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Our reference:
Your reference:
Date: Wednesday, 1 November 2023

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 9 November 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>
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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 12 October 2023 (Pages 1 - 8)
4. Planning Applications (Pages 9 - 66)
The report of the Director – Development and Economic Growth
5. Planning Appeals (Pages 67 - 68)
The report of the Director – Development and Economic Growth

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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

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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 12 OCTOBER 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), A Brown, S Calvert,
J Chaplain, S Mallender, H Parekh, C Thomas and R Walker

OFFICERS IN ATTENDANCE:

E Dodd	Planning Manager - Development Lead Specialist
Tom Pettit	Senior Design and Landscape Officer
Gareth Elliot	Senior Area Planning Officer
Bev Pearson	Area Planning Officer
A Walker	Solicitor
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors A Edyvean and E Georgiou

16 Declarations of Interest

Councillor Parekh declared a non-pecuniary interest as Ward Councillor in application 23/01403/FUL and would remove herself from the discussion and vote for this item.

17 Minutes of the Meeting held on 14 September 2023

The minutes of the meeting held on 14 September 2023 were approved as a true record and were signed by the Chair.

18 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.

23/00063/TORDER – To the West Bridgford No.1 Tree Preservation Order 2023 - 42 Wilford Lane, West Bridgford, NG2 7RL

DECISION

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

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

23/01403/FUL - Construction of new single storey detached community centre, bin store, parking, access with gates and associated external works - Edwalton Community Centre Land Southwest of Cornelia Grove Edwalton Nottinghamshire

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee, Councillor H Parekh (Ward Councillor) addressed the Committee.

Comments

Members of the Committee discussed the environmental aspects of the application and asked for Advisory Notes to be added for the following aspects of the development; for the flood lights to have solar panels; that the cycle park area be covered; for the car park area to include electronic vehicle charging points; that as part of the landscaping (Condition 6) that any hardstanding be permeable and that the landscaping include green planting and some shade.

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 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. Prior to the surfacing commencing further details of hardsurfacing and location of EV charging points (where practicable) shall be submitted and approved by the Borough Council. The development shall be carried out in accordance with the approved details. 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). To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 112(e) of the National Planning Policy Framework (July 2021).]

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 Identify) 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).]

Notes to applicant

Prior to development commencing it is recommended that consideration is given to the following measures that will promote sustainability;

- Surfacing of the car park in a permeable material
- Use of solar panels on floodlights
- Creation of shade for the outdoor areas using natural (planting) or other means
- Covered areas for cycle storage

These measures should be incorporated into the development where practicable and information included within relevant applications to discharge

conditions.

Councillor Parekh re-joined the meeting.

23/01258/FUL - Change of use from C3 to C2 children's home - Tythby Grange Farmhouse Bingham Road Tithby Nottinghamshire NG13 8GR

Updates

Additional representation was received after the agenda was published and this was circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr M Stanway (Applicant) and Councillor T Birch (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the number of children in care in Nottinghamshire and the lack of local provision available to look after them within the County. Members of the Committee thought that the rural location of the application could offer benefits to the children giving access to nature and gardens and green spaces. Members of the Committee noted the lack of public transport to the accommodation and thought that this could limit the pool of potential employees and visits from family and friends of the children.

On the basis of seeking further evidence as to the benefit to children of proximity to green spaces, Councillor Thomas moved for deferral of the application and this was seconded by Cllr S Mallender and the vote was lost.

Councillor Parekh moved to reject the recommendation and approve the application with additional conditions for the application to have a travel plan to manage travel for staff members and birth parents and for CT use to be restricted specifically for children and for a maximum of four children.

This motion to grant planning permission with the additional conditions was seconded by Councillor Ellis and the vote was carried.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking

and/or re-enacting that Order) the property to which this permission relates must only be used for the purposes of a Use Class C2 (Children's Home) and for no other purpose whatsoever within Use Class C2 (Residential Institutions) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) without express planning permission from the Local Authority.

[In order that the Local Planning Authority may retain control over any future use of the land due to its particular character and location, 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)].

3. The development hereby permitted must not be occupied or first brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan must set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes to include arrangements for staff, children and visitors to the site and shall include arrangements for the monitoring of progress of the proposals. The approved Travel Plan shall be implemented in accordance with the timetable set out in that Plan.

[To promote sustainable travel within the Borough having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

4. The children's home hereby approved shall not be occupied by more than four resident young people between the ages of 6 years -17 years of age at any one time.

[For the avoidance of doubt. The site is located in an area where residential institutions are not normally permitted. This permission has been granted solely on the basis of the details submitted with the application deposited on the 30th June 2023].

19 **Planning Appeals**

The Committee noted the Planning Appeals Decision report which had been circulated with the agenda.

The Planning Manager Development referred to application 22/01972/HYBRID at Landmere Lane for erection of a drive-thru coffee shop with associated access and parking and noted that the Planning Inspectorate had upheld the Council's decision at appeal.

The meeting closed at 7.58 pm.

CHAIR



Planning Committee

Thursday, 9 November 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.

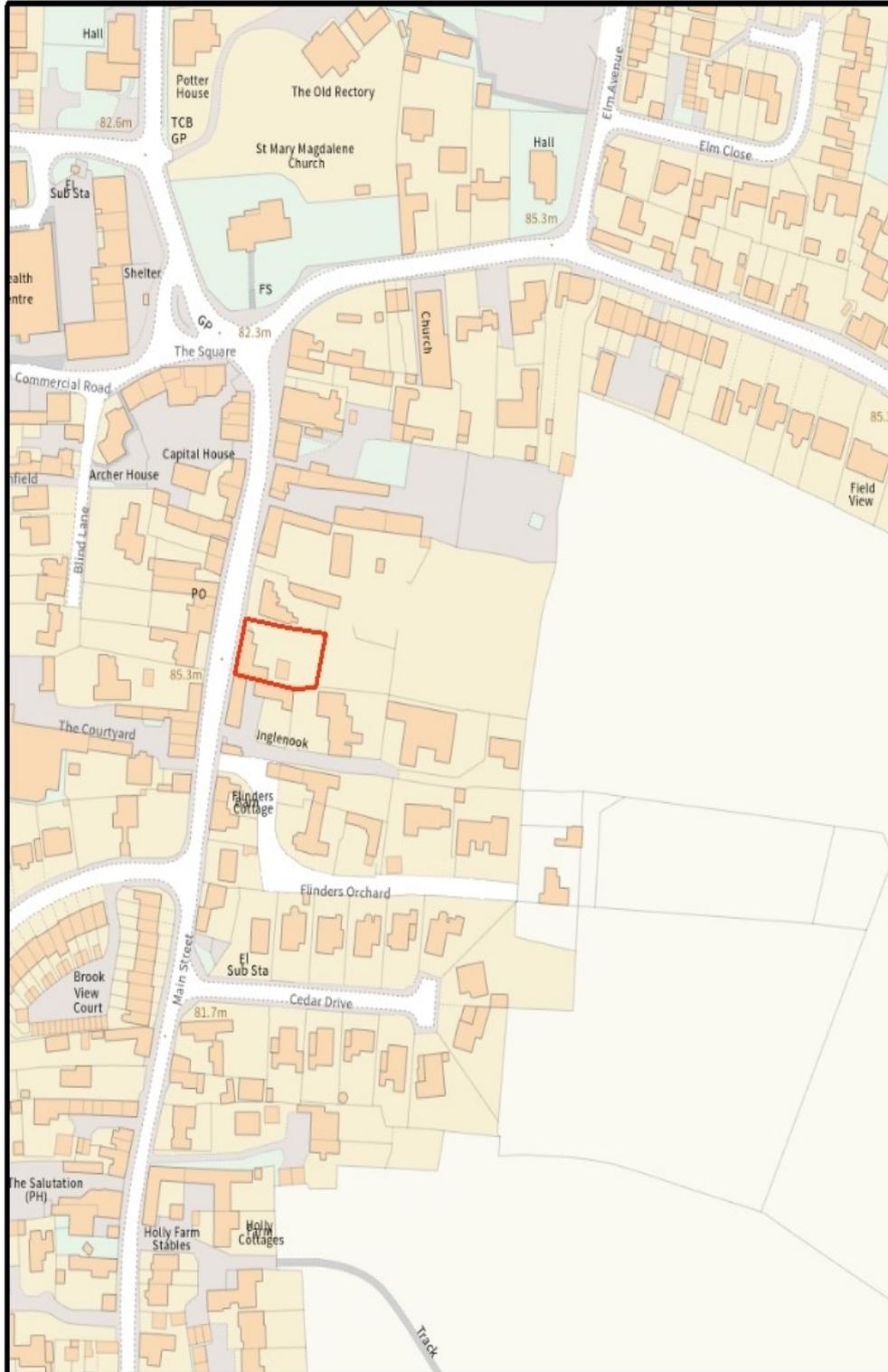
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
<u>23/01565/FUL</u>	27 Main Street, Keyworth, Nottinghamshire, NG12 5AA Detached garage with first floor store and external stairs. Car port (Retrospective)	
Ward	Keyworth and Wolds	
Recommendation	Grant planning permission subject to conditions	

Application	Address	Page
<u>20/02586/REM</u>	Site of Former Cotgrave Colliery, Stragglethorpe Road, Stragglethorpe, Nottinghamshire Application for matters reserved under application ref 10/00559/OUT for the approval of the access, appearance, landscaping, layout and scale for the erection of a new footbridge over the Grantham Canal	
Ward	Cotgrave	
Recommendation	Grant planning permission subject to conditions	

Application	Address	Page
<u>23/01605/FUL</u>	Catalyst Church Westminster Drive Upper Saxondale Nottinghamshire NG12 2NL Change of Use of former Chapel (Use Class F1) to Hall or meeting place for the principal use of the local community (Use Class F2)	
Ward	Newton	
Recommendation	Grant planning permission subject to conditions	



Application Number: 23/01565/FUL
27 Main Street, Keyworth



scale 1:2000

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Rushcliffe Borough Council - 100019419

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23/01565/FUL

Applicant Ms Sue Kemmer

Location 27 Main Street, Keyworth, Nottinghamshire. NG12 5AA.

Proposal Detached garage with first floor store and external stairs. Car port (Retrospective)

Ward Keyworth And Wolds

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

THE SITE AND SURROUNDINGS

1. The application site refers to No.27 Main Street, Keyworth which is a two storey dwelling with private amenity space to the rear of the site. The site previously had a detached garage within this private amenity space and, had permission for a replacement approved in September 2021. The replacement garage has not been constructed in accordance with the approved plans which results in the current application which seeks permission for the structure 'as built'.
2. The application property lies within the Keyworth Conservation Area and is identified as a key unlisted building in the Conservation Area Townscape Appraisal. It is within close proximity to several grade II listed buildings including the 'Barn at Number 31 Main Street', which is to the South of the application property, and 19 Main Street to the North of the application site.

DETAILS OF THE PROPOSAL

3. Retrospective planning permission is sought for the construction of the garage, external staircase and car port as built, which differs from the approved scheme in 2021.
4. The approved scheme was for an outbuilding in the rear garden that would be used as a double garage and storage area at ground floor with an internal staircase and a 'hobby room' at first floor. The building was proposed to measure c.3.27m to the eaves and c.5.41m to the ridge. The approved plans also showed a glazed link extension between the existing dwelling and the garage with a lean-to roof measuring c.2.29m at the eaves and c.2.75m at the ridge.
5. The present application proposes for an outbuilding with the same use and footprint, but it would have an eaves height of c.3.35m and a ridge height of c.5.53m. It would also include external alterations including the construction of an external staircase (with obscure glazed screening to a height of c.1.79m from the height of each step and platform, for steps greater than c.1.45m from ground level) adjacent to the South elevation, relocated solar panels and fenestration alterations; including the re-siting of 1no front facing rooflight, a

relocated and larger window on the North side elevation and the alteration from a window to an external door at first floor on the South side elevation to serve the external staircase.

6. The present application also differs from the approval with the 'glazed link' now being an open-front car port with a dual-pitched roof, with an eaves height of c.2.12m and a ridge height of c.3.30m.

SITE HISTORY

7. 21/01913/FUL: Demolish detached garage/workshop building and build detached garage/workshop building with first floor accommodation within the roofspace and glazed link to main house. Permitted September 2021.
8. 21/01932/RELDEM: Demolish detached garage/workshop building. Permitted September 2021.

REPRESENTATIONS – Response to Original Submission

Town/Parish Council

9. Keyworth Parish Council object to the proposal due to:
 - a) Not being in keeping with the Conservation Area;
 - b) Privacy;
 - c) Loss of light;
 - d) Future use of building

Statutory and Other Consultees

10. Keyworth Conservation Area Advisory Group objects to the application due to:
 - a) The design of the external staircase;
 - b) The impact on neighbours' outlook and privacy;
11. The Borough Conservation Officer, notes that the approved scheme was more successful than the present application but given the scale and siting of the building, the proposal would preserve the appearance of the property and therefore the Conservation Area, and there would be no harm to the special interest of the nearby listed buildings.

Local residents and the General Public

12. Three letters of representation have been received which object to the proposal and their concerns relate to:
 - a) Unsightly appearance;
 - b) Use of materials;
 - c) Privacy;
 - d) Lost of light;
 - e) Impacted view;

REPRESENTATIONS – Response to Amended Scheme

Ward Councillor(s)

13. One Ward Councillor (Cllr T Wells), objects to the application due to:
- a) Poor design;
 - b) Potential future change of use;
 - c) Overshadowing;
 - d) Overbearing;

Town/Parish Council

14. Keyworth Parish Council object to the proposal due to:
- a) Not being in keeping with the Conservation Area;
 - b) Privacy;
 - c) Loss of light;
 - d) Future use of building;

Local residents and the General Public

15. Three letters of representation have been received which object to the proposal and their concerns relate to:
- a) Privacy;
 - b) Loss of light;
 - c) Impacted view;
 - d) External staircase is out of character;
 - e) Creating precedent;

PLANNING POLICY

16. The decision on any application should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy, The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) and the Keyworth Neighbourhood Plan – adopted June 2018. Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2021) the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG).

Relevant National Planning Policies and Guidance

17. 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.

18. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Chapter 2 - Achieving Sustainable Development
- Chapter 12 - Achieving Well Designed Places
- Chapter 16 - Conserving and Enhancing the Historic Environment

19. The National Planning Policy Framework 2021, Paragraph 135, states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

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

20. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard must be taken when assessing this planning application. Any alterations which are not seen to preserve a Listed Building, its setting, or any features of special architectural or historic interest, are not considered to be desirable as per the Planning (Listed Buildings and Conservation Areas) Act 1990.

21. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant Local Planning Policies and Guidance

22. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the current proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 10 - Design and Enhancing Local Identity
- Policy 11 - Historic Environment

23. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) are considered to be relevant to the current proposal:

- Policy 1 - Development Requirements
- Policy 28 - Conserving and Enhancing Heritage Assets

24. The Rushcliffe Residential Design Guide (2009) sets out guidance for extension design and assessment of amenity impacts.

25. The Keyworth Neighbourhood Plan was adopted on 1 June 2018. Decisions on planning applications in the parish have to be made in accordance with both the Neighbourhood Plan and the Rushcliffe Local Plan, unless material considerations indicate otherwise.

Full details of local planning policies can be found [here](#)

APPRAISAL

26. 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.
27. The main issues in the consideration of the application are; the principle of development; design/impact upon the character and appearance of the streetscene, heritage, and impacts upon residential amenity.

Principle of development

28. There is no objection in principle to the proposed construction of the building and link extension, provided it would be designed to a high standard, respect the established character of the area, and would not have an adverse effect on the amenity, whilst being in accordance with the policies of the National Planning Policy Framework (2021), The Rushcliffe Local Plan Part 1 and The Rushcliffe Local Plan Part 2. There is no conflict with the Keyworth Neighborhood Plan. A building in this location has previously been approved and the site history is a material planning consideration.

Design issues and surrounding area

29. The proposed garage and car port would be one-and-a-half storey and be sited to the rear of the two-storey host dwelling such that limited view of the structure would be available from public domain, between the built form of 19 and 27 Main Street.
30. The proposed garage would make appropriate use of a red brick (with appropriate eaves and verge detailing and brick headers above openings) and have a red pantiled dual-pitched roof. These are all design traits considered to be in keeping with properties in the Conservation Area, and in-particular this part of Main Street, whilst also taking lead from the building that previously occupied this part of the site.
31. The proposed garage would make appropriate use of materials, in addition to the design being sympathetic to the existing property, in terms of its scale and built form, in accordance with the design policies outlined above.
32. Due to its scale and siting in relation to intervening built form, the car port would not be easily visible from public domain. That said, it is considered to have an appropriate design with a roof pitch and height that would match and follow on from the host dwelling and thus being sympathetic to the host dwelling.
33. The external staircase would not be of a design typically seen within the vicinity. Nonetheless, the external staircase would not be easily visible from public domain, being screened by the proposed building to the North, the proposed car port and existing dwelling to the West and 31A Main Street to the South. On balance, whilst an external staircase may not be desirable

within the area, it would not be considered to negatively impact the surrounding area.

34. Overall, Officers are satisfied that the quality of the proposed development would not be materially diminished from the approved scheme, and the proposed development would be acceptable in terms of the impact on the surrounding area.

Heritage

35. Whilst the host dwelling is between two listed buildings, 19 Main Street to the North and 31 Main Street to the South, the Conservation Officer has raised no concerns that the nature of the works proposed would have any bearing on the significance of the nearby heritage assets. As such significance of these structures would be effectively preserved, achieving the desirable criteria of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
36. In terms of the Keyworth Conservation Area, given the building makes use of appropriate roof forms and materials, Officers view the impact on public domain and the Conservation Area to not be significant. Whilst concerns have been raised with regards to the style and appearance of the external staircase, this would not be easily visible from public domain due to being screened by neighbouring properties, the host dwelling and the proposed building. This view is shared by the Conservation Officer, who states 'I consider the proposal would preserve the appearance of the property and therefore the Conservation Area. Accordingly, the scheme would be considered to achieve the desirable criteria of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in preserving the special architectural and historic character of the conservation area.
37. The development would therefore accord with local and national heritage policies of the development plan.

Impact of proposed development on amenity of adjoining occupiers

38. Core Strategy Policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under Policy 1 of the Local Plan Part 2: Land and Planning Policies, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.

Overshadowing –

39. The application site is located on the East side of Main Street, and the proposed outbuilding and car port is located in the rear (East) garden. With regards to neighbouring properties, the proposed structures is located to the North of 31A Main Street and South of 19 Main Street.
40. Given the proposed building is of a reduced height to the demolished outbuilding and it is located a suitable distance from the boundary for its height, there are no significant overshadowing concerns as a result of the proposed development with regards to 19 Main Street.

41. Given the structure is located to the North of 31A Main Street, the proposed development would not result in any notable overshadowing to this neighbour.

Overbearing / Loss of light –

42. It is noted that 31A Main Street has several rooflights facing towards the application site and one in particular that may be impacted by the development which is located approximately 3.0m above ground level (on the application property) and c.0.30m inset from the boundary. The potentially impacted rooflight is located off-centre to the garage/staircase.
43. The demolished outbuilding was located c.1.41m from the boundary with 31A Main Street, with a length of c.5.13m, an eaves height of c.3.26m and a ridge height of c.5.41m. The proposed, as built, outbuilding is located c.1.91m from the boundary with 31A Main Street, with a length of c.6.20m, an eaves height of c.3.35m and a ridge height of c.5.53m. Whilst the structure has a slightly greater length and height, it is located c.0.50m further from the boundary and therefore Officers consider the overbearing impact would be reduced.
44. The staircase adjacent to the South elevation of the garage would have a maximum height of c.4.56m to the top of the obscure glazing adjacent to the platform facilitating the proposed entrance door to the first-floor level. Whilst the staircase is c.1.00m closer to the neighbouring property than the garage, it should be noted that the staircase/obscure screen is significantly lower in height than the garage structure itself, the screen (being opaquely glazed) still provides for diffused light to pass through, and a significant amount of natural light would still enter the neighbouring property's rooflight. As such, it is Officer opinion that the staircase and screening would not materially impact the natural light received at the neighbouring property, compared with the garage - which has been assessed above and in the previous application as not being of an overbearing impact.
45. Given the car port's eaves height, ridge height, roof form and siting in relation to the neighbouring glazing, it is not considered to be of an unacceptable overbearing nature.

Overlooking –

46. As part of the application as submitted, which represents the building as constructed, Officers had significant concerns with the level of overlooking from the external staircase, particularly on the last 5 steps before reaching the top platform. Whilst it was noted that the staircase would be used in passing, the level of the outlook into the neighbouring property was considered detrimental to their enjoyment of the dwellinghouse. Accordingly, amended plans have been provided which propose for the installation of an extended obscure glazed screen for the last six steps of the staircase at a height of c.1.79m from the edge of each step. Concerns have been raised with the height of the obscure glazed screen and not being sufficient to prevent overlooking. The height of the obscure glazing would measure c.1.79m from the edge of each step, which is equal to c.5'10", and therefore would require a person's eye level greater than this and to be stood immediately adjacent to the obscure glazed to see over - which would not be particularly easy or natural. Thus, Officers are satisfied that there would be no downward overlooking into the rooflight of the neighbouring property.

47. Concerns have also been raised with the gaps between the obscure glazing and the metal hand rails. Officers consider this to be a limited available outlook which again, would not be particularly natural to look through.
48. The garage and car port would have multiple ground floor windows and openings, where the outlook would be considered to be predominantly contained within the site boundaries such that there is no significant overlooking concern.
49. The garage would include 1no window above a typical ground floor height, but given the distance to the North neighbouring property and that there is a first floor void at this part of the garage, there are no significant overlooking concerns.
50. The garage includes 2no front facing rooflights facilitating a storage area and 1no front facing rooflight facilitating a void above the garage space. Given the outlook faces towards the host dwelling, there is no significant overlooking concern.
51. Overall, Officers are satisfied that the garage would not result in any significant negative impact on the amenity of adjoining occupiers that would warrant refusal of the planning application.

Other Matters

52. Concerns have been raised with regards to the potential future use of the first-floor of the outbuilding. Officers have added a condition requiring the building, in full, shall be used ancillary to the host dwelling and not sold or let separately. That said, members are reminded that the application should be determined based on the application as proposed, and any future change of use would require a planning application.

Recommendation

53. It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. The proposal therefore complies with local and national policies and it is recommended that planning permission be granted.
54. Negotiations have been undertaken during the consideration of the scheme as a result of overlooking concerns from the external staircase as proposed/built resulting in amended plans and a recommendation to approve the application.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions:

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

- 700.01Rev C - Plans and elevations as proposed - resubmission. Dated August 2023.
- 700KEMMERASITEBLOCK03REVA. Received August 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)].

2. The materials used in the construction of the exterior of the development hereby permitted must be similar in appearance to the materials used as seen on site.

[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)].

3. The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling (27 Main Street, Keyworth) and shall not be sold or let separately.

[The development is of a nature whereby future development of this type should be closely controlled in the interest of amenity and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The obscure glazed screen adjacent to the external staircase as part of the development hereby permitted must be installed prior to the the installation of a door to facilitate the use of the first floor. It shall be installed in accordance with the approved plans listed above, and retained thereafter for the lifetime of the development. Should the glazed screen be damaged/broken to the extent that its use is redundant, it must be replaced with a new obscure glazed screen to the satisfaction of the Local Planning Authority as soon as reasonably practicable.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identify) 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).]

Note-

The application was not the subject of pre-application consultation however any significant concerns have been raised and resolved during the consideration of the scheme allowing for the decision to be issued within an agreed extension of time.

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

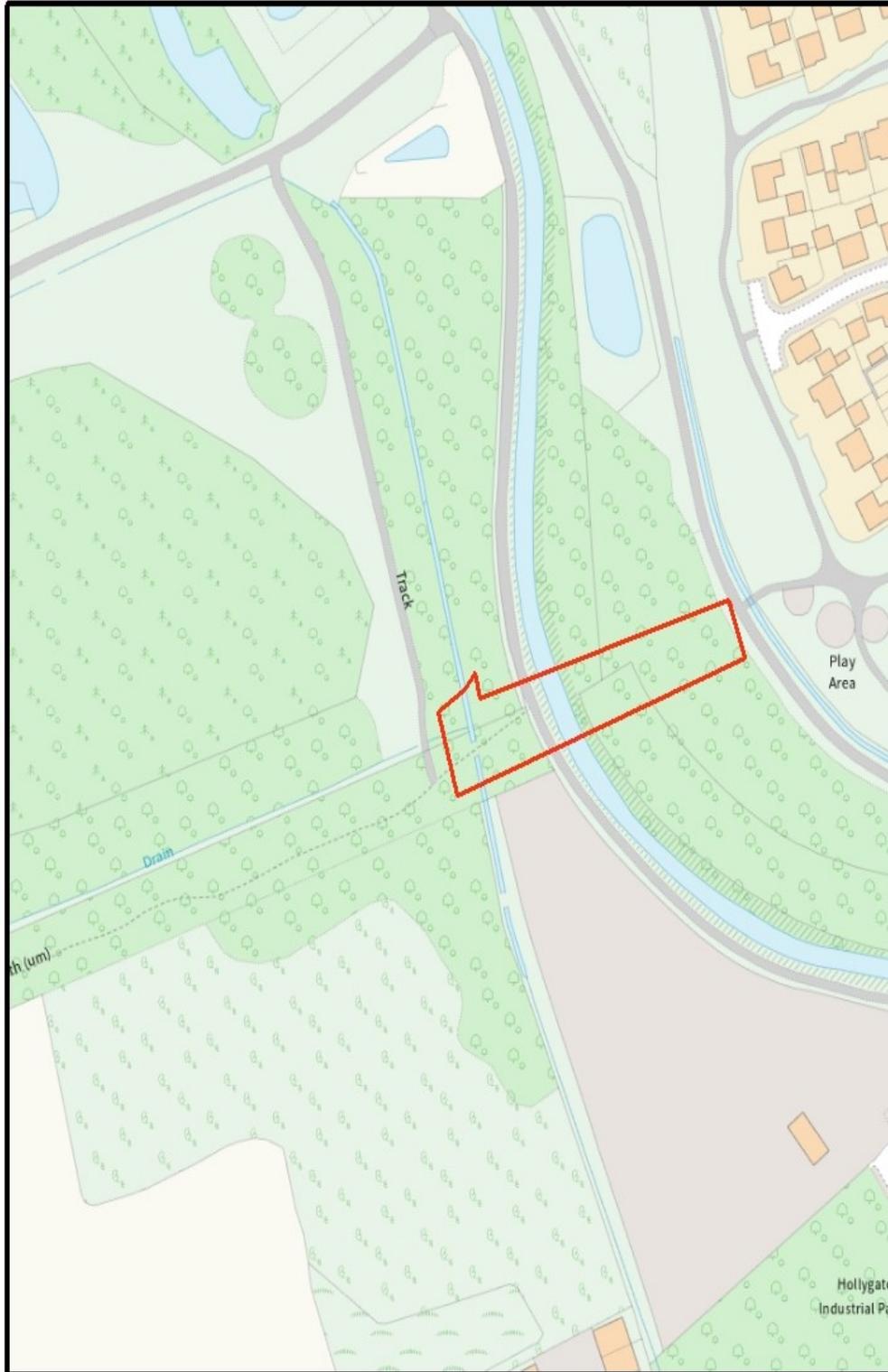
NOTES TO APPLICANT

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.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

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 landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.



Application Number: 20/02586/REM
Site Of Former Cotgrave Colliery
Stragglethorpe Road
Stragglethorpe



scale 1:2000

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Rushcliffe Borough Council - 100019419

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20/02586/REM

Applicant Charalambos George

Location Site Of Former Cotgrave Colliery Stragglethorpe Road Stragglethorpe Nottinghamshire

Proposal Application for matters reserved under application ref 10/00559/OUT for the approval of the access, appearance, landscaping, layout and scale for the erection of a new footbridge over the Grantham Canal

Ward Cotgrave

THE SITE AND SURROUNDINGS

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

1. Outline planning permission was granted for the redevelopment of the former Colliery site under planning reference 10/00599/OUT. This permission established the principle for a mixed use scheme for residential development of upto 470 Dwellings and employment units with B1, B2 and B8 uses (equal quantum). 13/1973/REM was granted for the residential element of the site with further revisions and updates subsequently approved. The whole site has been taken out of the Green Belt following the adoption of the Rushcliffe Core Strategy, to accommodate the strategic allocation in policy 23. The area proposed for the location of the bridge was identified and included within the outline planning permission and also subsequent applications in addition to condition requirements and the associated s.106 legal agreement.
2. The site, subject of this application, is located at the southern most part of the former colliery site within the Country Park. It is adjacent to the completed housing development and its southern play area. The site crosses the Grantham Canal and includes land on the southern side of the waterway just north east of housing allocation Policy 2.1 Housing Allocation – Land rear of Mill Lane/The Old Park, Cotgrave in the LPP2.

DETAILS OF THE PROPOSAL

3. The application provides details of the proposed bridge crossing that would link the north and southern sections of Country Park that is divided by the Grantham Canal.
4. Since the granting of the outline application Nottinghamshire County Council (NCC) secured a vehicular crossing bridge which is located north of the application bridge. This NCC bridge used existing buttress features, adjacent to Cotgrave Lock 7, to enable the canal to be capable of being navigable in the future but also enabled access between the two sides of the Country Park that can be used by vehicles and all pedestrians. This access had previously been provided by a flat haul bridge, that was located nearby, that was contractually required to be removed.

5. The bridge as part of the current application was required to be a pedestrian / cycle bridge. It has been designed without earth or masonry abutments in line with Canal and River Trust recommendations and standards being of a steel and timber structure for reasons of vandalism, antisocial behaviour, durability, structural integrity whilst taking into account its countryside setting.
6. The applicant has advised that 'Our aim is to deliver a functional bridge to improve pedestrian access and connectivity between the Former Cotgrave Colliery redevelopment (Hollygate Park) and Cotgrave Country Park which has a natural appearance that blends in with both the Country Park and setting of the Grantham Canal.
7. During the design process, all relevant material considerations have been evaluated, key amongst them being the minimisation of ecological loss and environmental impact to the country park and, at the same time, usability and deliverability of the intended bridge. We recognise a balance has to be struck, often against local aspirations and expectations, on the one hand, and physical and legal constraints and operational requirements, on the other. Our intended approach should be seen in the (established) context of the nearby (existing) connectivity to the Country Park and wider areas in Cotgrave at both ends of the development for all users through current facilities. In this sense, our proposal should be seen as 'complementary' and 'enhancing' - as part of a holistic approach – rather than a radical solution, in itself, starting with a 'blank canvas'. We do not have the latter nor should our very latest proposal be treated as such.
8. We have also considered all of the comments from Consultees and Stakeholders including Cotgrave Town Council, Nottinghamshire County Council – Environment Directorate and the Canal & River Trust. Mindful of their respective positions, we've discussed our latest proposals with them including, most recently, Cotgrave Town Council on 08 February. Consensus has been reached with the majority of Consultees and Stakeholders over concerns, operational requirements and proposed mitigation. However, Cotgrave Town Council remain concerned over aspects of the (bridge) design and its usability by sections of the population which, regrettably, we cannot address given the engineering, environmental, land and legal constraints within which we are having to operate in order to deliver the intended structure at this particular location.
9. Further ecological surveys may well be required prior to the commencement of works which could be conditioned as part of the Reserved Matters Approval. Further investigation of ground conditions may well be required on site after detailed planning approval is obtained to facilitate the final Technical Approval of the bridge with the Canal & River Trust.
10. The Legal Deed with Nottinghamshire County Council covering actions, covenants and enabling provisions is progressing and will shortly be issued for engrossment following most recent amendments. The Legal Agreement and Lease with the Canal & Rivers Trust embracing obligations and operational requirements has been drafted but not yet completed.'

SITE HISTORY

11. The site has a long and varied planning history that includes FUL, Variation
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and NMA applications that can be seen online however the most pertinent applications for this current application are considered to be:

12. 10/0559/OUT Redevelopment of site for upto 470 dwellings; employment uses (B1, B2 & B8); open space; landscaping; footbridge crossing the canal; associated works including roads, cycleways, footpaths and car parking (revised scheme).
13. 13/001973/REM Residential development of 450 dwellings with associated infrastructure, public open space and access (reserved matters associated with outline permission 10/00559/OUT).

REPRESENTATIONS

There have been three rounds of consultation on the application. In order to set the scene the responses of each round has been summarised below:

Original submission:

Ward Councillor(s)

14. Former ward Councillor - Cllr L Healy - Did not object. However, the whole point was to give a safe and secure route for the residents of "Hollygate Park" to the local schools, shops etc, in the knowledge that children do not have to walk down the main road, which despite having a 30mph speed limit plus a "Vehicle Activated Speed Sign" has little effect on the speed of the traffic along this stretch of the road. The design is not very user friendly bearing in mind Mums/Dads with buggies/pushchairs etc and our less able bodied residents, wheelchair users, etc and those who do not like using stairs. This proposal does not satisfy the requirement/legislation around "Accessibility For All". It needs to be a ramp. This bridge will be in place for perpetuity, so it is important we get it right, and ensure it serves ALL the people.
15. Cllr Butler – Did not object. However, as others have observed, I cannot see how people with pushchairs/wheelchairs etc will be able to use the bridge. It might simply be rather unclear drawings etc, but could I/we have some confirmation and information regarding access for these users.

Town/Parish Council

16. Cotgrave Town Council - Although Council does not have any objection to the building of the bridge, it does however have objections to the style of the bridge, as it is not in keeping with the surrounding area and the fact that it is not disability compliant. Wheelchair users and parents with pushchairs will not have access to the bridge. Council were surprised that the design was not similar that of Browns Bridge.

Statutory and Other Consultees

17. Environment Agency (EA) - 'While the proposed bridge is located within flood zone 3 the watercourse that it will cross is a canal. If this were a main river then the applicant would need to apply for a flood risk activity permit to ensure that the bridge including soffits are set sufficiently high enough to prevent flood risk to third parties. The Grantham Canal falls within the remit of

the Canals and Rivers Trust (CRT) and therefore the applicant should enquire whether a permit/consent is required for these works .We have no further comment to make with regards to the application for the approval of reserved matters.'

18. Canal and River Trust (CRT) – have commented that the bridge design is simple and functional in appearance and not dissimilar to the overall appearance of the existing footbridge over the canal by Lock 7 (Br. 14A), some 300m north of the application site, albeit in steel rather than timber. The bridge design incorporates an elevated bridge deck which achieves adequate clearance underneath it to facilitate boat movements should this section of the canal be restored to navigable status in the future. However, it is disappointing that the proposed bridge requires a stepped rather than ramped access, as this will limit accessibility for many potential users. Unless there are practical reasons which would preclude a more accessible design, the Local Planning Authority may wish to consider whether a more DDA compliant design should be sought.
19. That some tree and vegetation removal is required to facilitate construction and installation of the bridge and measures to protect nearby vegetation and trees that are to be retained should be secured via a suitably worded planning condition. Replacement planting of suitable native trees should be considered in the vicinity to compensate for the loss of habitat arising from tree removal at the bridge site and again, provision of such planting could be secured via a planning condition.
20. That it may be appropriate to secure submission of a Construction Environmental Management Plan (CEMP) via a planning condition to ensure that these and other potential impacts on local wildlife during construction operations can be appropriately managed and mitigated.
21. That the original outline planning permission to redevelop the former Cotgrave Colliery site included a requirement to construct a pedestrian/cycle bridge over the Grantham Canal. Various discussions have subsequently taken place over this element of the development, which will also require the consent of the Canal & River Trust as owners of the canal. At present no agreement has yet been concluded to allow construction of the bridge over Trust property.
22. That all aspects of the bridge design and means of construction will have to be agreed by the Trusts engineers and notwithstanding any comments contained in this response, the Applicant will still need to obtain Trust consent for the bridge.
23. Pedals – have commented that 'It is essential that this new bridge is built with proper access ramps to facilitate access by pedal cyclists, wheelchairs, pushchairs etc., as part of a longer coherent traffic-free route serving both the new housing and existing housing east of the canal. Just to provide steps is completely unacceptable.'
24. Ramblers Association – Fully support the application

The Nottinghamshire County Council

25. Lead Local Flood Authority (LLFA) - 'As the bridge relates to the Grantham Canal the CRT will have interest in this, from our point of view there are no surface water implication elements.'
26. Green Spaces (Manager of Cotgrave Country Park) – has advised that:
- a) What is proposed doesn't present any issues to us from a site management perspective.
 - b) We do have concerns about how the design of the bridge limits who can use it. However, we appreciate that to achieve a DDA compliant ramp with a 1 in 20 gradient would require 60m+ of ramp on either side of the span (either as a single length or achieved by the ramp doubling back on itself one or more times), making it a considerably more substantial structure, and also requiring a much larger footprint, which would be difficult to accommodate without much greater losses of trees and woodland.
 - c) It is queried whether the bridge could be made more usable for cyclists at least by installing a wheeling channel to allow bikes to be pushed up and down the steps on either side.
 - d) There is a lack of detail in terms of the path design and construction, including the need to pipe existing drainage features under the path. The path surfacing material should match that used elsewhere in the Country Park.
 - e) Maintenance of the path, including repairs of the surface and the management of path-side grass and encroaching vegetation does not appear to be covered in the Footbridge Maintenance Plan.
 - f) A short section of fencing be installed immediately to the west of the bridge,
 - g) No details are provided covering the construction and installation/assembly of the bridge, including duration, access, protection of the public etc.
 - h) Regarding ecology they advised that:
 - i) One tree with bat roosting potential (identified as T1 in the Ecological Appraisal, and T7 in the Arboricultural Assessment) is earmarked for removal to accommodate the bridge; to ensure legal compliance, a precautionary endoscope survey should be completed by a licenced ecologist immediately prior to felling - this should be conditioned.
 - j) A standard condition should be used to control vegetation clearance during the bird nesting season, which runs from March to August inclusive.
 - k) A precautionary approach should be adopted in relation to reptiles and conditioned accordingly, whereby any logpiles or wood chippings to be removed should be fingertip searched by an ecologist during clearance works; tussocky grass should be directionally strimmed under the supervision of an ecologist prior to clearance. Any reptiles encountered should be allowed to disperse naturally.
 - l) If development has not commenced within 12months (i.e. by August 2021), a condition should require the resurvey of the affected area for the possible presence of otter and water vole.

The Rushcliffe Borough Council

27. Sustainability Officer - Notes that 'the applicant has supplied an Ecological Appraisal report with surveys completed in December 2019, April and July 2020, which are within the optimal time period.
28. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development.' Conditions are recommended.
29. Environmental Health - Have no objections to the proposal however I would recommend that the conditions are attached regarding contamination and noise dust a management statement.

Local Residents and the General Public

30. 14 letters of representation was received raising the following matters:
 - a) Support the bridge
 - b) Encourage visitors to park on the estate roads
 - c) Should be inclusive and give access to all – wheelchairs, pushchairs, cyclists etc like the bridge further into the park
 - d) the submission states that the footbridge will be going through 'rough ground' when actually it should be listed as 'dense foliage' or even woods
 - e) not in keeping with the surrounding landmarks such as the other bridge
 - f) the location is not suitable, destroying vital habitat and reducing biodiversity.
 - g) A more suitable site would be closer to the current bridge.
 - h) Planning condition 49 for the development that this submission relates to stipulates a "new pedestrian/cycle bridge"
 - i) an application was previously submitted to discharge condition 49 (17/00934/DISCON) in relation to the construction of the pedestrian/cycle bridge. This application is currently pending and includes sketch drawings that propose a bridge with both ramp and step access.
 - j) It is not in keeping with the environmental position. It is not even aesthetically pleasing. The two bridges already in the park at locks 6 & 7 are much more in keeping with the natural setting
 - k) there are two crossing points of the canal very near to the proposed site of the bridge which both provide easy access to the estate, is this bridge really necessary
 - l) a kit bridge of the type proposed is not in keeping with the setting of a heritage asset nor compliant with the Disability Discrimination Act design criteria , health and safety and equality legislation.

Based on the revised/ additional documentation a second consultation was undertaken: June 2022

31. Former Ward Councillor - Cllr L Healy - Did not object. But referred back to previous comments.
32. Cllr Butler - Objected on the grounds of design/aesthetic appearance.

33. 'Originally I raised concerns about lack of DDA access and matters, but I now understand and appreciate the physical restraints/lack of enough space to provide ramp access. On reflection I question the need/use of the bridge. A few yards further along the canal there is already a bridge which allows (country park maintenance) vehicle access, and also is useable by wheelchairs, prams, buggies, bicycles etc.
34. Then on the otherside of the proposed bridge, nearby is Hollygate Lane itself, which provides vehicular and pedestrian access (on wide footpath) between Hollygate Park and Cotgrave. This route is already well used by residents and others.
35. I realise that the requirement for "a bridge" was part of the original planning conditions for Hollygate Park, but given the length of time since Hollygate Park was completed and receiving the application, pedestrian usage and movement/pattern would suggest to me that other improvements to the immediate area as a result of Hollygate Park being developed, would be more beneficial and relevant.'

Town/Parish Council

36. Cotgrave Town Council - Council objects as the bridge still does not have any access for disabled people. Is this bridge being constructed in the correct location if it cannot be disability complaint, pushchairs/cycles etc.

Statutory and Other Consultees

37. Canal and Rivers Trust
Note that the bridge design does not appear to have changed and the revised information only relates to the provision of a Design Statement and CEMP. Note points regarding challenges of producing a DDA compliant design in this location and acknowledge that a ramped access would not be easy to successfully incorporate here. We further note that there are two other bridge crossings nearby which do provide level access.
38. Grantham Canal Society
- a) The minimum clearance to the bridge structure, including any projecting brackets and bolting, should be 2.0 metres above the water level measured from the letterbox opening on adjoining lock. Please can you ensure that this clearance is incorporated into any conditions
 - b) The Canal is described on the plans as redundant but it is in fact under restoration and we should be grateful if you could amend the annotation accordingly ; this is why we ask for the clearance to enable craft to pass below the proposed bridge.

The Nottinghamshire County Council

39. NCC Park Manager – has commented that 'As highlighted previously, the design of the bridge prevents use by pushchairs/buggies and mobility scooters. However, it is appreciated that to achieve a DDA compliant ramp with a 1 in 20 gradient would require 60m+ of ramp on either side of the span (either as a single length or achieved by the ramp doubling back on itself one or more times), making it a considerably more substantial structure, and also

requiring a much larger footprint, which would be difficult to accommodate without much greater losses of trees and woodland. It is noted, however, that the previous request to install a bike wheeling channel has now been accommodated in the design, which is welcomed.

40. It appears to remain the case that there is a lack of detail in terms of the new linking path location, path design and construction, including the need to pipe existing drainage features under the path. The path surfacing material should match that used elsewhere in the Country Park. This additional information is considered essential at this stage.
41. It was previously requested that a short section of fencing be installed as part of these works immediately to the west of the bridge, where the existing path crosses over 'The Rill', to protect users from the drop (note that this is outside the red line boundary), again this matter has not been addressed.
42. A CEMP (May 2022) has now been submitted. This refers to a separate Construction Phase Health and Safety Plan; the status of the latter is not clear, but if not already produced then the submission of such a document must be conditioned, as interactions between the constructions works and members of the public using what is the busiest part of the site are a key concern. It should be noted also that the details relating to parking, compounds, working hours etc. have not yet been agreed with the landowner (Nottinghamshire County Council). Additionally, the recommendations made in the Ecological Appraisal should be incorporated into the CEMP.
43. Maintenance - As highlighted previously, the Footbridge Maintenance Plan needs to consider maintenance of the new linking sections of path, including repairs of the surface and the management of pathside grass. It is noted that the previous (2017) version of the Footbridge Maintenance Plan has been resubmitted, and it is necessary for this to be updated to include path maintenance.
44. Ecology - It is noted that your Ecology and Sustainability Officer has commented on ecological impacts.'

The Rushcliffe Borough Council

45. Sustainability Officer - As previous comments
46. Environmental Health Officer - On review, the supporting Construction Method Statement from is acceptable and should ensure that noise and dust from the construction of the bridge is appropriately controlled and managed by best practicable means.

Local Residents and the General Public

47. 6 representations have been received
 - a) It has no suitable disabled or pram/pushchair access.
 - b) Design statement 3.3 states to meet DDA must have 60m ramp on either side. This is used in part for justifying design decision to make bridge stepped access only. As the inferred argument continues in 5.1 there is ramp access provided by a bridge further away. Presumably

this pre-existing bridge meets the DDA requirements outlined in 3.3? If not then the original point of the new bridge (namely disabled access) remains? In which case this design proposal fails to meet. If this is the case, I cannot see the benefit in spending money to create infrastructure which does not meet the needs of the community.

- c) Cycling Gutters in particular are of little use for disabled or frail cyclist, nonstandard cycles or those with child seats. The proposed alternative routes for cycling suggested in 5.1 are not in alignment with uk gov advice regarding being direct. As noted in 5.2 the added journey distance of half a kilometre is likely to discourage its use. I would suggest the time of 1min 22 secs is a significant underestimation when considering children or elderly cycling this route.
- d) 5.2 and 5.3 states low commuter traffic is likely however it fails to account that the country park represents a nearly entire traffic free route for children to access their school (via bluebell spinney exiting at East acres it involves 1 road crossing to get to the precinct). Whilst stating that hollygate lane road surface is suitable for cycling on (a curious statement in itself that a road surface is suitable for a bicycle) it fails to appreciate the unsavoury and unsuitable nature of children trying to use this road to cycle to school. It is unlikely the current proposal would result in reduced car use for travelling to Cotgrave from Hollygate park. Again this would not be in line with the City's climate emergency aims.
- e) No detail of the impact of construction, and how this will impact park users or wildlife in terms of haulage roads, crane mats, compounds etc which have no details shown.
- f) The most ugly canal bridge I have seen, and is clearly an attempt by the developer to cut corners and costs. This steel structure would suit an industrial estate but it clearly does not fit into the local country park environment where neighbouring bridges are wooden or of brick construction. This would be an eyesore and detract from the country park rather than being an asset.
- g) The bridge will shorten the journey time, avoid the risks and make the journey less stressful and more attractive.
- h) Carrying shopping from the centre of Cotgrave or the precinct to Hollygate Park is a long tiring walk, the new bridge will save at least 20 minutes. The position in the park of the current bridge actually lengthens the journey hence people prefer to use Hollygate Lane. Google maps shows the difference to be an extra half mile. The total distance with the new bridge is about 1km, without the bridge it is approx 1.75 km. I have timed the walk and for people like myself, visiting family, who are not able to walk at a brisk pace, a journey using the current bridge and walking through the woods from Mill Lane adds half an hour.

Revised plans and documents received February 2023

Ward Councillor(s)

48. Ward Councillor - Cllr Chewings - objects to the proposal on two points:

a) Lack of Provision for Disabled Access

It is concerning that the applicant refers to the DDA, which was rescinded and replaced by the Equality Act 2010 on 1st October 2010. This calls into

question the applicant's understanding of the relevant legislation. Neither the DDA nor the Equality Act stipulates specific gradients for ramps.

However, guidance and regulations do exist:

1. Building Regulations: Ramping for dwellings should be between 1 in 12 and 1 in 20.
2. Inclusive Mobility: Recommends a gradient of 1 in 20, with 1 in 12 as the maximum acceptable.
3. Highway Structures & Bridges Design CD 353: Specifies a maximum gradient of 1 in 20, with allowances for special circumstances, to a maximum of 1 in 12.

The applicant's assertion that a 60m ramp would be required for disability access is incorrect. Based on the above guidelines, a 3m high bridge could require a ramping length of 36m, not 60m as stated.

Furthermore, under s.149 of the Equality Act 2010, Rushcliffe Borough Council has a Public Sector Equality Duty to eliminate discrimination and advance equality of opportunity. Given the applicant's failure to adequately explore all options for disabled access, can the Council approve this application?

49. b) Aesthetic Incompatibility with Local Heritage / Out of keeping of the Local Area

The proposed bridge, a combination of wood and exposed steel girders, is incongruent with the local heritage and appearance. The site is at the entrance to Cotgrave Country Park and crosses the Grantham Canal, which dates back to 1797. The industrial appearance of the steel girders would be detrimental to the character of both the canal and the park. The applicant's own Design Statement, specifically images 1 and 2 on page 6, shows what a traditional bridge crossing should look like. The most recent footbridge over the canal was constructed with a wood-facing structure, in harmony with the site's tranquil nature. The proposed design is in stark contrast to this and would be an eyesore.'

50. The Ward Councillor - Cllr Butler - I will withdraw my objection and remain neutral.

Town/Parish Council

51. Cotgrave Town Council – Council objects as follows:-

- a) The design does not have any disabled access and is not inclusive for all users
- b) The design of the bridge is not in keeping of the locality. It is of an industrial style and not country park
- c) Council wishes it to be noted that they have considerable concerns of who will have the ownership and responsibilities for the bridge once built.

Statutory and Other Consultees

52. Environment Agency – 'referred to the Canals and Rivers Trust (CRT) as this is their asset. However we feel it would be best to go ahead and request an FRA from the applicant. We have been in discussion with our internal data

team regarding our flood modelling in the area, the flood risk team have stated that we do not normally see canals with their own floodplain and suspect that the risk posed to the canal is as a result of other watercourses backing up. Regrettably, this is unclear since we don't hold any detailed flood modelling for canals and ordinary watercourses. We reviewed the consultee documents but we have not seen any flood risk matters that have been brought up for us to look at by the CRT. We also cannot confirm whether flood risk will be considered by the CRT through their consents/permits or whether they hold any modelled data for the canal.

The flood risk and data teams have respectively advised that the applicant will therefore need to assess the flood risk posed to the site, and either demonstrate how the bridge will not increase risk to third parties/impact the function of the floodplain, or challenge the flood zone 3 designation by carrying out their own basic modelling.'

53. CRT – As per previous comments.

The Nottinghamshire County Council

54. NCC Park Manager – Our previous comments (sent 20th June 2020) have been partially addressed, however:

- it is noted that a previous consultation response from the Grantham Canal Society (dated 21st June 2022) refers to a figure of 2m above water level. It is important to establish which figure is correct, as this affects both the overall mass of the structure potentially also whether access for all can be achieved - as a reduction in height of 1m would obviously reduce the length of ramping that would be required to accommodate a bridge accessible to wheelchairs, pushchairs etc..
- The Arboricultural Assessment recommends that replacement planting is carried out to mitigate for the loss of trees; the production of a tree replacement plan should therefore be made a condition of any permission granted.
- The path which will link the bridge to the existing path network within the country park is annotated as a 'gravel' path which is probably not suitable (e.g. for cyclists) It should be crushed limestone.
- The Footbridge Maintenance Plan fails to mention maintenance of the new linking sections of path.
- It remains the case that the CEMP refers to a Construction Phase Health and Safety Plan (and a Traffic Management Plan).

55. NCC LLFA – no comments to make.

The Rushcliffe Borough Council

56. Environmental Health Officer - On review, the supporting Construction Method Statement dated May 2022 is acceptable and should ensure that noise and dust from the construction of the bridge is appropriately controlled and managed by best practicable means.

57. Sustainability Officer - There appears to be no material changes impacting on ecology since my last comment, therefore my email of 17 June 2022 remains pertinent and I make no further comment.

58. Landscape Officer - No objection. 'I would agree that a detailed landscape plan and details of any compound should be specified by condition. The tree protection proposed in the arb report is correct in principle, but I would want to see a site plan detailing where any protective fencing and/or ground protection will be installed and this will need to take into account compounds and site access and well as the site where the bridge and path are proposed.

I note 1 class 'B' tree is to be removed to enable the bridge and that some lower quality vegetation will need to be cleared, given the benefits the bridge will bring I don't object to the relatively modest clearance work required to achieve this.'

59. 2 representations were received:

- a) I note in the updated design and access statement that a ramp is deemed unachievable due to it needing to be 60m long. This does not however consider: - Provision is made in both building regulations and precedents set in documents such as "CD 353 design criteria for highway footbridges" that a 1:15 or even 1:12 gradient is acceptable when a 1:20 is unachievable. - a consulted response from the Grantham Canal Society identifies the minimum clearance being 2m. If this can be negotiated / agreed with the river trust it will significantly reduce the ramp length. With a clearance of 2m and a ramp gradient of 1:12 the ramp length could potentially be reduced to less than half the referenced 60m.
- b) I thought that it was a legal requirement that new built public access structures should make provision for this unable to negotiate steps. How do the Rushcliffe and the Builder propose to meet my access needs when I wish to use the bridge to visit friends in the new estate?

Full comments can be found [here](#)

PLANNING POLICY

60. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the 2021 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).
61. 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

62. 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.

63. The relevant sections of the NPPF are:

- Section 2. Achieving sustainable development
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment
- Section 16. Conserving and enhancing the historic environment

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

Relevant Local Planning Policies and Guidance

64. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are relevant:

- Policy 1 - (Presumption in favour of sustainable development)
- Policy 2 - (Climate change)
- Policy 3 - (Spatial strategy)
- Policy 5 - (Employment provision and economic development)
- Policy 7 - (Regeneration)
- Policy 10 – (Design and enhancing local identity)
- Policy 14 – (Managing travel demand)
- Policy 16 – (Green infrastructure, landscape, parks and open space)
- Policy 17 – (Biodiversity)
- Policy 23 – (Strategic Allocation at Former Cotgrave Colliery)

65. The following policies are considered relevant in the local plan part 2:

- Policy 1 Development Requirements
- Policy 2.1 Housing Allocation – Land rear of Mill Lane/The Old Park, Cotgrave which is an allocation for around 180 homes. Criterion c) requires that green infrastructure should maintain and improve pedestrian linkages to the Country Park and Grantham Canal, including the safeguarding of the proposed pedestrian and cycle bridge across the canal;
- Policy 15 Employment Development
- Policy 17 Managing Flood Risk
- Policy 18 Surface Water Management
- Policy 19 Development affecting Watercourses
- Policy 31 Sustainable Tourism and Leisure
- Policy 34 Green Infrastructure and Open Space Assets
- Policy 35 Green Infrastructure Network and Urban Fringe
- Policy 36 Designated Nature Conservation Sites
- Policy 37 Trees and Woodlands
- Policy 38 Non-Designated Biodiversity Assets and the Wider Ecological Network
- Policy 39 Health Impacts of Development
- Policy 40 Pollution and Land Contamination

66. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and the Residential Design Guide can be found in the Local Plan documents on the Council's website at:

[Planning Policy - Rushcliffe Borough Council](#)

APPRAISAL

Principle of development

67. The principle of development was established by the granting of outline planning permission 10/00559/OUT and also by Policy 23 (Strategic allocation at former Cotgrave Colliery) of the Local Plan Part 1 (LPP1) - Core Strategy which states that development will be subject to the following requirements;

Transportation [...]

'Improvements to walking, cycling and public transport links through and beyond the site, including a designated bus service, linkages to Cotgrave Country Park and the provision of a footbridge over the Grantham Canal;'

68. In addition, Policy 7 of LPP1 focussed regeneration as Cotgrave through the following proposals:

Former Cotgrave Colliery will be redeveloped as a mixed use neighbourhood to incorporate new residential and business communities. There should be improved accessibility with the town. Any redevelopment of the Colliery must take into account local nature conservation features and demonstrate how it will contribute to the wider regeneration of the town, including the regeneration of the Cotgrave Local Centre. The scope for limited physical development to link the Colliery site and the town will be explored, where this would assist connectivity and accessibility between new and existing neighbourhoods.

69. It is considered that the proposal generally accords with the outline permission and Policy requirements.

Design and Amenity

70. Policy 10 of the LPP1 seeks to ensure that all new development be designed to make

- a) a positive contribution to the public realm and sense of place;
- b) create an attractive, safe, inclusive and healthy environment;
- c) reinforce valued local characteristics;
- d) be adaptable to meet evolving demands and the effects of climate change; and
- e) reflect the need to reduce the dominance of motor vehicles.

71. Policy 1 of the LPP2 seeks, in amongst other criteria, to ensure that development does not significantly adversely affect residential amenity or the surrounding area and that 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 whilst ensuring that there is no significant adverse effects on important wildlife interests or landscape character.

72. The proposed location of the bridge has been long established through the planning history and overarching planning policy in LPP1. The design of the bridge has been revised during the course of the assessment of this application and since a previous application for the discharge of condition details.
73. The agent has confirmed that there is a requirement for the bridge to clear three metres above the towpath. The prospect of a lower clearance bridge, that has been raised in representations, has been raised by them with the Canals and Rivers Trust (CRT) but the CRT stipulates an operational requirement of 3m clearance above the tow path in delivering the bridge.
74. The design proposed will have a lesser impact on the ecology and landscape in the vicinity than a fully DDA compliant bridge and would not have a significant impact on residential amenity of the nearby development(s).
75. It is considered that the design and materials proposed are acceptable and appropriate for this context.

Access

76. Para 104. of the NPPF advises that

‘Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

 - a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued.’
77. Under S149 of the Equality Act 2010 a duty exists which requires public authorities, in the exercise of their functions, to give specific, careful consideration as to the potential implications of any equalities impact on those with protected characteristics. The protected characteristics to which the act applies include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
78. Discussions have taken place regarding making the bridge DDA compliant, however this is hampered by the height clearance required over the canal to protect its ability to be navigable in the future. In order to achieve the height clearance required by the landowner – the CRT (and without which it is unlikely they would consent to it being built) whilst being DDA compliant a greater length of ramp would be required and the removal of more vegetation resulting in associated ecological impacts.

79. In having regard to the Equality Act 2010 it is noted that alternative access routes are now available, both within the country park and along Hollygate Lane that are DDA compliant. Although these routes are not as direct, when balanced against the ecological impacts of a DDA compliant bridge in this location it is considered that this design is acceptable. It should also be noted that once the residential development on the allocated housing site north of Hollygate Lane has been built out there are likely to be additional linking routes available.
80. The application is also considered to be the most appropriate in terms of design (and incorporates a bike wheeling channel) whilst ensuring that clearance of the canal is achieved which is controlled by the CRT.
81. The applicant has advised in their submission that ‘The Disability Discrimination Act requires a ‘level access’ to be gradients not exceeding 1 in 20. The Canal and River Trust also have a minimum requirement of 3m for head height over the channel for safe use by boaters. This therefore requires means that 60m long ramps would be required both sides of the channel to get users up and over the canal. Canal and River Trust will not allow level access swing bridges to be installed due to their high maintenance and repair requirement. Similar canal restoration schemes have therefore opted for a more heritage style of bridge with a stepped approach. The bridge’s primary purpose is to offer another access point between the Cotgrave Colliery residential development, Cotgrave Country Park and Cotgrave Town Centre. There are two existing points of level access across the canal between the development and the Country Park. These are at the Canal bridge/culvert on Hollygate Lane (348m to the east) and the Canal Lock (328m to the South West of the development). With the approach to the crossing being stepped, cyclists will need to dismount and use a ramped trough as shown in Figure 2. This will also improve safety over cyclist and pedestrians crossing the bridge as cyclists will be dismounted and therefore travelling at low speed.’
82. In applicant has provided a response to Cllr Chewings comments which are summarised below (full details of the response can be found [here](#)):
- a) ‘It is not accepted the ramps either side could be significantly shorter bearing in mind all relevant considerations (including (documented) constraints) surrounding this particular Reserved Matters Submission.
 - b) The Building Regulations Approved Document Part M: access to and use of buildings and is therefore not directly applicable. However, for the footbridge, the ramps would still need to be 57m long based on this design guidance.
 - c) (Department for Transport -) Inclusive Mobility. It is unlikely any wheelchair user will be able to ascend either a 37m or 60m ramp. In any event, the provision of a ramp is not achievable/deliverable reflecting all relevant material planning considerations (including (documented) constraints) surrounding this particular Reserved Matters Submission.
 - d) Highway Structures & Bridges Design CD 353: it is therefore unlikely any wheelchair user will be able to get up a 36m or 60m length ramp.
 - e) It is suggested the bridge is “incongruent with the local heritage and appearance”. The proposed bridge has a timber deck and timber parapets (barriers) which is almost identical construction to the

existing bridge 325m North. The proposed bridge also has black painted steel supports; black and white are the typical colours of all canal infrastructure including locks (also immediately upstream). The Canal and River Trust's requirement to have 3m clearance over the water and suitable clearance for cyclists using the towpath has dictated the type of bridge construction (i.e steel) to minimise footprint and loss of ecological habitat in the Country Park. The steel structure provides suitable longevity to minimise works in the Country Park *and* is suitably robust to the Canal and River Trust's requirements.

- f) The structure submitted for approval under Reserved Matters considers not only operational requirements and land and planning constraints but also aesthetic/appearance and heritage considerations within the overall context of design and (local) character and surroundings.'

83. NCC as Park Manager have queried footpath links, surfacing materials and maintenance of this linking features and the agent has confirmed that the maintenance of the new linking sections sought can be done by BDW as part of the scheme, secured via Planning Condition.

Ecology

84. The Council has a statutory duty to have regard to conserving biodiversity in line with the Wildlife and Countryside Act 1981 (as amended) when assessing the impact of a proposal. In addition Section 15 - Conserving and enhancing the natural environment of the NPPF applies and, at local level, regard has to be had to Policy 17 (– (Biodiversity) of the LPP1 and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of LPP2. Ecological reports have been submitted and the relevant technical officers have advised that they have no objections accordingly it is considered that the Council's duty has been had and that relevant conditions are proposed regarding further survey work and the implementation of the recommendations contained within the ecological reports.

Landscape

85. Policy 16 (Green infrastructure, landscape, parks and open space) of LPP1 requires, in amongst other things, that existing and potential Green Infrastructure corridors and assets are protected and enhanced.
86. Priority for the location of new or enhanced strategic Green Infrastructure will be given to locations for major residential development identified in Policy 3 (Spatial strategy). This includes the Strategic River Corridors of the Trent and Soar rivers, the Grantham canal corridor, and Urban Fringe areas. Policy 16 goes on to state that:

"links to and between the Green Infrastructure network will be promoted to increase access, especially in areas of identified deficit, for recreational and non-motorised commuting purposes, and to allow for the migration of species;" and

"Landscape Character is protected, conserved or enhanced where appropriate (...)"

87. Policy 34 (Green Infrastructure and Open Space Assets) of the LPP2 requires specified Green Infrastructure assets to be protected from development which adversely affects their green infrastructure function (or their contribution to a wider network) unless the need for the asset is proven to no longer exist and the benefits of development, in that location, outweigh the adverse effects on the asset.
88. This includes (amongst other things) the Grantham Canal, Nature Conservation Sites, Geological Sites and Priority Habitats; Parks, Recreation Grounds and Country Parks; Rights of Way. Where development protects, enhances, or widens their Green Infrastructure importance, this will be supported, provided it does not adversely affect their primary functions.
89. Policy 35 (Green Infrastructure Network and Urban Fringe) of LPP2 states that
- “Proposals within Strategic Green Corridors or Local Green Corridors, as identified within Appendix D, should ensure the primary functions of the network are maintained and enhanced. Opportunities to create additional Green Infrastructure assets which enlarge the network, improve its connectivity and/or widen the function of the corridor should be taken where appropriate, provided they do not conflict with the primary functions”
- “Developments within the urban fringe (on the edge of the main urban area) must, where possible and appropriate, incorporate accessible infrastructure that provides recreational opportunities, wildlife benefits and enables pedestrian and cycle access to the wider countryside.”
90. Policy 37 (Trees and Woodland) of LPP2 seeks the avoidance and mitigation of adverse impacts on mature tree(s) or, if removal of the tree(s) is justified, it should be replaced. Any replacement must follow the principle of the ‘right tree in the right place’. It goes on to state;
- “Planning permission will not be granted for development which would adversely affect an area of ancient, semi-natural woodland or an ancient or veteran tree, unless the need for, and public benefits of, the development in that location clearly outweigh the loss.”
91. The bridge will require the removal of vegetation and trees within the vicinity of the route. This involves the permissions of the landowner (NCC and CRT) outside of the planning remit. The design of the bridge is such that the minimal amount of tree / vegetation removal will occur to achieve the connectivity envisaged in the site allocation and conditions are proposed to protect those trees that are to be retained and that replacement planting to be undertaken. It is therefore considered that the proposal complies with the above policies and Section 15 of the NPPF - Conserving and enhancing the natural environment.

Contamination

92. The former Colliery and adjacent land that is now country park has the potential to be contaminated. Section 15 of the NPPF - Conserving and enhancing the natural environment of the NPPF (para 183- 188) and Policy 40 of the LPP2 relates to pollution and contamination. The outline

permission, and subsequent permissions, are subject to conditions requiring the submission of reports. It is therefore considered that this reserved matters application does not require the imposition of a further condition in this regard as it is covered by existing conditions and the agent has confirmed that this is they understand that further submissions regarding this will need to be submitted.

Flood risk

93. Section 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF and local plan policies 17, 18 and 19 are relevant to the consideration of the application. The comments from the EA during the period of consultation are noted. As this is a reserved matters application it is not considered that an FRA is required for the proposal. Matters have been addressed in the previous outline submission and relevant discharge of conditions. It is also noted NCC as the LLFA, the CRT have not objected to the proposal on the basis of flood risk.

Other matters

Health impacts

94. The NPPF at para 92 advises that 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'
95. Policy 39 of the LPP2 advises that 'Where applicable, development proposals should promote, support and enhance health by:
- providing the right mix of quality homes to meet people's needs and in locations that promote walking and cycling;
 - a) providing employment developments in locations that are accessible by cycling and walking;
 - b) supporting the provision and access to healthcare services;
 - c) retaining and enhancing accessible Green Infrastructure;
 - d) alleviating risks from unhealthy and polluted environments such as air, noise and water pollution and land contamination;
 - e) designing homes that reflect the changes that occur over a lifetime, meet the needs of those with disabilities and reduce the fear of crime; and
 - f) supporting and enhancing community cohesion.'

96. It is considered that the provision of this bridge will add a further route through the site providing a further access.
97. Point 7 of policy 31 of LPP2 seeks to 'support the restoration of the Grantham Canal, including the proposed link between the Grantham Canal and River Trent which is safeguarded for this purpose and identified in the Policies Map. Development which would prevent the future implementation of this link will not be supported.'
98. The proposal has been designed so as to support the aspirations of the restoration of the canal. The design, maintenance and management of the bridge will also have to go through the CRT assessment and separate approval process thus further ensuring this goal is protected.

Contracts

99. Notwithstanding the determination of this application regarding the design of the bridge it is understood that consent from the landowners will be required and that the details of the design and management/ maintenance will need formal approval of the Canal and River Trust. As a result a condition is proposed to ensure that the bridge is implemented within 12 months of all relevant approvals from the landowners.

Conclusion

100. Having assessed the development proposal against the policies set out in the development plan for Rushcliffe and considering the material matters discussed above, it is considered the proposal would be in accordance with the relevant local and national policies. Therefore, it is recommended that this reserved matters application be granted subject to conditions.
101. In assessing this application, officers have worked with the applicant in a positive and proactive manner. Officers have negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.

RECOMMENDATION

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

1. The bridge shall be constructed in accordance with the following approved plans/ docs received 24 February 2023:
 - Design Statement - May 2022
 - Arboricultural Statement - Aug 2020
 - 4712-01 - GENERAL ARRANGEMENT
 - 4712-02 - GENERAL ARRANGEMENT BRIDGE
 - 4712-03 - GENERAL ARRANGEMENT STAIRS
 - H5333-800 REV B BRIDGE GENERAL ARRANGEMENT.
 - H5333-801 REV B BRIDGE GENERAL ARRANGEMENT TEMPORARY WORKS

- H6238 - INDICATIVE DITCH CROSSING EAST OF FOOTBRIDGE
- H6238ABP01 - BRIDGE APP BOUNDARY 1-500
- H6238GC - GENERAL ARRANGEMENT - COLOURED
- H6238PBL02 PROPOSED BRIDGE LOCATION PLAN FULL SITE.
- Arboricultural Assessment - August 2020

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

2. The bridge hereby approved shall be commenced within 12 months of obtaining all relevant permissions/ consents/ discharges from the Local Planning Authority and land owner(s). Details of the respective permissions/ consents from the land owners shall be provided to the LPA within 30 days of receipt.

[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. The submitted Arboricultural Assessment recommends that replacement planting is carried out to mitigate for the loss of trees. A tree replacement/ landscaping plan shall be submitted prior to the commencement of development for the written approval of the Borough Council and the development shall be undertaken in accordance with the approved details.

[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 Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework]

4. Construction details of the path that will link the bridge to the existing path network within the country park shall be submitted to the Borough Council for written approval prior to the commencement of development (bridge). The path should reflect those within the Country Park which are compacted limestone. The development shall be undertaken in accordance with the approved details.

[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 Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework]

5. A section of fencing shall be installed, in accordance with details previously submitted and approved in writing by the Borough Council, as part of the works immediately to the west of the bridge, where the existing path crosses over 'The Rill', to protect users from the drop.

[To ensure adequate protection of users of the bridge having regard to Policy 10 (Design and Enhancing Local Identify) 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)].

6. Notwithstanding the submitted CEMP (May 2022), no development shall take place until a revised Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for and include a Construction Phase Health and Safety Plan and a Traffic Management Plan:

- compounds
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the bridge;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel and vehicle body washing facilities;
- protection of the public whilst works are carried out;
- the means of access and routing strategy for construction traffic;
- a strategy to control timings of deliveries;
- the storage of fuel and chemicals;
- measures to control the emission of noise, dust and vibration during construction
- the control of temporary lighting;
- measures for the protection of retained trees, hedgerows and watercourses;
- details of pre-commencement surveys and mitigation measures for ecological sensitive areas (which should detail procedures/timings of works to avoid impacts on protected species and retained habitats;
- Pre-construction ecological surveys and mitigation measures including details of procedures/ timing of works to avoid impacts on protected species and retained habitats including reasonable avoidance measures (RAMs) utilising good practice;
- Appropriate controls for the storage of hazardous materials and fuel storage and filling areas

[To protect the amenities of nearby residential properties, the Country park users and in the interests of highway safety for the duration of the construction of the development hereby permitted having regard to Policy 10 (Design and Enhancing Local Identify) 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) and Chapter 12 of the National Planning Policy Framework].

7. Prior to the removal of the Tree identified as T1 in the Ecological Appraisal, and T7 in the Arboricultural Assessment a precautionary endoscope survey should be completed by a licenced ecologist immediately prior to felling.

[To ensure the survey reflects the situation pertaining at the time and to comply with policies 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)].

8. The development shall be undertaken in full compliance with the recommendations contained within section 4 of the Ecological Appraisal by FPCR dated April 2022 and received in respect of habitats, Fauna, GCN, Bats, Badgers, Reptiles, Birds and Water Vole and Otter. This includes that prior to the commencement of development an updated ecological survey be undertaken covering the development site and an area 30m from the development site boundary. This survey shall include, habitats, Fauna, GCN, Bats badger Reptiles, Birds and otter and water vole. The details of the updated survey shall be submitted to the Borough Council for written approval and the development shall be undertaken in accordance with the recommendations of the approved updated survey.

[To ensure the survey reflects the situation pertaining at the time and to comply with policies¹⁷ (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)].

9. Notwithstanding the submitted Footbridge Maintenance Plan prior to development commencing an updated version shall be submitted to the Borough Council for written approval. The document shall consider maintenance of the new linking sections of path, including repairs of the surface and the maintenance and management of pathside grass and encroaching vegetation. The management and maintenance shall be undertaken by the management company for the Hollygate Park development, approved under 10/00559/OUT, unless alternative arrangements have been agreed in writing by the CRT at which time details shall be provided for approval of the Borough Council. The development shall be undertaken in accordance with the revised Footbridge Maintenance Plan.

[To ensure that the approved bridge is implemented and maintained throughout the lifetime of the development having regard to Policy 10 (Design and Enhancing Local Identify) and 23 (Strategic Allocation at Former Cotgrave Colliery) 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)].

Note-

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

NOTES TO APPLICANT

The consent of NCC as landowner and CRT as Landowner will be required before any site clearance and construction of the bridge can take place.

All aspects of the bridge design and means of construction will have to be agreed by the Canal and River Trusts engineers. The applicant is reminded that they still need to obtain the Trusts consent for the bridge. Any vegetation on Canal & River Trust land should not be removed without the prior consent of the Trust. It will remain necessary for detailed arrangements relating to future ownership, management and maintenance to be formally agreed with the Trust as part of any agreement to permit construction of the Bridge and the Applicant should contact the Trusts Estates Team to discuss these matters further and to secure the necessary agreement/consents.

The use of any external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-onbats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented if required.

Permanent artificial bat boxes / bricks and wild bird nests should be installed on retained trees. New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.

Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.

Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).

Good practise construction methods should be adopted including:

Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

- No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works

are not carried out within these zones. - Pollution prevention measures should be adopted

- Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 9588248. If bats are present you should contact Natural England on 0300 060 3900.

The applicant is reminded of the conditions contained within planning permission 10/00559/OUT and 13/01973/REM and subsequent permissions and Non material Amendment permissions that there are conditions the details of which will need to be submitted for discharge in respect of the bridge hereby approved such as contaminated land.

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Application Number: 23/01605/FUL
Catalyst Church, Westminster Drive, Upper Saxondale



scale 1:2000

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Rushcliffe Borough Council - 100019419

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23/01605/FUL

Applicant Mrs Laura Payne

Location Catalyst Church Westminster Drive Upper Saxondale
Nottinghamshire NG12 2NL

Proposal Change of Use of former Chapel (Use Class F1) to Hall or meeting place for the principal use of the local community (Use Class F2)

Ward Newton

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

THE SITE AND SURROUNDINGS

1. The application site relates to the Catalyst Church building, located on the north side of Westminster Drive and within the established village boundary of Upper Saxondale. Land directly to the rear of the church but within the application site boundary is sited within the Nottinghamshire Green Belt.
2. Immediately adjacent to the application building is a large pedestrianised frontage and a parking lay by. To the rear is a wooded area. The closest residential properties are located along Berkley Crescent to the west and Grosvenor Close to the north east. A restaurant (Venezia) is located opposite the application site.
3. The application building has been identified as a key unlisted building within the Upper Saxondale Conservation Area. Trees within the grounds of the Church are covered by a Tree Preservation Order (TPO).

DETAILS OF THE PROPOSAL

4. The proposal seeks a change of use of the application building from use class F1 a non-residential building for public worship to a hall or meeting place for the principal use of the local community use class F2. Information provided to support the application suggests that a Scout group are the intended user of the building however the consideration of the application is based on the use of the site for uses falling within Use Class F2 (b).
5. There are no external alterations to the application building proposed as part of this application. The applicant has stipulated that there would be internal improvements to the kitchen and toilets, however these works would not require planning permission in their own right.

SITE HISTORY

6. 94/00708/OUT - Development of land for residential and sports facilities, conversion of buildings to residential, commercial and community uses. 26.06.1995.

7. 94/00657/CON - Demolition of buildings | St James Park, Former Saxondale Hospital - approved 26.06.1995.
8. The Section 106 Agreement dated 23.06.1995 tied to these consents placed a restriction on the use of the chapel to primary use in connection with public worship or religious instruction and social, educational and fundraising activities ancillary or incidental to that use, along with obligations to keep the chapel in good repair and condition.

REPRESENTATIONS

Ward Councillor(s)

9. Ward Councillor (Cllr Soloman) objects to the application. Her comments are summarised as follows;
 - a) In terms of access, car journeys would be required between Bingham and Upper Saxondale generating an estimated 214 car journeys per week. The additional car traffic at Upper Saxondale creates issues around parking, traffic and road safety.
 - b) Parking is already an issue outside popular local restaurant Venezia at Upper Saxondale. Usually on Wednesday to Saturday evenings all parking bays are full and there is overspill on road parking along Westminster Drive between Venezia and Wellspring Church.
 - c) There is no suitable area for cars dropping-off to turn around to leave the village. This will result in additional traffic driving around Berkeley Crescent or Shaftesbury Avenue to be able to leave the village again.
 - d) Use of Wellspring Church by a Scout group who are not from Upper Saxondale would not benefit the local community economically. It would not bring in any additional income to the community. Upper Saxondale already has a Community Hall which is used by the Parish Council and other local groups and is also rented out for various functions.
 - e) Although there may be some children of 'Scouting age' who may wish to join a group at Upper Saxondale the expectation is that this would be a VERY low level. My understanding is that any children at Upper Saxondale who fall into this category already attend the Radcliffe Scout group (which has a car park drop off facility).
 - f) Concerned that the applicant has not engaged with the community and that this lack of engagement demonstrates that any use by the scout group would be detached from the local community and therefore how could it be of any benefit to it.

Town/Parish Council

10. Upper Saxondale Parish Council objects to the application. Their comments are summarised as follows:-

- a) Use by Bingham Scouts will not provide any benefit to the Upper Saxondale community, whom the building is designed to serve.
- b) Upper Saxondale already has a Community Hall.
- c) The increased traffic, parking, drop-off and pick-up will cause severe congestion and raise very real safety issues.
- d) The noise occasioned by activities inside and outside the building will cause unacceptable disturbance to local residents.
- e) There is no evidence that Bingham Scouts are in a position to maintain this highly important conservation asset.
- f) The criteria set out in the 1999 RBC letter and the 1995 s106 agreement have not been met.
- g) Should RBC grant the application despite our objection, it is critical that a condition is imposed that the applicants create a parking/drop-off/pick-up area for at least 25 cars.

Statutory and Other Consultees

Nottinghamshire County Council

- 11. Highway Authority - The proposed change of use is considered unlikely to result in a severe impact to the safe operation of the highway network, as defined in the NPPF. As such the Highway Authority would not wish to raise an objection to the application.

Rushcliffe Borough Council

- 12. Conservation Officer - has no heritage related concerns. There are no proposed changes to the external appearance that would be visible from the public realm within the Conservation Area and therefore, the special interest of the Conservation Area would be preserved.
- 13. Environmental Health has no objections to the proposal on environmental health grounds. Conditions recommended in relation to operating times, doors and windows to be shut while amplified music is played.
- 14. Senior Landscape Officer does not object. The Church has grounds to the north (rear) and to the west and these contain a range of trees and shrubs. The shrubs and trees to the west of the Church are prominent and enhance the character of the conservation area, the trees in the rear grounds are less prominent but will enhance the setting of the building. As Upper Saxondale is covered by both TPO and conservation area designations, most trees bar very small ones are protected. If in the future the Scouts wanted to make changes to the external environment the Council would have control over most tree work and there is no long term risk to trees on the site from the proposed change in use.

Local Residents and the General Public

15. 56 representations have been received from local residents, 46 object on the following grounds
- Highway safety concerns and traffic congestion resulting from the proposed use of the building
 - Insufficient parking availability for the proposed use of the building
 - Concerns over opening hours and disturbance to nearby residential properties
 - Upper Saxondale already has a well used Community Hall, which already brings additional extra traffic into the village for exactly the same type of events proposed by the application
 - The green space would be utilised and impact nearby residential properties
 - Concerns that this would be a community facility used by Bingham residents and not Upper Saxondale
 - Lack of clarity on intended use of the application building
 - Disturbance to nearby residents
 - Potential storage of hazardous substances associated with camping gear for the kits
 - Air pollution and noise from the additional vehicle movements
 - The building should be retained for religious purposes
 - Potentially cause access problems for emergency services
 - Concerns over the building falling into disrepair if maintenance costs are too high for the Scout group.
16. 10 representations write in support of the application on the following grounds
- Local children would benefit greatly from accessing the Scout group and any other community initiatives that could be facilitated with a granted change of use
 - Scouts provides a great deal of benefit to the local community many badges encourage the young people to appreciate the local environment such as participating in litter picking, raising money for local charities alongside activities which help with their carbon footprint
 - Given that the children of Upper Saxondale frequent the schools of Bingham, and contribute to the already congested parking issues there, I do not find it fair to object on the basis of traffic alone, as traffic and parking is an issue everywhere.

PLANNING POLICY

17. 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 and the Radcliffe on Trent Neighbourhood Plan. 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

18. 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.

19. 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."
20. 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.

Relevant Local Planning Policies and Guidance

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

21. 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 10 - Design and Enhancing Local Identify
Policy 11 – Historic Environment
Policy 12 - Local Services and Healthy Lifestyles
Policy 13 - Culture, Tourism and Sport
Policy 14 - Managing Travel Demand

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

22. 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 21 -Green Belt
Policy 28- Conserving and Enhancing Heritage Assets
Policy 30 - Protection of Community Facilities
Policy 31 - Sustainable Tourism and Leisure
Policy 39 - Health Impacts of Development

23. The Radcliffe on Trent Neighbourhood Plan is a material consideration and one of its objectives is to protect and enhance heritage and architectural

assets whilst promoting high quality design in all new development. Section E of the Plan relates to Design and Heritage Policies.

24. Rushcliffe Borough Council – Corporate Strategy 2019 - 2023, Rushcliffe Sustainable Community Strategy 2009-2026 and Leisure Strategy (2017 – 2027) 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.

APPRAISAL

25. 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.
26. The main issues in the consideration of the application are; the principle of development; Green Belt, heritage matters, impacts upon residential amenity, design/impact upon the character and appearance of the area, impact on highway safety.

Principle of Development

27. 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.
28. Policy 30 (Protection of community facilities) sets out certain criteria which should be satisfied when considering proposals which would result in the loss of existing community facilities including places of worship, religious instruction and church halls. Policy 30 (d) states that it has been satisfactorily demonstrated that it is no longer economically viable, feasible or practicable to retain the existing community use and its continued use has been fully explored. The application is supported with information to show how this has been satisfied.

Policy 30 (2) then states that where it is demonstrated that an existing community use is not viable, feasible or practicable, preference will be given to the change of use or redevelopment for alternative community uses before other uses are considered. As this application proposes an alternative community use it is considered to satisfy this policy.

29. 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.
30. 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.’
31. The application site is not located within a designated District or Local Centre however the proposed community facility would be located centrally within Upper Saxondale settlement.
32. Consideration is also given the current and historic use of the site as a place of worship which served the local community, albeit in a slightly different form.
33. In light of the above, it is considered that the principle of development at the site would be acceptable.

Green Belt

34. The existing chapel is located outside of the Green Belt however the application site includes land within its curtilage at the rear which is within the Green Belt and therefore consideration of green belt policy is necessary.
35. Paragraph 50 of the NPPF confirms that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); It is considered that the nature of the development hereby proposed ensures that there is no conflict with national planning policy on Green Belts.

Heritage

36. As the site falls within the conservation area, there is specific legal requirements and planning policy guidance which are set out below;
37. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

38. LPP1 Policy 11 states;

“Proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.”

39. LPP2 Policy 28 states inter alia:

Proposals affecting a heritage asset and/or its setting will be considered against the following criteria:

- a) the significance of the asset;
- b) whether the proposals would be sympathetic to the character and appearance of the asset and any feature of special historic, architectural, artistic or archaeological interest that it possesses;
- c) whether the proposals would conserve or enhance the character and appearance of the heritage asset by virtue of siting, scale, building form, massing, height, materials and quality of detail;
- d) whether the proposals would respect the asset's relationship with the historic street pattern, topography, urban spaces, landscape, views and landmarks;
- e) whether the proposals would contribute to the long-term maintenance and management of the asset; and
- f) whether the proposed use is compatible with the asset.

40. There are no external changes to the application building as part of the proposed use as a community facility. The comments from the Conservation Officer are noted in this respect and there is no identified harm to the character and appearance of the site or wider conservation area arising from the proposed development. The proposal would serve to preserve Upper Saxondale Conservation Area, a goal considered to be desirable within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under that section of The 1990 Act.”

41. Furthermore, the proposed use is considered to ensure that there is a long term viable use of the application building which would help to secure the ongoing maintenance and longevity of the building. It is also considered that the proposed use is compatible with the asset as it retains its community use and will not require external changes. This is considered to be a planning benefit to the proposed development and weigh in favour of the scheme.

Residential Amenity

42. 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.

43. The concerns from local residents and the ward member in relation the potential impact on neighbouring amenity are noted.

44. However, the current authorised use of the building is a material consideration in this respect. The type and level of activity associated to a place of worship is considered to be similar in nature to that of a community hall, especially when taking account the ancillary or incidental activities that are often associated with the operation of a place of worship/ chapel including family based services, such as a Sunday school for children while services are being run. These could also operate in the outdoor space.
45. The comments from the Environmental Health department which raise no objection to the proposal are also noted. The recommended conditions in terms of operating times and windows being shut while amplified music is being played is considered reasonable and appropriate to attach to any grant of planning permission together with a hours of use condition which will help minimise any noise and disturbance and has the benefit of additional controls over what exists at the present time.
46. Overall, it is considered that the proposed use of the site as community hall would not give rise to any material increased impact on neighbouring residential amenity over and above the current authorised use of the site as a place of worship/ chapel.

Highway safety

47. 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.
48. Access to the application building would be unaltered by the proposal, remaining directly from Westminster Drive.
49. There is no associated car park with the application site however a lay by is located directly adjacent the site.
50. The concerns raised by local residents and ward member in relation to the lack of parking and the traffic generated by the proposed development are noted.
51. However, while acknowledging, that the proposed use of the application building would indeed generate vehicular movements to and from the site, as well as the need for parking, this is balanced with the fall-back position of the current authorised use of the site as a place of worship with social, educational and fundraising activities ancillary or incidental to that use continuing and potentially intensifying without any need for further grant of planning permission.
52. It is considered that the number vehicular movements and parking requirement at the site would be similar between the proposed use of the site as a community hall and the authorised use of the site as place or worship and its associated uses. Furthermore, the intensity of this authorised use and any closely related activities, which can also dictate the number vehicle

movements to the site, falls outside of the planning remit and is influenced by other factors outside of the planning sphere.

53. It is also noted that the Highway Authority raise no objection to the proposal and that no highway safety issues have been raised.
54. Given the above, the lack of a directly associated car park at the site is considered unreasonable to form grounds for a refusal of planning permission.
55. Representations received in relation to the potential provision of car parking within the site have been considered however taking into account the buildings setting within the Conservation Area this is unlikely to be able to be achieved without resulting in demonstrable harm to its setting. To encourage active travel a condition securing the provision of cycle stands is suggested.

Other matters

56. The concerns relating existing parking issues resulting from the customers of the nearby restaurant are acknowledged, however as this is an existing situation, unrelated to the application site and outside of the applicants control, it is not considered that this issue should have any significant weight in the determination of this application.
57. Consideration has been given to the suggestion that the use would not satisfy the definition of a F2 use as a hall or meeting place for the principal use of the local community however there is no definition for local community and it is not considered unreasonable for a hall to be used for activities and uses which may draw in users from a wider community than the local village within which it sits. In regard to the use of the site for residents outside of Upper Saxondale, this issue is considered to be outside of the planning remit as this restriction would be in the control of the end user. However, it is considered that the ability for local residents to walk to a community facility within Upper Saxondale would attract local residents from Upper Saxondale.
58. Trees within the grounds of the Chapel are covered by a Tree Preservation or protection by virtue of its Conservation Area designations. It is noted that the Landscape Officer raises no objection to the proposal and the applicants attention is drawn to their protection.
59. In relation to the economic matters raised, there is no requirement for a community facility use to benefit the local community from an economic perspective in order to accord with the relevant planning policy guidance criteria.
60. Use Class F2 includes other uses which may have a different impact on highway and residential amenity considerations and therefore it is considered appropriate to suggest a condition restricting the use to the purpose applied for.
61. It should be noted that a Section 106 agreement exists for the building which dates back to 1995 and restricts the use of the chapel to primary use in connection with public worship or religious instruction and social, educational and fundraising activities ancillary or incidental to that use, along with

obligations to keep the chapel in good repair and condition. The existence of this agreement does not prevent the Borough Council considering this application on its own merits on material planning grounds. Should planning permission be granted and the applicant wish to implement the permission they will need to satisfy themselves that any private legal covenants have been satisfied and the standard informative has been suggested to cover this matter.

Conclusion

62. Overall, it is considered that the principle of development at the site is acceptable and that the proposal would preserve the character and appearance of Upper Saxondale Conservation Area through securing a long term viable use for the building and its ongoing maintenance. The proposed use would not result in any undue harm to the residential amenity of the neighbouring properties and no material highway safety issues have been identified. It is considered the proposal therefore complies with the relevant planning policies and is recommended for approval.
63. The application was not subject to pre application advice. Matters raised by interested parties have been clarified by the applicant during the course of application which has resulted in the application being reported to the Planning Committee with a favourable recommendation.

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 plans/drawings.

Site Location Plan received by the Borough Council 23rd August 2023
Ref. 0001 Proposed Elevations received by the Borough Council 23rd August 2023

Ref. 0001 Floor Plan and Section received by the Borough Council 23rd August 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. All external doors and windows shall be kept closed during any events/activities where there is amplified sound and/or amplified music (live or recorded) being played and there shall be no amplified music played within the outdoor area of the site.

[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)].

4. Prior to any new external lighting 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).

[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)].

5. 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.

[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)].

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

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

08:00 to 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 Identify) 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)].

7. The development hereby permitted must not be occupied or first brought into use until written details of bicycle parking/storage areas within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details must show provision for the secure parking/storage of at least 5 bicycles within the site. The development must not be occupied or first brought into use until the bicycle parking/storage areas have been provided in accordance with the approved details. Thereafter the bicycle parking/storage areas must be retained on the site in accordance with the approved details and must be kept available for the parking of bicycles at all times.

[To ensure there is adequate provision for the secure parking/storage of bicycles within the site to encourage the use of bicycles as an alternative to using motor vehicles having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the land must only be used for use class F2 (b) Halls or meeting places for the principal use of the local community and for no other purpose whatsoever (including any other purpose within Class F2 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) without express planning permission from the Local Planning Authority.

[In order that the Local Planning Authority may retain control over any future use of the land due to its particular character and location, 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)].

Note to applicant

It is understood that there may be a covenant on this property which could prevent the use/development authorised by this permission. You are reminded that this decision relates to planning law only and does not override the terms of any covenant.

The existing trees on the site are the subject of a Tree Preservation Order or protection by virtue of its Conservation Area setting and consent is needed for any works to uproot, cut down, top or lop the tree(s). Unauthorised works to a protected tree are a criminal offence.

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APPEALS DECISIONS BETWEEN 1 October to 31 October 2023

These are appeal decisions made between the 1 October 2023 to 31 October 2023 for noting.

The full appeal decisions can be found at the link attached to the appeal in the table below.

Planning Ref: and link to Appeal decision notice	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference	Comments/Decision Date
22/00254/FUL	19 Damson Road, East Leake	Erection of bungalow	Dismissed	DEL	APP/P3040/W/23/3316027	11/10/2023
22/01984/FUL	Former Site Of Hillcrest Workshops, Melton Road, Stanton On The Wolds	Erection of 2 storey detached dwelling	Dismissed	Never to be Determined	APP/P3040/W/23/3316967	18/10/2023
23/00730/VAR	Linden Lea, School Lane, Colston Bassett	Variation of Condition 2 (Approved plans) and 5 (First floor windows) for application 22/01671/FUL to enable the extension to be built with reduced	Dismissed	DEL	APP/P3040/D/23/3324148	20/10/2023

		reconstruction of the existing property and to allow alterations to fenestration on North West and North East elevation				
21/01986/FUL	Wiverton Hall, Bingham Road, Tythby	Use of ground floor reception rooms as pop-up boutique wedding venue (and associated use of land to provide event parking)	Dismissed	DEL	APP/P3040/W/22/3312011	Dismissed
22/02064/FUL	Wiverton Hall, Bingham Road, Tythby	Proposed widening of inner gate pier entrance from 3.3 metres to 4.8 metres	Dismissed	DEL	APP/P3040/W/23/3321370	Dismissed
22/02065/LBC	Wiverton Hall, Bingham Road, Tythby	Proposed widening of inner gate pier entrance from 3.3 metres to 4.8 metres	Dismissed	DEL	APP/P3040/Y/23/3321371	Dismissed