

When telephoning, please ask for: Democratic Services
Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 4 October 2023

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 12 October 2023 at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Gemma Dennis
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on 14 September 2023 (Pages 1 - 10)
4. Planning Applications (Pages 11 - 42)
The report of the Director – Development and Economic Growth
5. Planning Appeals (Pages 43 - 44)
The report of the Director – Development and Economic Growth

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

Email:
customerservices
@rushcliffe.gov.uk

Telephone:
0115 981 9911

www.rushcliffe.gov.uk

Opening hours:
Monday, Tuesday and Thursday
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



Membership

Chair: Councillor R Butler

Vice-Chair: Councillor T Wells

Councillors: A Brown, S Calvert, J Chaplain, A Edyvean, E Georgiou, S Mallender, H Parekh, C Thomas and R Walker

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt



**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 14 SEPTEMBER 2023**

Held at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford
and live streamed on [Rushcliffe Borough Council's YouTube channel](#)

PRESENT:

Councillors R Butler (Chair), T Wells (Vice-Chair), S Calvert, J Chaplain,
A Edyvean, E Georgiou, S Mallender and R Walker

OFFICERS IN ATTENDANCE:

E Dodd	Planning Manager - Development Lead Specialist
M Dunne	Team Manager – Area Planning
J Mountain	Area Planning Officer
G Sharman	Team Manager - Area Planning
N March	Environmental Health Officer
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors A Brown, H Parekh and C Thomas

13 Declarations of Interest

Councillor Wells declared a non-pecuniary interest as Ward Councillor in application 22/02311/FUL and would remove himself from the discussion and vote for this item.

Councillor Edyvean declared a non-pecuniary interest as previous Ward Councillor in application 22/02311/FUL and would remove himself from the discussion and vote for this item.

Councillor S Mallender declared a non-pecuniary interest as Ward Councillor in application 23/00910/FUL and would remove herself from the discussion and vote for this item.

14 Minutes of the Meeting held on 10 August 2023

The minutes of the meeting held on 10 August 2023 were approved as a true record and were signed by the Chair.

15 Planning Applications

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been

circulated previously.

Councillor Wells and Councillor Edyvean removed themselves from the Committee and did not contribute to the discussion or vote on the following application.

22/02311/FUL - Erection of 73 dwellings including landscaping, public open space and associated infrastructure - Land At Hillside Farm, South Of Bunny Lane, Keyworth, Nottinghamshire

Updates

Additional representations were received after the agenda was published and these were circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Rob Galij (Agent for Applicant), Mary Butler, Mrs Colbeck and Norman Davill (collective Objectors) and Councillor J Cottee (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the challenging topography of the site and said that it did not lend itself to this type of development. The Committee said that by virtue of the gradient and level changes in the design the layout did not provide appropriate amenities, including some of the gardens not meeting the requirements of the neighbourhood plan. Members referred to the Local Plan and said that contrary to the Plan the applicant had not demonstrated that residents would not be detrimentally affected by noise and dust and odour from the farm, nor that the farm would not be adversely impacted by the development. Members of the Committee also expressed concern about hedgerows being removed and that mitigation proposals did not sufficiently address the negative impact on biodiversity from the development.

Councillor Ellis moved for refusal of the application for the following reason:

- By virtue of the site's proximity to the adjacent farm and sewerage Treatment Works with their associated noise, odour, dust and flies, the sites engineering approach to the land gradient and level changes resulting in some significant retaining structures within private gardens, and the general design and layout resulting in built form to site boundaries without adequate screening, public open space in close proximity to the neighbouring farm and numerous undersized gardens across the site, it is not considered that the development would represent 'good design' in response to the site context, opportunities and constraints, or provide for an appropriate level of amenity for future occupiers.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

By virtue of the site's proximity to the adjacent farm and sewerage Treatment

Works with their associated noise, odour, dust and flies, the sites engineering approach to the land gradient and level changes resulting in some significant retaining structures within private gardens, and the general design and layout resulting in built form to site boundaries without adequate screening, public open space in close proximity to the neighbouring farm and numerous undersized gardens across the site, it is not considered that the development would represent 'good design' in response to the site context, opportunities and constraints, or provide for an appropriate level of amenity for future occupiers.

These future occupiers would be unduly exposed to numerous constraining factors which cumulatively are considered to be a significant constraint to their reasonable residential amenities, failing to deliver a high standard of amenity for future occupiers as advised within Paragraph 130 'f' of the National Planning Policy Framework (2023).

Overall the development would be considered contrary to Policy 10 (Design and Enhancing Local Identity) particularly part 1b with reference to the assessment of parts 2a and 2b of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 1 (Development Requirements) particularly parts 3 and 8 of the Rushcliffe Local Plan Part 2: Land and Planning Policies, Policies H2 (Type and Tenure) and H3 (Design Requirements for New Developments) of the Keyworth Neighbourhood Plan and the guidance contained within the National Planning Policy Framework, specifically Chapter 12 - Achieving Well Designed Places. A decision to refuse permission would accord with paragraph 134 of the National Planning Policy Framework which states that:

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings".

Councillor Edyvean and Councillor Wells re-joined the meeting.

Councillor S Mallender removed herself from the Committee and did not contribute to the discussion or vote on the following application.

23/00910/FUL - Demolition of bungalows and construction of 6 apartments and 2 new dwellings, including erection of bike store and bin store, boundary wall and associated car parking - Numbers 49 To 55 Trent Boulevard West Bridgford Nottinghamshire

Updates

Additional representations were received after the agenda was published and these were circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr S Thompson (Objector) and Councillor R Mallender (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the overbearing nature of the development and asked for a condition to be added for the development to have obscure glazing to the ground floor dwellings to both sides.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 002 Revision M; 004 Revision N; 003 Revision K; 005 Revision L; 007 Revision M; 008 Revision M; 009 Revision K.

[For the avoidance of doubt and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies

3. The development shall not commence until a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction works has been submitted to and approved by the Borough Council, and the construction of the development shall be undertaken in accordance with the approved details.

[The condition needs to be discharged before work commences on site as this information was not included in the application and it is important to agree these details in order to minimise the impact on adjacent and nearby residents during demolition and construction of the development, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

4. The development hereby permitted shall be carried out in accordance with The submitted Flood Risk Assessment by Swish Architecture & Planning dated October 2021 and the following mitigation measures it details:

- Finished floor levels in the detached properties shall be set no lower than 24.39 metres above Ordnance Datum (AOD) and the Finished floor levels in the Apartment complex shall be set no lower than 24.69m AOD
- Flood resilience measures as detailed in Section 6 of the Flood Risk Assessment.

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

[To ensure that occupants are safe for the lifetime of the development and to comply with policy 17 (Managing flood risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

5. Construction of the development hereby permitted shall not proceed beyond damp proof course until details of materials to be used on all external elevations, including dormers, and roofs have been submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

6. None of the apartments or dwellings hereby permitted shall be occupied until the driveways/parking areas have been surfaced in a bound material and provided with drainage to prevent the discharge of surface water on to the public highway in accordance with details to be previously submitted to and approved in writing by the Borough Council. The driveways/parking areas shall thereafter be retained available for parking at all times for the lifetime of the development.

[To ensure that sufficient off street parking is provided and retained in the interests of highway safety, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

7. The development shall not proceed above foundation level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy 10 (Design and

enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

8. An Electric Vehicle Charging Point shall be provided for the use of each apartment and for both dwellings hereby approved and shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

9. The apartments and dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies (2019)]

10. None of the apartments or dwellings hereby permitted shall be occupied until bat roosting and bird nesting boxes have been installed into the construction of the development in accordance with details to be previously submitted to and approved in writing by the Borough Council. Thereafter the bat roosting / bird nesting boxes shall be retained for the lifetime of the development.

[To ensure the incorporation of features that benefit biodiversity, and to comply with 38 (Non designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

11. No apartments or dwellings shall be occupied until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

12. The flat annotated as Flat 1/ 2 (which has the western side elevation facing number 47 Trent Boulevard), Flat 4, flat 6 and the dwelling at Plot 3 shall not be occupied until the following works have been carried out:

* The bathroom window to the west side elevation of flat 4 has been installed with glazing obscured to Group 5 level of privacy or equivalent and a mechanism to restrict opening by no more than 20cm.

- * The roof lights to the west roof slope of flat 6 have been installed with a mechanism to restrict opening by no more than 20cm.
- * The ground floor kitchen window and the first and second floor en-suite windows to the east side elevation of plot 3 have been installed with glazing obscured to Group 5 level of privacy or equivalent and a mechanism to restrict opening by no more than 20cm.
- * The ground floor kitchen and bathroom windows to the west side elevation of Flat 1/2 have been installed with glazing obscured to Group 5 level of privacy or equivalent and a mechanism to restrict opening by no more than 20cm

The windows and roof lights shall be retained to the above specifications for the lifetime of the development.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. Neither of the ground floor apartments or the two dwellings shall be occupied until full details of steps to gain access from the rear external doors to the rear gardens together with details of privacy screens to be installed either side of the steps have been submitted to and approved in writing by the Borough Council, and the steps and privacy screens have been installed in accordance with the approved details. Thereafter the steps and privacy screens shall be retained for the lifetime of the development.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. Notwithstanding the provisions of Schedule 2, Part 1 Class A - C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings, including no alteration to or insertion of windows other than those shown on the plans, without the prior written approval of the Borough Council.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

15. The outbuilding hereby approved shall only be used for the storage of refuse bins and bicycles in connection with the approved apartments, and shall not be used for any other purpose.

[For the avoidance of doubt, and to safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1

NOTES TO APPLICANT

The development makes it necessary to construct a vehicle crossing over a footway of the public highway, and you should contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or licences@viaem.co.uk to arrange for these works to be carried out. If any street furniture needs to be relocated, this will be at the applicant's expense.

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively, you can obtain an asbestos fact sheet from their website www.nottinghamshire.gov.uk.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application

forms to discharge conditions can be found on the Rushcliffe Borough Council website.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

The meeting closed at 8.50 pm.

CHAIR

This page is intentionally left blank



Planning Committee

Thursday, 12 October 2023

Planning Applications

Report of the Director – Development and Economic Growth

PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g., public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Director – Development and Economic Growth, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

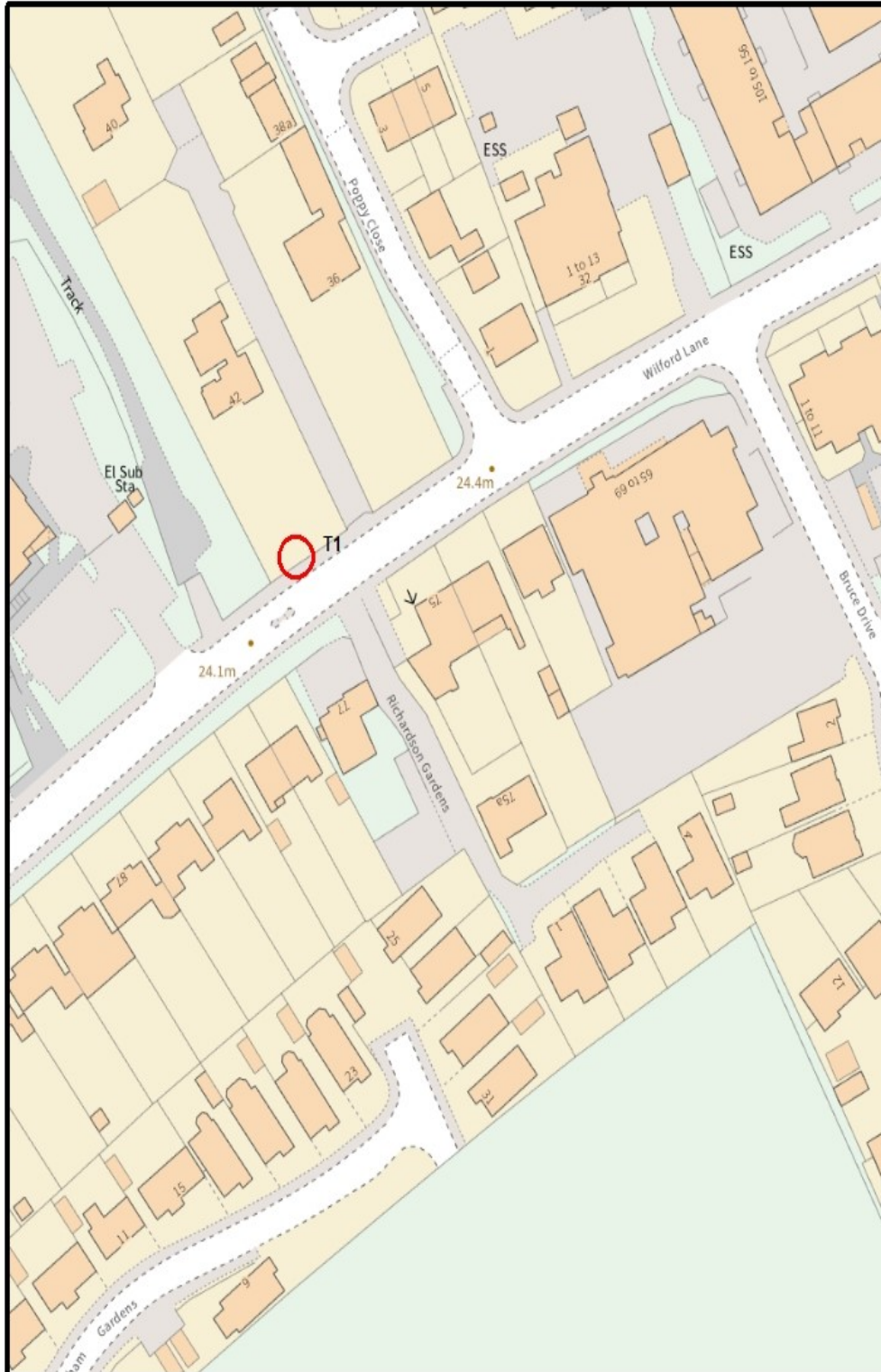
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
23/00063/TORDER	42 Wilford Lane, West Bridgford, NG2 7RL To the West Bridgford No.1 Tree Preservation Order 2023	13-18
Ward	Compton Acres	
Recommendation	Tree Preservation Order 2023 be confirmed without modification	

Application	Address	Page
23/01403/FUL	Edwalton Community Centre Land Southwest Of Cornelia Grove Edwalton Nottinghamshire Construction of new single storey detached community centre, bin store, parking, access with gates and associated external works	19-32
Ward	Edwalton	
Recommendation	Grant planning permission subject to conditions	

Application	Address	Page
23/01258/FUL	Tythby Grange Farmhouse Bingham Road Tithby Nottinghamshire NG13 8GR Change of use from C3 to C2 children's home	33-41
Ward	Cropwell	
Recommendation	Planning permission be refused subject to the following reason(s)	



Application Number: 23/00063/TORDER
42 Wilford Lane, West Bridgford



scale 1:2000

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Rushcliffe Borough Council - 100019419

This page is intentionally left blank

23/00063/TORDER

Objector Mr David Carter

Location 42 Wilford Lane, West Bridgford, NG2 7RL

Objection To the West Bridgford No.1 Tree Preservation Order 2023

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects a flowering Cherry tree on the roadside frontage of 42 Wilford Lane. The property is a large, detached dwelling that has parking provision to the north of the house and a garden to the south. Apart from the Cherry the other trees in the garden consist of a range of ornamental conifers of varying sizes.
2. To the west of 42 Wilford Lane is the health centre and a grassed verge which leads to a sewage pumping station. Other residential properties are located to the north, east and on the opposite side of the road.
3. Roadside tree provision varies along Wilford Lane, but particularly along the north side of the road is a reasonably continuous line of mature trees from this location towards the junction with Loughborough Road. There are existing TPO's on both side of the road in the general vicinity. Tree planting associated with the doctors' surgery is also starting to mature and this combined with an informal field to the west further contributes to the sylvan character of Wilford Lane.

DETAILS OF THE TREE PRESERVATION ORDER

4. The TPO was made following a planning application (Ref: 23/00442/FUL) to construct 5 dwellings. The planning application was subsequently withdrawn, but one of the local Councillors requested the Council gave consideration to protecting trees on the site with a TPO.
5. The TPO was made on the 18th May 2023. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.

SITE HISTORY

6. The Council is currently considering a planning application (Ref: 23/01251/FUL) to construct a dwelling on the land to the north of the house, but this does not affect the protected Cherry tree.

REPRESENTATIONS

7. The owner of the property has objected for the following reasons:
 - The tree could pose a significant public safety risk due to dangers posed by branches overhanging the road and pavement. The owner has observed numerous instances when branches from the garden have encroached onto the highway creating hazardous conditions for both pedestrians and drivers (in particular buses). As a result, the vegetation is trimmed back up to 5 times per year. The road is busy due to the adjacent doctors' surgery and nearby large schools.
 - The owner considers the tree potentially could pose a risk due to it restricting visibility, the risk of falling branches due to disease or adverse weather conditions, impairing access to the road and pavement, or by interfering with infrastructure such as lighting, signage or overhead utilities. If not kept in check the adjacent streetlight will be covered by the tree.
 - In 2015 storm Dorris caused a Leylandii tree within the garden to fail and collapse onto Wilford Lane causing damage and injury. The tree required immediate attention and resolution and now requires continued observation.
 - The trees in the garden have been recently described as being in poor condition.

Appraisal of the Objection

8. The TPO is intended to ensure the long-term retention of the protected Cherry tree, but the legislation governing TPO's allows for applications to be made to prune or even fell trees. When considering applications, the Government advises that the greater the scale of work proposed, the greater the justification that is needed to support it. Whilst each application is considered on its own merits, it is reasonable to suggest that in principle work to ensure trees do not pose a danger or obstruction to highways users would be considered favourably assuming the scale of work was proportionate. Nottinghamshire County Council recommends 5.3 metre clearance is provided over roads and 2.6 metre over pavements.
9. There are circumstances where unmaintained trees encroach onto the highway to such an extent that the County Council can serve notice on the owner requiring work. When formal notice has been served, the minimum work required to achieve the requirements of the notice can take place without the need to make a subsequent TPO application.
10. The Cherry tree is growing at the back of the pavement and future work may be required to prune the tree to control its size and spread. Trees growing adjacent roads are a common occurrence and this fact alone should not prevent the TPO being confirmed. In addition, the Council frequently protects roadside trees as they are often some of the most prominent and the main

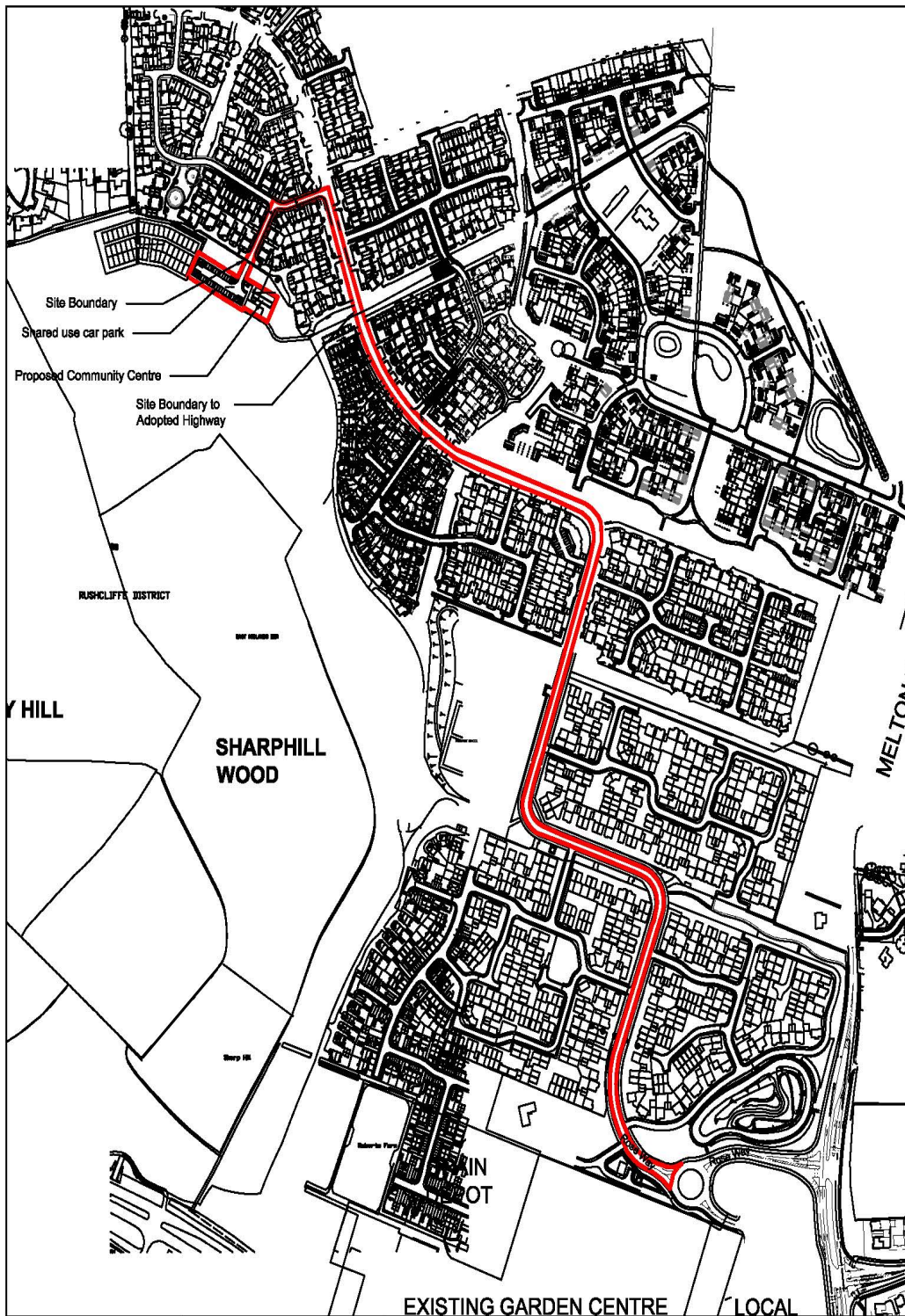
purpose of a TPO is to protect trees where their appearance enhances the public realm.



11. The adjacent Leylandii tree which grows next to the Cherry does show signs of past damage and this was one of the reasons it wasn't protected. The legislation controlling TPO's recognises there will be situations where emergency or short-term work needs to take place and makes allowance for this. Where work is urgently necessary because there is an immediate risk of serious harm, tree work can take place straight away and the owner is obliged to notify the Council as soon as possible afterwards. The onus of proof is on the tree owner and it would be prudent of them to take photos of the tree to record the reasoning behind the work. There is also an exemption relating to dead trees where there is not an immediate risk and in this situation 5 days' notice needs to be given to the Council. The above exemptions would allow work to take place at short notice if the Cherry was to die or fail in some way.
12. A tree survey accompanies the latest planning application. It considers most of the trees in the front garden to be BS5837 category 'C' trees which are trees of low quality. However, the protected Cherry is a category 'B' tree, a tree of moderate quality and as such its protection is entirely appropriate. The report notes that there is some deadwood within the canopy, but the removal of this is good practice and the work could take place without the need to make an application to the Council.
13. In summary, the tree is located in a prominent roadside location and it enhances the character of Wilford Lane. The concerns raised in the objection can all be overcome by an application to prune the tree and permission can be given for repeat works such as pruning back overhang over the road or pavement.

RECOMMENDATION

It is RECOMMENDED that the West Bridgford No.1 Tree Preservation Order 2023 be confirmed without modification.

This page is intentionally left blank



 Rushcliffe Borough Council	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project	Date	Project officer	
		Proposed Edwalton Community Centre	JULY 2023	Drawn	Checked
		Drawing title	Scale	BT	
		Site Location Plan	1:5000 @ A4	Rev.	
			Reference		
			G/1208_01		

Rushcliffe Borough Council, Borough Development, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG
 This map is reproduced based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office
 (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Rushcliffe Borough Council 100018419

This page is intentionally left blank

23/01403/FUL

Applicant Rushcliffe Borough Council Property Services

Location Edwalton Community Centre Land Southwest Of Cornelia Grove
Edwalton Nottinghamshire

Proposal Construction of new single storey detached community centre, bin store, parking, access with gates and associated external works

Ward Edwalton

Full details of the application can be found [here](#)

THE SITE AND SURROUNDINGS

1. The application site relates to a broadly rectangular parcel of land located Phase 7 of the Sharpill Development off Rose way, adjacent to the approved community park, allotments and community orchards to the north of Sharpill Wood. The total site area measures 0.54 Ha.
2. Vehicular access to the site would come via the newly created road network to the north of the site and through phase 7 which has been laid out to accommodate the access.
3. A public footpath (West Bridgford FP28) is located to the south of the site.

DETAILS OF THE PROPOSAL

4. The proposal seeks planning permission for the erection of a community hall building in order to serve the Edwalton Sustainable Urban Extension. The building would measure 22.9m in length and 10m in width with a total gross internal floor area of 212m². The roof design would be dual pitched with a ridge height of 6m.
5. The submitted design and access statement sets out that the application comes forward in order to deliver a venue which can provide inclusive activities which support the educational, training, employment, cultural and recreational needs of the local community that is not met by the existing provision or planned provision on this wider development.
6. A PV Solar array would be positioned on the south facing roof pitch and a air source heat pump would be positioned within an enclosure on the southern elevation.
7. The external finish would be facing brickwork on the elevations slate tiles on the roof. The doors and windows would be grey aluminium with a powder coated finish.

8. Accommodation would include meeting room, kitchen, publicly accessible toilets for use by allotment and community park users, an open plan community room, and a small storage facility for the potential use by Friends of Sharphill Woods.
9. A parking area with 27 spaces and 6 disabled spaces would be created to serve the proposed community building and to be used in connection with the existing allotments. 5 cycle spaces would also be created.
10. In terms of hours of operation, the applicant has stated that the community building would operate seven days per week from 8am to 10pm Monday to Saturday and 8am to 8pm on Sundays.
11. The submitted application form confirms that 9 full time employment positions would be created through the proposed development.

SITE HISTORY

12. 21/01349/REM - Submission of reserved matters pursuant to outline permission 17/00941/OUT for the Community Park Scheme. Approved 30.03.2023.
13. 21/00502/REM - Submission of reserved matters pursuant to outline permission 17/00941/OUT for development of the phase 7 land. Approved 08.04.2022.

REPRESENTATIONS

Ward Councillor(s)

14. No comments received.

Statutory and Other Consultees

The Nottinghamshire County Council

15. Highway Authority – No objection raised. Recommend a condition in relation parking management.

The Rushcliffe Borough Council

16. Environmental Health - No objection raised. Recommends conditions be attached to any grant of permission in relation to the venue being managed via a booking system, hours of use to be in line with the submitted Design and Access Statement, doors and windows to be closed when amplified music is in use, further details of the air source heat pump to be submitted as well as a lighting assessment for the external lighting.
17. Environmental Sustainability Officer - I note an Ecological Appraisal and Badger Survey has been supplied, with surveys carried out in June 2019 and March 2022. These survey appears to have been carried out according to good practice, but are not in date and may not be relied upon. However, I note works have commenced on site following these surveys and the site now consists of recently disturbed soil and early succession ruderal habitats

developing. The appraisal confirmed badger protected or priority species present, these are a highly mobile species and are likely to take advantage of banks of soil. No other protected or priority species were identified as present and it is highly likely this will remain true. No nationally or locally designated sites are likely to be impacted by these works.

18. Recommendations for reasonable avoidance measures are made by the consultant ecologist (see pages 3-4 of the consultant ecologists Badger Survey report) and along with relevant measures recommended within the attached standing advice, should be implemented and a condition of any planning permission. Recommendations for enhancement measures are made by the consultant ecologist (see page 14 of the consultant ecologists Ecological Appraisal report, although tree and shrub species should follow the councils guidance online at including demonstrating biodiversity Net Gain. It is unlikely that this development will have a detrimental impact on populations of protected species provided reasonable avoidance measures are followed.
19. The following were also consulted but made no comments or raised no objection
 - Nottinghamshire Rights of Way team
 - Ramblers Association
 - Landscape Officer
 - Community Development.

Local Residents and the General Public

20. No written representations received.

PLANNING POLICY

21. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019. The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant, particularly where the Development Plan is silent.

Relevant National Planning Policies and Guidance

22. The NPPF carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 127 states that Local Planning Authorities should seek developments which are visually attractive as a result of good architecture and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
23. Paragraphs 91-93 of the NPPF set out the role of the planning system in facilitating social interaction and creating healthy, inclusive, communities and plan positively for the provision of, amongst other things, community facilities.

Policy 12 of the Core Strategy is consistent with this objective and states "The provision of new, extended or improved community facilities will be supported where they meet a local need, as too will the retention of existing community facilities where they remain viable and appropriate alternatives do not exist."

24. Guidance contained within the National Planning Policy Framework states that one of the key principles of sustainable development is to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. It also goes on to state that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
25. The planning system also has an economic objective and section 6 of the NPPF relates to building a strong competitive economy. This emphasises that planning decisions should enable sustainable growth and expansion of all types of businesses in rural areas including through provision of well designed new buildings.

Relevant Local Planning Policies and Guidance

Policies in the Local Plan Part 1: Core Strategy can be found [here](#).

26. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the determination of the application:

Policy 1 - Presumption in favour of Sustainable Development
Policy 2 - Climate Change
Policy 5 – Employment Provision and Economic Development
Policy 10 - Design and Enhancing Local Identify
Policy 12 - Local Services and Healthy Lifestyles
Policy 13 - Culture, Tourism and Sport
Policy 14 - Managing Travel Demand
Policy 17 – Biodiversity.

Policies in the Local Plan Part 2: Land and Planning Policies can be found [here](#).

27. The following policies in the Rushcliffe Local Plan Part 2: Land and Planning Policies are considered to be relevant to the determination of the application:

Policy 1 - Development Requirements
Policy 15 – Employment Development
Policy 30 - Protection of Community Facilities
Policy 31 - Sustainable Tourism and Leisure
Policy 38 - Non Designated Biodiversity Assets and the wider Ecological Network
Policy 39 - Health Impacts of Development.

28. Rushcliffe Borough Council – Corporate Strategy 2019 - 2023, Rushcliffe Sustainable Community Strategy 2009-2026 and Leisure Strategy (2017 – 2017) and local policy ‘Spatial Planning for the Health and Wellbeing of Nottinghamshire 2016 are of relevance. The Borough Councils Corporate

Strategy identifies the Councils four priorities including quality of life with a commitment to, inter alia, protecting our residents health and facilitating healthier lifestyle choices and providing high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council.

29. The Borough Council has an adopted Leisure Facilities Strategy (2017 – 2027). The vision of the Strategy is ‘to provide high quality, financially sustainable leisure facilities to support Rushcliffe residents to enjoy healthy active lives’.
30. The Melton Road Development Framework SPD was adopted by the Borough Council on Tuesday 13 October 2015 and provides further guidance on Policy 20 (Strategic Allocation at Melton Road, Edwalton) of the Rushcliffe Local Plan Part 1: Core Strategy.

APPRAISAL – ASSESSMENT

31. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
32. The main issues in the consideration of the application are; the principle of development; impacts upon residential amenity, design/impact upon the character and appearance of the area, landscaping, impact on local ecology and highway safety.

Principle of Development:

33. Local and National Planning Policies and guidance promote the enabling of, and supporting healthy lifestyles and promoting social interaction, including the provision and improvement of community facilities. Planning should promote and facilitate opportunities for sport and physical activity, which is important for the health and well-being of communities. This should be balanced with the need to ensure that the amenity of existing residents is carefully considered and any undue detrimental impact mitigated if necessary.
34. Policy 12 (Local services and Healthy Lifestyles) the LPP1 states that the provision of new, extended or improved community facilities will be supported where they meet a local need.
35. Policy 12 goes onto advise that;

‘New community facilities of an appropriate scale should:

a) be located within District, Local Centres or Centres of Neighbourhood Importance, wherever appropriate;

b) be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility; and

c) where possible, be located alongside or shared with other local community facilities.'

36. The application site is not located within a designated District or Local Centre however the proposed community facility would serve the wider Edwalton sustainable urban extension.
37. It is acknowledged that the Rosecliffe Spencer Academy does provide some wider community facilities. However, the facilities at the school are limited by the opening times of the building and additional safeguarding measures.
38. The proposed community building would have longer opening times and be available for the wider local population, rather than just families with children that attend the school.
39. The site is positioned close to properties within the sustainable urban extension and therefore within easily walking and/or cycling distance for the properties it is intended to serve.
40. A storage facility for the Friends of Sharphill with an separate external roller door is shown on the submitted plans as well as accessible toilets with separate external doors for use by the allotment holders and park users.
41. Overall the proposed development is considered to meet with the criteria of Policy 12 through the provision of community facilities that would meet local need, and located in a sustainable location, close to the properties it is intended to serve. The proposed development would also be located alongside existing community facilities and provide a shred service.
42. In light of the above the principle of development is considered acceptable.

Residential Amenity:

43. Policy 1 of the Local Plan Part 2: Land and Planning policies sets out criteria that need to be considered for new development which include impact on highway safety, residential amenity by reason of the type and levels of activity on the site or traffic generated, noise pollution being minimised, and consideration of wildlife interests.
44. The submitted block plan shows the distances to neighbouring residential properties. With a significant level of separation to the closest residential dwellings, it is considered that the proposed building would not give rise to any material impact by virtue of overbearing, overshadowing or overlooking impact on residential amenity.
45. In terms of the potential noise impact, the comments from the Environmental Health officer are noted and the recommended conditions in relation to via a booking system, hours of use to, doors and windows to be closed when amplified music is in use, further details of the air source heat pump and a lighting assessment for the external lighting are all considered to be appropriate to attach to any grant of planning permission.

46. With such conditions in place, it is considered that the proposal would not result in any material impact on residential amenity

Design and Appearance:

47. Policy 1 of the Local Plan Part 2 requires the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.
48. It is acknowledged that the application building would be located on the urban fringe and in close proximity to open areas as well as landscape features.
49. However, having also taken into account that the building would be set down behind the approved graded bank, as well as the design of the building which would have a pitched roof and relatively modest overall ridge height, it is considered that the proposed development would not be unduly prominent from any public vantage point.
50. Furthermore, the traditional facing brickwork external elevations and slate tile finish to the roof of the proposed building are considered to relate positively to the residential properties nearby, in which the development would be viewed against.

Landscaping:

51. The proposed building is shown in the same position as shown within the approved landscaping scheme under application 21/01349/REM for the Community Park Scheme which included the area of the application site.
52. While a condition requiring details of the soft landscaping to the site and boundary treatment is considered appropriate to attach to any grant of planning permission to ensure the visual impact of the proposed development would remain acceptable, overall the proposed development is not considered to result in any material impact on the character and appearance of the site or wider area and would be consistent with the previous approval for the landscaping of the wider site.

Ecology and Biodiversity:

53. Policy 17 of the Core Strategy envisages that biodiversity will be increased in the Borough during the plan period by, amongst other things, seeking to ensure new development provides biodiversity features and improves existing biodiversity features wherever appropriate. Policy 38 of the Local Plan Part 2: Land and Planning Policies states that outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
54. The submitted documents show details of how ecological enhancement measures, including bat boxes and bee bricks would be incorporated into the scheme.

55. An ecological report has also been submitted with the application and this has been considered by the Council's Environmental Sustainability Officer. Conditions are proposed to secure biodiversity enhancement on site to a level that is recommended.
56. With the recommended conditions in place to secure the biodiversity enhancements, it is considered that the proposed development would meet with the aims of Policy 17 of the Core Strategy.

Access and Parking:

57. In considering applications, Policy 1 (Development Requirements) of the Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highway Authority. For both the aspects of the application careful consideration has to be given to highway safety implications of the development. Access into the site is considered to be acceptable by the County Council as the Local Highway Authority.
58. The recommended condition in relation to parking management is considered to be reasonable and appropriate, given the range of uses that the car park would cater for which includes the community facility as proposed as well as the approved allotments which would also serve the wider development.
59. In light of the above, the proposed development is not considered to give rise to any material highway safety concerns.

Sustainability:

60. With regards to matters relating to general sustainability, the scheme has been designed to conform to good sustainability principles. Appropriate technologies are to be utilised to include a solar PV array to the roof, an air source heat pump and rain water harvesting for use in toilets.

Conclusions

61. In conclusion, the proposed development would enhance the facilities available locally and within the Borough and also provide community facilities in line with the Borough Council Leisure Strategy, providing health benefits in line with guidance within the NPPF and the Council's own local planning policies. The proposal also includes provision of employment facilities which brings an economic benefit. Any undue impact can be appropriately mitigated by the use of planning conditions.
62. The application was the subject of pre-application discussions and the scheme drawn up to be incorporated into the development of the community park enhancing the wider offer. The scheme is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary following early collaboration between the applicant, developer and the Council's planning service.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

- G_1208_01 – Site Location Plan – received 21st July 2023
- G_1208_02 – Block Plan – received 24th July 2023
- G/1208_03 - Proposed Floor Plan received 21st July 2023
- G/1208_04 – Proposed North Elevation received 21st July 2023
- G/1208_05 – Proposed South Elevation received 21st July 2023
- G/1208_06 – Proposed East Elevation received 21st July 2023
- G/1208_07 – Proposed West Elevation received 21st July 2023
- G/1208_08 Proposed Roof Plan received 21st July 2023
- G/1208_09 – Proposed Bin Store received 21st July 2023
- G/1208_10 – Landscaping Scheme received 21st July 2023
- G/1208_11 - Section Plan received 21st July 2023
- G/1208_12 Proposed underground drainage received 21st July 2023
- G/1208_14 Hardstanding Plan received 21st July 2023.

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

3. Prior to the development hereby permitted being constructed above DPC, details of the proposed external finished materials, including walling, soffits and fascia's, rainwater goods, windows and roofing materials shall be submitted to and approved by the Local Planning Authority and only those materials shall be used in the construction of the development, unless otherwise agreed in writing by the Local Planning Authority.

[Reason: To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

4. The development hereby permitted must not be occupied or first brought into use until a written scheme the hard and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October –

March) following either the substantial completion of the development hereby permitted or it being brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

[Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe.]

5. Prior to the proposed development first being occupied or brought into use a parking management scheme shall be first submitted to and approved by the Borough Council. Thereafter the car park shall be managed in accordance with the approved details for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

[Reason: To ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 and Policy 15 (Employment Development)] (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

6. The development hereby permitted must not be occupied or first brought into use until the vehicle parking area shown on the submitted drawing G_1208_02 – Block Plan received 24th July 2023 has been surfaced and the individual parking spaces have been clearly marked out in accordance with the submitted plan. Thereafter the spaces shall be retained in accordance with the submitted plan and kept permanently available for the parking of vehicles in connection with the development hereby permitted.

[Reason: To ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 (Development Requirements) and Policy 15 (Employment Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

7. The new car park and all hard surfaces within the site must be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway. Such drainage measures must thereafter be retained throughout the life of the development.

[Reason: To prevent surface water discharging onto the public highway in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

8. The development hereby permitted must not be occupied or first brought into

use until the 'biodiversity gain' improvements outlined in section 4 of the Ecology Appraisal by FPCR received 24th July 2023 submitted with the application have been completed in accordance with that report. Thereafter the biodiversity gain improvements must be retained on the site throughout the lifetime of the development.

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021).]

9. The proposed development hereby approved shall be carried out in accordance with reasonable avoidance measures detailed within the submitted Ecology Appraisal by FPCR received 24th July 2023.

Reason: To ensure the local ecology is safeguarded having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021).

10. Before being brought into first use, the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, shall be submitted to and approved by the Local Planning Authority. If this information is inconclusive or not complete, then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014+A1:2019: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties.

[Reason: To protect nearby residential properties from unacceptable levels of noise pollution having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

11. Notwithstanding the details provided, prior to the development being brought into first use, the submission and approval of a lighting assessment for the external lighting (together with a lux plot of the estimated illuminance). Any such assessment should consider the potential for light spill and/or glare, in accordance with the Institute of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light 01/21).

[Reason: To protect nearby residential properties from unacceptable levels of light pollution having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

12. Prior to the installation of the air source heat pumps at the site, precise technical specification and design details of these shall be submitted to and

approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved details

Reason; To protect the amenities of nearby residential properties at having regard to having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

13. The use hereby permitted shall only take place between the following hours:

08:00 to 22:00 on Mondays to Saturdays and;

08:00 20:00 on Sundays and Bank or Public Holidays.

To protect the amenities of nearby residential properties, having regard to having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

14. All windows and doors shall be shut while amplified music is being played within the application building.

Reason: To protect the amenities of nearby residential properties, having regard to having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

15. Prior to the development hereby permitted first being brought into use, the bin store set out on approved plan ref: G/1208_09 – Proposed Bin Store shall be erected and available for use and shall remain so for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

[Reason: To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

16. Prior to the development hereby permitted first being brought into use, the cycle stored proposed for the site shall be erected and available for use details of which shall be submitted to and approved by the local planning Authority and shall remain available for use for the life of the development.

[Reason: To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]



Application Number: 23/01258/FUL
Tythby Grange Farmhouse, Bingham Road, Tithby



scale 1:2000

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Rushcliffe Borough Council - 100019419

This page is intentionally left blank

23/01258/FUL

Applicant Mr Mike Stanway

Location Tythby Grange Farmhouse Bingham Road Tithby Nottinghamshire
NG13 8GR

Proposal Change of use from C3 to C2 children's home

Ward Cropwell

Details of the application can be found [here](#)

THE SITE AND SURROUNDINGS

1. This application relates to a large detached two storey 5 bedroom redbrick farmhouse set within a complex of agricultural and commercial buildings within Tythby Grange Farm. The dwelling is set within its own residential curtilage comprising lawned gardens bounded by brick walls and mature hedging and trees with a number of outbuildings
2. To the north west is a courtyard adjoined by an agricultural building and 2 no. commercial buildings in Use Class B8 use (Storage and Distribution) or Class E(g)(iii) Use (Industrial processes which can be carried out in a residential area without detriment to its amenity). Further to the south west are Tythby Grange Cottages, a pair of semi detached dwellings. Immediately to the north is a large agricultural building recently granted planning permission for a Use Class B8 use (Storage and Distribution) or Class E(g)(iii) Use.
3. The farmhouse is situated approximately 1km to the east of Tythby Road and accessed by a shared gated track serving the farmhouse, agricultural and commercial properties.
4. The site is further surrounded by agricultural fields on all boundaries and is designated as being within open countryside. It falls within Flood Zone 1.

DETAILS OF THE PROPOSAL

5. Full planning permission is sought for the change of use of the existing farmhouse from residential (Use Class C3) to an Ofsted registered therapeutic children's home (Use Class C2) for up to 4 no. young people who would receive 1:1 care.
6. The applicant has submitted a Statement of use which outlines the following:-

At full occupancy there will be 4no. carers working from 7:00 until 23:00. 2no. carers will finish their shift at 23:00 and 2no. carers will sleepover at the property from 23:00 until 7:00 with a handover to the new staff team at 7:00 when 4 more carers will start on duty.

Care will be provided at the home 7 days per week 365 days of the year. In addition to the care team there will be a registered manager and deputy manager that will be in the home from Monday to Friday.

The young people would attend school or education provision in the week during term times and will attend local clubs and activities during the evenings and weekends with transport provided by the carers.

Every 3 or 6 months a child would have a review from a social worker, mostly via teams calls with visit for a 6 weekly minimum review. A therapist would visit the home 3 days per week between Monday and Friday.

7. No external alterations to the property are proposed

SITE HISTORY

8. 23/01375/FUL - planning permission was granted on the 20th September 2023 for the change of use of an agricultural building used as a grain store to Class E(g)(iii) and class B8 plant and equipment storage, including external alterations.
9. 23/00785/PAR - It was determined in April 2023 that Prior Approval was not required for the change of use of Agricultural Shed to a 'Class B8' (Storage & Distribution) or Class E(g)(iii) Use (Industrial processes which can be carried out in a residential area without detriment to its amenity).
10. 23/00296/FUL - planning permission was granted in February 2023 for the change of use of 2 no. Agricultural Sheds to Class E(g)(iii) and Class B8 Uses along with alterations to the Existing External Elevations and external ground regrading.

REPRESENTATIONS

Ward Councillor(s)

11. One ward Councillor (Cllr Birch) - supports the proposal as the site is in close proximity to Bingham and the Bingham By-Pass with excellent transport links. The site is an equivalent or superior location to some properties in Bingham itself in terms of access to local facilities.

Town/Parish Council

12. Tythby and Wiverton Parish Council - Raise no objections.
13. Bingham Town Council (Adjacent) - Raise no objections.

Statutory and Other Consultees

14. Nottinghamshire County Council as Local Highways Authority comment that no objections are raised.
15. Environment Agency comment that development falls within flood zone 1 therefore no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site.

16. The Borough Environmental Health Officer comments that the use of the house as a children's home would not be compatible with an active agricultural use. However, the proposed children's home is viewed as a residential use, particularly as the Statement of Use states the children would attend school and generally follow the same routines as children living at home. As the hours of operation for the proposed change of use for the adjacent agricultural building(s) can be restricted by condition to the normal working day we are of the view this should ensure there is no adverse impact on amenity. In addition, there is an existing residential use and other residential properties within the vicinity.

Local Residents and the General Public

17. No comments received.

PLANNING POLICY

18. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG).

The full text of the Council's policies are available on the Council's website at: [Rushcliffe - Planning Policy](#).

Relevant National Planning Policies and Guidance

19. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.

The relevant sections of the NPPF are:-

Chapter 8: Promoting healthy and safe communities
Chapter 9 Promoting sustainable transport

Relevant Local Planning Policies and Guidance

20. Policies in the Local Plan Part 1: Core Strategy can be found [here](#).

Under the Local Plan Part 1 the following policies are considered relevant:-

Policy 1: Presumption in Favour of Sustainable Development.

21. Policies in the Local Plan Part 2: Land and Planning Policies, can be found [here](#).

Under the Local Plan Part 2 the following policies are considered relevant:-

Policy 1: Development Requirements

Policy 14: Specialist Residential Accommodation

Policy 22: Development within the countryside.

APPRAISAL

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
23. The main issues in the consideration of the application are the principle of development, residential amenity and the living conditions of occupiers, highway safety and parking.

Principle of development

24. The overarching Policy 1 in the Local Plan Part 1: Core Strategy reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.
25. The site falls within open countryside. Policy 22 of Local Plan Part 2 states out that land in the open countryside will be conserved and enhanced. Paragraph 2 sets out that development for certain uses including at sub paragraph b) the re-use and adaptation of buildings for appropriate uses, including housing. The scheme does not propose market housing but a specialist C2 use as a therapeutic care home for up to 4 children and must be considered as such.
26. Policy 14 (Specialist Residential Accommodation) of the Local Plan Part 2: Land and Planning Policies sets out that planning permission will be granted for specialist accommodation that falls within use class C2 (Residential Institutions) of the Use Class Order provided a number of criteria are met. Of relevance to this application this is provided that:
 - a) *the proposal is located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers;*
 - d) *a satisfactory residential environment can be achieved for the benefit of the intended occupants without detriment to the amenity of nearby dwellings;*
and
 - e) *there is no significant adverse impact on highway safety and adequate provision for access and parking is made.*
27. Paragraph 92 of the NPPF (2023) states: "*Planning policies and decisions*
page 38

should aim to achieve healthy, inclusive and safe places which a) promote social interaction....and b) are safe and accessible...and c) enable and support healthy lifestyles..."

28. The application site is not within an existing residential area. It is in an isolated open countryside location, accessed via a 1.1km track leading from Bingham Road and is some 2.4km by road to Bingham, which is identified as a key settlement in Policy 3 (Spatial Strategy) of the Local Plan Part 1: Core Strategy.
29. The site would not be served by close by public transport routes given that the nearest bus stops to the site are located some 2km from the application site serving Nottingham and Bingham via Cropwell Bishop and Cropwell Butler.
30. Furthermore, the roads in the locality of the access track to the application site are not served by pedestrian footpaths and are unlit.
31. Taking the above into account, by virtue of its isolated location within the open countryside at the end of a 1.1km long farm track some distance from the nearest town centre with local shops services and facilities and access to means of public transport, it is not considered that the site is in a sustainable location and as such the proposal fails to meet the criteria set out in Policy 14 of the Local Plan Part 2: Land and Planning Policies, particularly part 'a' which requires that such uses be located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers.

Residential amenity and the living conditions

32. Policy 10 of LPP1 and Policy 1 of LPP2 requires that new development proposals be assessed in terms of their impact on the amenity of occupiers of proposed development and nearby residents. Policy 14 of LPP2 requires new residential institutions to provide a satisfactory residential environment for the benefit of the intended occupants without detriment to the amenity of nearby dwellings.
33. Given the separation distance between the Farmhouse and the nearest residential properties to the southwest (Tythby Grange Cottages) it is not considered that the proposal would result in harm to the residential amenity of the occupiers of these nearby dwellings from the use or any associated access requirements.
34. With regards to the level of amenity that would be provided for the residents and live-in staff of the proposed children's home if permission were to be granted the comments of the Environmental Health officer are noted.
35. The Farmhouse is adjacent to a complex of agricultural and commercial buildings to the north and west.
36. Some of the agricultural buildings are in use whilst some appear to be vacant.
37. There are 4 no. commercial buildings which have been granted 'Class B8'

(Storage & Distribution) or Class E(g)(iii) Use (Industrial processes which can be carried out in a residential area without detriment to its amenity). Impact on the amenity of the Farmhouse and Tythby Grange Cottages was given due consideration in determining the applications for these uses. Consequently, hours of use restrictions have been placed on these commercial buildings which are between 07.00 and 19.00 Monday to Friday and 08.00 and 17.00 on Saturdays (no Sundays or Bank Holidays).

38. The Farmhouse currently has a Use Class C3 (Residential) use and as such could be occupied as a dwelling at any time without the need for any planning permission notwithstanding the nature of the uses of the surrounding buildings. The occupation of dwelling as a children's home would not be considered to be significantly different in terms of the expectations of levels of amenity that would be provided for its occupants of the property.
39. Taking this into account together with the restrictions of hours of operation of the commercial buildings to be during weekdays and Saturday day times only and given that the young people would generally be attending school or educational providers during the week it is not considered that it would be reasonable to justify refusal of the proposal on the grounds of lack of amenity for occupants of the children's home in this instance.
40. The proposal is therefore considered to accord with Policy 1 and Policy 10 of LPP1 And Policy 1 and Policy 14 of LPP2.

Highway matters

41. Policy 1 2. of LPP1 sets out that planning permission for changes of use will be granted where a suitable means of access can be provided without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority. Nottinghamshire County Council Highway Authority has reviewed the application and has raised no objections to the proposal. Access to the property would be via an existing access onto Bigham Road and there is parking provision for at least 12 vehicles. This would be considered to be an appropriate provision given the proposed number of residents, staff and visitors to the site.
42. The proposal is therefore considered to accord with Policy 1 of LPP2 and Section 9 of the NPPF (2023).

Conclusion

43. Given the isolated location of the site at the end of a 1.1km access track and within the open countryside, distances to the nearest key settlement and the service and facilities of Bingham and the nearest villages and the lack of any public transport routes on Tythby Road to access Tythby Grange (which has no pedestrian pavements and is unlit) it is considered that the site is in a highly unsustainable location. It would not have access to sustainable transport routes, relying on the use of motor vehicles for staff and visitors to the proposed children's home and for the young people to access services and facilities and services such as doctors, schools and shops.

44. It is therefore considered that the proposal fails to meet the criteria set out in

the Chapter 12 of the NPPF, Policy 14 of the Local Plan Part 2 and Policy 22 of the Local Plan Part 2.

45. The application was not the subject of any pre-application discussion however there is a fundamental policy objection to the proposal and as such a recommendation for refusal has been made in a timely manner to avoid any further abortive costs.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. The proposal would represent an unsustainable form of development by virtue of the site's isolated location within the open countryside located 1.1km from the nearest public highway, and given the distance to the nearest services and facilities within key settlement of Bingham.

Furthermore, there is a lack of any public transport routes on Tythby Road to access Tythby Grange, or opportunity for pedestrian travel given the unlit nature of the rural road with no pavements, thereby resulting in a reliance on private vehicles by residents and staff and visitors to the site.

Accordingly, the proposal would fail to meet the requirements set out in Policy 14 (Specialist Residential Accommodation) of the Local Plan Part 2: Land and Planning Policies, particularly part 'a' which requires that such uses be located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers.

In light of this, the development is also considered to fail to comply with Policy 22 (Development Within the Countryside) of the Local Plan Part 2: Land and Planning Policies (2019) which allows under part 2'b' only for "the re-use of buildings for 'appropriate' uses..." which in light of the requirements of policy 14 above cannot be considered to comply.

The proposal therefore fails to accord with the criteria set out in the Chapter 12 of the National Planning Policy Framework (2023) and Policies 14 and 22 of the Local Plan Part 2: Land and Planning Policies (2019).

This page is intentionally left blank

Planning Ref: and link to Appeal decision notice	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference	Comments/Decision Date
21/02328/FUL	7 Rushcliffe Grove, East Leake	Retrospective application for the retention of a wooden outbuilding for use as an office to enable home working	Dismissed	Delegated	APP/P3040/D/23/3318215	13.09.2023
22/01815/GDOTEL	Junction Of Radcliffe Road And Rutland Road, West Bridgford	Proposed telecommunication s installation: Proposed 15.0m Phase 9 slimline Monopole and associated ancillary works.	Dismissed	Delegated	APP/P3040/W/23/3315469	14.09.2023
22/01972/HYBRID	Landmere Lane, Edwalton	Hybrid planning application comprising FUL planning application for erection of drive-thru coffee shop with associated access, parking (including 10 electric vehicle	Dismissed	Delegated	APP/P3040/W/23/3318508	26.09.2023

		charging points), landscaping and associated infrastructure works and outline planning permission (all matters except access reserved) to construct office building including associated parking, infrastructure and landscaping works				
--	--	--	--	--	--	--