-the-tram> before development commences and apply for a permit should the development breach any of these requirements.
7. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional

circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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

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

4.2 24/00175/REG3

Create 3G Artificial Grass Pitch with perimeter fencing, hardstanding areas, storage container, floodlights, access footpath, associated bund, spectator stands and acoustic fencing

Hickings Lane Recreation Ground, Hickings Lane, Stapleford, Nottinghamshire

This item was brought to Committee as the Council was the developer.

There were a number of late items which included the withdrawal of Sport England's objection to the scheme, suggested conditions and the description of an engagement event.

Jonathon Little, on behalf of the applicant, Craig Woods, objecting and Councillor K A Harlow, Ward Member, made representation to the Committee before the general debate.

The Committee, after considering all of the evidence before it, debated the item, with particular reference to the project being driven by the community of Stapleford, the benefit to residents and the potential for greater training opportunities for those over 16 years old.

There was concern about the maintenance of the pitch, the materials used to build the pitch and the environmental impact.

Debate progressed on to the relocation of Stapleford Cricket Club, which was a condition relating to the progression of the development. There was a discussion about whether the proposed site for the Cricket Club was in Stapleford and whether it

was suitable for sport. It was noted that Stapleford Cricket Club were satisfied with the proposed site.

Consideration was given to the lack of all – weather facilities in the Borough, the impact of the floodlights on neighbours and the potential for noise from both the stands and the Multi Use Games Area (MUGA).

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

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**

Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

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

- **Site Location Plan 02 00**
- **Proposed Site Plan 03 01**
- **Proposed AGP Drainage Layout 06 00**
- **Proposed AGP Drainage Strategy 07 00**
- **Topographical Survey 01 00**
- **Appendix E - Proposed Materials and Appearance**

(Received by the Local Planning Authority 19/03/24)

- **Tree Protection Plan A**
- **Tree Work Plan A**

(Received by the Local Planning Authority 15/04/24)

- **Proposed Elevation 05 01**
- **Proposed Perimeter Elevation - Page 1 08 01**
- **Proposed Perimeter Elevation - Page 2 09 01**

(Received by the Local Planning Authority 29/04/24)

Reason: For the avoidance of doubt.

3. **No above ground works 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) numbers, types, sizes and positions of proposed trees and shrubs**
- (b) proposed boundary treatments**
- (c) proposed hard surfacing treatment**
- (d) proposed lighting details**
- (e) planting, seeding/turfing of other soft landscape areas**
- (f) proposed bund gradient.**

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 Policy 10 - Design and Enhancing Local Identity of the

of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

4. **Prior to the commencement of the development, a detailed Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall include enhancement measures including mixed native species scrub, grassland enhancement and hibernacula and precautionary working measures. The development shall be implemented in accordance with the approved Landscape and Ecological Management Plan unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of securing an environmental net gain and habitat protection in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.**

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

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

Reason: To protect the amenity of neighbouring residents in accordance with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

6. **No part of the development hereby permitted shall be brought into use until a community use agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to use of the 3G artificial grass pitch and include details of pricing policy, hours of use, access by persons other than football team members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.**

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport

and to accord with Policy 13 - Culture, Tourism and Sport of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 25 - Culture, Tourism and Sport of the Broxtowe Part 2 Local Plan 2019.

7. No part of the development hereby permitted shall be brought into use until a football pitch railing removal plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate the location of the existing football club perimeter railings located within the south-west area of Hickings Lane Recreation Ground to have been removed.

Reason: To improve access to open space within the park in accordance with Policy 16: Green Infrastructure, Parks and Open Space of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 28: Green Infrastructure Assets of the Broxtowe Part 2 Local Plan 2019.

8. No part of the development shall be brought into use until a scheme detailing the developments' adherence to Secured by Design principles has been submitted to and approved in writing by the Local Planning Authority. All measures detailed in the scheme shall thereafter be implemented and within an agreed timeframe which shall be set out in the submitted details.

Reason: To reduce the potential for crime in accordance with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

9. The floodlit artificial pitch shall only be used between the following times: Monday to Sunday 08:00-22:00 Monday to Friday, 09:00 to 20:00 Saturday and 09:00 to 18:00 Sunday only.

Reason: To protect nearby residents and road users from excessive operational noise and light pollution in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.

10. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect nearby occupiers from excessive construction noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.

11. The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Drainage Strategy McA014 (22nd April 2024).

Reason: In the interests of flood risk in accordance with Policy 1 -

Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Part 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF 2021.

- 12. The hereby permitted development shall be carried out in accordance with the noise mitigation measures contained within the submitted Noise Impact Assessment Revision B (dated 22/04/24) and Noise Management Plan (received 22/04/24).**
- 13. The hereby permitted development shall be carried out in accordance with the floodlighting control measures contained within submitted Appendix D - Lighting Design Statement (compiled by Christy Lighting Masts Ltd dated 02/02/24) and Appendix A – Floodlighting Performance Report (compiled by Christy Lighting Masts Ltd).**
- 14. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.**

Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

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. 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.**

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

4.3 24/00044/VOC

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

Land West of Awsworth, Shilo Way, Awsworth, Nottinghamshire

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

The late item was a comment from Highways England.

There were no public speakers.

The Committee considered all representations before it, with particular consideration of the additional impact this would have on residents on Newtons Lane, Awsworth. It was noted that the Committee would benefit from more details about what was delaying the new junction.

It was proposed by Councillor D K Watts and seconded by Councillor G Marshall that the application be deferred to allow the developer to provide greater details about the delay on the new junction and entrance to the site.

On being put the meeting the motion was carried.

RESOLVED that the application be deferred.

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

Councillor P J Owen, ex – officio with no voting rights, also left the meeting for the duration of the item and did not join the debate, having also declared a non – registrable, non pecuniary interest.

4.4 24/00155/FUL

Construct two-storey and single-storey rear extensions, side infill extension and new porch along with front boundary access and wall
Broad Oak, Farm Main Street, Strelley NG8 6PD

This item was brought before Committee at the request of Councillor P J Owen.

The late items included comments from the Conservation Officer and corrections to the published report.

Mr Yarlett, the applicant, made representation to the Committee prior to the general debate.

Having given due regard to the representations made to it, the Committee debated the item, with particular reference to the openness and amenity of the Green Belt.

RESOLVED that the application be approved, with the precise wording of the approval and conditions, to include time, materials and plans, delegated to the Chair of the Planning Committee and the Head of Planning and Economic Development.

Conditions:

Prior to the construction of the replacement porch, the following details shall first be submitted to and approved in writing by the Local Planning Authority:

- a detailed elevational drawing at no less than 1:20 which must show each brick course from the ground level up to the ridge of the porch and the precise number of corbelled brick courses. The drawing must also show the precise arrangement of the brickwork detail in the lintel above the door, as well as the eaves detail below the tiled roof of the porch.
- a detailed specification of the new painted timber door
- photographic samples of the facing brickwork and the plain tiles to be used which should match those used in the host property

Reasons:

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).
4. In order to preserve and enhance the character and appearance of the conservation area in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).

4.5 24/00162/FUL

Construct outbuilding to rear garden
187A Nottingham Road, Nuthall, NG16 1AE

The Committee was asked to consider this application by Councillor P J Owen.

There were no late items.

Jamie Foot, the agent on behalf of the applicant, made representation to the Committee prior to the general debate.

The Committee debated the item, with consideration for all evidence before it. There were concerns about the disturbance that the proposed development could cause to neighbours. It was considered that this would largely be mitigated if a condition regarding levels was placed on the development.

It was proposed by Councillor G Bunn and seconded by Councillor G Marshall that there be a condition to ensure the building was at the lowest level of the garden.

On being put to the meeting the motion was carried.

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

conditions:

- 1. The development hereby 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 Site Location Plan (1:1250), Proposed Site Section Plan and Proposed Floor Plan and Elevation Plan received by the Local Planning Authority on 13 March 2024 and in accordance with the Proposed Block Plan (1:200) received by the Local Planning Authority on 20 March 2024.**

Reason

For the avoidance of doubt.

- 3. The proposed outbuilding in rear garden shall be constructed using the materials annotated on the application form received by the Local Planning Authority on 13 March 2024.**

Reason

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

- 4. The ancillary building hereby approved shall be used solely for purposes incidental to the enjoyment of the dwellinghouse, and for no other purpose or use.**

Reason

To prevent any negative impact on amenity of neighbouring properties 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. Prior to the commencement of works, existing and proposed levels by way of a sectional drawing at a scale of 1:20 shall be submitted and approved in writing by the Local Planning Authority.**

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

NOTES TO APPLICANT

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

determination timescale.

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

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

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

4.6 24/00184/FUL

Construct single storey rear extension
43 Nottingham Road, Nuthall, NG16 1DN

This item was called to Committee at the request of Councillor P J Owen.

There were no late items.

Mr Sutton, the applicant made representation to the Committee prior to the general debate.

Having given due regard to the evidence before it, the Committee debated the item, noting that the proposed development would not have a negative impact on the openness or amenity of the Green Belt.

RESOLVED that planning permission be granted with the precise wording of the approval and conditions, including wording on materials, time and plans, to be delegated to the Chair of the Planning Committee and 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 the Site Location Plan and drawings numbered 24/2784-1 and 24/2784-2 received by the Local Planning Authority on 22 March 2024.**
- 3. The development shall be constructed using materials of a type, texture and colour so as to match those of the existing building.**

Reasons:

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure the development presents a satisfactory standard of external appearance, 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).**

4.7 23/00895/FUL

Construct detached single storey dwelling
Garden at 55 Mansfield Road Brinsley Nottinghamshire NG16 5AF

This application was brought before the Committee for consideration by Councillor M Radulovic MBE.

The late items noted that after the publication of the agenda for the Committee a request was made for photographs of a similar development be circulated. It was noted that these had been sent to all members of the Committee through the lobbying process.

Sue Gilbourne, on behalf of the applicant, made representation to the Committee prior to the general debate.

Having given consideration to the evidence before it the Committee debated the application.

It was proposed by Councillor D K Watts that the application be deferred to gather further information.

It was proposed by the Councillor D Bagshaw and seconded by Councillor S P Jeremiah that there be a brief recess in order that more information about the application be provided.

On being put the meeting the motion was carried.

The meeting resumed, the information requested was provided and Councillor D K Watts withdrew his proposal to defer the application. The debate centred on the lack of very special circumstances to justify the negative impact that the proposed development would have on the openness and amenity of the Green Belt.

RESOLVED 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 south 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.**

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.**

5 INFORMATION ITEMS

5.1 DELEGATED DECISIONS

The Committee noted the delegated decisions.

5.2 APPEAL DECISIONS

The Committee noted the appeals for applications 23/00425/PMP32 and 23/00293/FUL.

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 meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the act.

7 ENFORCEMENT UPDATE

The Committee noted the Enforcement Update.