

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

**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 3 April 2024

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 11 April 2024 at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

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

Yours sincerely



Gemma Dennis  
Monitoring Officer

## AGENDA

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

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

3. Minutes of the Meeting held on 14 March 2024 (Pages 1 - 4)
4. Planning Applications (Pages 5 - 26)  
The report of the Director – Development and Economic Growth
5. Planning Appeals (Pages 27 - 30)  
The report of the Director – Development and Economic Growth

Rushcliffe Borough  
Council Customer  
Service Centre

Fountain Court  
Gordon Road  
West Bridgford  
Nottingham  
NG2 5LN

**Email:**  
customerservices  
@rushcliffe.gov.uk

**Telephone:**  
0115 981 9911

[www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

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

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



## Membership

Chair: Councillor R Butler

Vice-Chair: Councillor T Wells

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

## **Meeting Room Guidance**

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

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

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

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

## **Recording at Meetings**

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

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



## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 14 MARCH 2024**

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, A Edyvean, S Ellis, S Mallender, H Parekh and C Thomas

### **OFFICERS IN ATTENDANCE:**

H Knott	Service Manager – Planning
E Dodd	Planning Manager - Development
T Petit	Senior Landscape and Design Officer
G Elliott	Senior Area Planning Officer
M Hilton	Senior Area Planning Officer
B Pearson	Area Planning Officer
A Walker	Solicitor
E Richardson	Democratic Services Officer

### **APOLOGIES:**

Councillors E Georgiou and R Walker

### **33 Declarations of Interest**

Councillor T Wells declared a non-pecuniary interest as Ward Councillor for application 23/00158/TORDER and would remove himself from the discussion and vote for this item.

Councillor A Brown declared a non-pecuniary interest as Ward Councillor for application 23/01285/FUL and would remove himself from the discussion and vote for this item.

### **34 Minutes of the Meeting held on 8 February 2024**

The minutes of the meeting held on 8 February 2024 were approved as a true record and were signed by the Chair.

### **35 Planning Applications**

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

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

**23/00158/TORDER - To Keyworth No.1 Tree Preservation Order 2023 - 1  
Holmsfield, Keyworth**

**DECISION**

**KEYWORTH NO.1 TREE PRESERVATION ORDER 2023 BE CONFIRMED  
WITHOUT MODIFICATION**

Councillor Wells rejoined the meeting.

**23/00158/TORDER - To Ruddington No.1 Tree Preservation Order 2023 -  
Former Grounds of the Manor House**

**Updates**

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

In accordance with the Council's Public Speaking Protocol for Planning Committee Councillor G Fletcher (Ward Councillor) addressed the Committee.

**DECISION**

**RUDDINGTON No.1 TREE PRESERVATION ORDER 2023 BE CONFIRMED  
WITHOUT MODIFICATION**

**23/02282/CMA - Spreading of waste topsoil on land west of Sharphill  
Wood with (post-development) continuing agricultural use - Sharphill  
Wood Landmere Lane Edwalton Nottinghamshire NG11 6LP**

**Updates**

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

**Comments**

Members of the Committee noted that the two public Rights of Way running East to West to link with Old Road would be closed for a temporary period during the works and asked if the period of closure could be kept as short as possible.

Members of the Committee expressed concern about mud running onto neighbouring properties, the number of HGVs that would be involved and that the existing contour of the site be maintained as much as possible. The Committee were advised that these matters would be managed by the County Council and that residents and Councillors could make representations to the County Council.

Members of the committee noted that the recommendation had been updated to request an additional Ecology Walkover survey to take place.

## **DECISION**

**NOTTINGHAMSHIRE COUNTY COUNCIL BE ADVISED THAT THE BOROUGH COUNCIL DOES NOT OBJECT TO THE DEVELOPMENT, SUBJECT TO THE COUNTY COUNCIL BEING SATISFIED THAT THE PROPOSAL ACCORDS WITH THE RELEVANT DEVELOPMENT PLAN AND THAT ALL OTHER MATERIAL CONSIDERATIONS CAN BE SATISFACTORILY ADDRESSED.**

**21/00432/FUL - Continued mixed farm and forestry use of part of farm yard for logging enterprise and retention of outbuildings and extension to Barn 2 (Retrospective) - Land At Hickling Pastures Melton Road Hickling Pastures, Nottinghamshire**

### **Updates**

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

In accordance with the Council's Public Speaking Protocol for Planning Committee Councillor T Combellack (Ward Councillor) addressed the Committee.

### **Comments**

Members of the Committee expressed concern about the impact on amenity from noise and with the suggested hours of operation and with the movement of vehicles to and from the site. Members of the Committee asked for the hours of operation for Conditions 3, 5 and 6 be changed to be between 8am and 5pm and that the applicant be required to keep a log of vehicle movements for both the agricultural and the log businesses.

Councillor H Parekh moved to accept the recommendation and approve the application with the additional conditions and this was seconded by Councillor S Ellis and the vote was carried.

## **DECISION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS, THE DETAILS OF WHICH ARE DELEGATED TO THE DIRECTOR - DEVELOPMENT AND ECONOMIC GROWTH**

Councillor A Brown removed himself from the Committee and did not contribute to the discussion or vote on the following application.

**23/01285/FUL - Proposed Battery Energy Storage Facility - Land Off West Leake Lane West Leake Lane Ratcliffe On Soar Nottinghamshire**

### **Updates**

In accordance with the Council's Public Speaking Protocol for Planning

Committee, Mr J Sawbridge (Applicant) and Councillor A Brown (Ward Councillor) addressed the Committee.

### **Comments**

Members of the Committee expressed concern about the application encroaching on Green Belt land and the cumulative impact from that. Members of the Committee noted the nearby Ratcliffe on Soar LDO site.

Cllr H Parekh moved to reject the recommendation and refuse the application due to the impact on the Green Belt, with concern expressed in relation to the harm caused to the landscape and the openness of the Green Belt and the fact that this part of the Green Belt had a defensible boundary, and that very special circumstances had not been demonstrated that outweighed any harms.

The motion to refuse the application was seconded by Cllr C Thomas and the vote was carried.

Members of the Committee delegated wording of the reasons for refusal to Officers.

### **DECISION**

**PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:  
The proposed development constitutes inappropriate development in the Green Belt and the Very Special Circumstances are not considered to outweigh the harm – the precise wording of which to be delegated to the Director – Planning and Economic Growth**

The meeting closed at 8.54 pm.

CHAIR



**Planning Committee**

**Thursday, 11 April 2024**

**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>

<b>Application</b>	<b>Address</b>	<b>Page</b>
24/00050/TPO	53 Leivers Close East Leake Nottinghamshire LE12 6PQ  Tree: (Corsican Pine) - Fell	7-16
<b>Ward</b>	Leake	
<b>Recommendation</b>	Consent be refused for specified reasons	

<b>Application</b>	<b>Address</b>	<b>Page</b>
23/02280/FUL	Cotgrave Leisure Centre, Woodview, Cotgrave, Nottinghamshire, NG12 3PJ  Refurbishment of leisure centre premises and integrated youth club to include internal rearrangement, new entrance canopy and associated groundwork, new cycle shelter, fencing and signage, EV charge points. Also includes upgrade of mechanical plant systems to improve energy efficiency and associated substation	17-26
<b>Ward</b>	Cotgrave	
<b>Recommendation</b>	Grant planning permission subject to conditions	





**Application Number: 24/00050/TPO**  
**53 Leivers Close, East Leake**



scale 1:2000

page 7

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

Rushcliffe Borough Council - 100019419

This page is intentionally left blank

# 24/00050/TPO

**Applicant** Dr Robert Moul

**Location** 53 Leivers Close East Leake Nottinghamshire LE12 6PQ

**Proposal** Tree: (Corsican Pine) - Fell

**Ward** Leake

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

## THE SITE AND SURROUNDINGS

1. The property is a detached dwelling at the western end of Leivers Close. The application relates to a mature Pine tree located in the rear garden of the property. The location was previously part of the landscaped ground of a manor house.
2. The tree is large and its canopy is visible from along the western section of Leivers Close above the roof of the dwelling.
3. The tree is protected via the "Rushcliffe Borough Council East Leake No.1 Tree Preservation Order 2012".

## DETAILS OF THE PROPOSAL

4. The application proposes the felling of the protected Corsican Pine tree.
5. A previous application for the felling of the tree, 23/00877/TPO, was refused consent in June 2023 for the following reason

*"The tree is considered to have high public amenity value and makes a positive contribution to the character and appearance of the surrounding area. The tree is in apparent good health, and it has not been demonstrated that felling is necessary, none of the supporting information identified as required in section 8 of the application form [...]"*

## SITE HISTORY

6. 00/01205/TPO - Reduce height of Scots pine, walnut and sycamore – refused consent.
7. 12/00492/TPO - Crown reduction to Scots pine tree – granted consent.
8. 23/00877/TPO - Corsican Pine – Fell – refused consent.

## REPRESENTATIONS

### Ward Councillor(s)

9. One Ward Councillor (Cllr Billin) has indicated he objects to the proposal commenting:

*“The tree was already mature when the house was built and purchased. Living With trees rather than simply removing them, surely must be best. I would hope that a full arboricultural survey may result in a suitable way forward.”*

### Town/Parish Council

10. East Leake Parish Council has made comments suggesting it would defer to the views of the Borough Senior Landscape and Design Officer (Sic *The Tree Officer*).

### Statutory and Other Consultees

11. The Borough Senior Landscape and Design Officer has provided comments on the application, to which he objects. His comments are extensive and full details are available on the public file. The comments are summarised below:
- a) Comments relating to proximity of the tree to dwellings, or it being too large for its location are subjective comments and there are no standards when it comes to assessing whether trees are considered to be too large or too close to a house.
  - b) Trees grow all the time within falling distance of a property, road, or other risk target, this on its own does not make them a danger. For a danger to exist there has to be some form of foreseeable risk of failure. This application along with the previously refused application does not present evidence that the tree has any defects that would indicate it is likely to fail in some way. There is nothing to suggest that the tree would be vulnerable to failure in a storm.
  - c) There is a tapering crack in the retaining wall which separates the raised lawn where the tree is located from the lower patio which is at the same level as the house. We know that roots must have grown under this wall as there are roots pushing up slabs in the patio beyond. It isn't proven that the roots are the source of the crack and no investigation has taken place to see if there is significant root growth behind the wall or under its foundation.
  - d) The roots of the tree are clearly pushing up the slabs nearby. Having met the owners I believe we have different views on what work is required to remedy this. I would suggest ad-hoc clean severing of roots and then removal to allow the slabs to be relayed, whereas I understand the owners wish to lift the patio, removal all roots and re-lay to prevent the risk of movement in the future. The 2 main roots I have seen are approximately 4cm wide and these are above the width where BS5837 recommends that severing them should be guided by arboricultural advice. Given their distance from the tree and the overall root zone which contains a large area of lawn where there is little competition from other trees, I believe the roots could be severed without any ill effect on the tree and this would enable repairs to take place.
  - e) There has been no evidence submitted to suggest that there are any defects to drains or subsidence damage to the house. Plans have been

presented on site which indicate that drains run under the property from its rear and that these would be near to areas where roots are evident, but a sealed drain should not attract roots and there is no evidence of damage.

- f) Whilst objecting to the proposal the officer does state “*If permission were to be granted we would need to condition a replacement tree*”.

### **Local Residents and the General Public**

12. Four representations have been received from local residents, three in support of the application and one objecting. Of the three in support all state that they have been invited by the applicant to visit the garden of the application site and view the tree and its environs. The full details of these public comments are available on the public file.
13. Issues raised in support were:
- a) Damage caused to surrounding paving and surfacing
  - b) Tree poses a danger to surrounding properties
  - c) Damage to a nearby retaining wall is evident - attributed to the tree and having worsened in past 6 months
  - d) Drainage systems are located nearby to the tree and could be vulnerable to damage
  - e) Tree is over-sized for its location amongst dwelling
  - f) Concern about fire risk if struck by lightning.
14. Comments made objecting to the felling were:
- a) The tree forms part of the landscaping associated with the former Poplars Mansion (later East Leake Hall Estate)
  - b) The tree is in apparent good health
  - c) The tree makes a positive contribution to local amenity and the settings of some large nearby properties.

### **PLANNING POLICY**

15. 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).
16. 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**

17. There are no sections of the NPPF which specifically refer to protected trees, however paragraph 131 briefly mentions:
18. “*Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.*”



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

19. Central Government has published separate guidance to local authorities on tree protection [here](#) the key points of which can be summarised as:

- assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area;
- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
- consider whether any requirements apply in regard to protected species;
- consider other material considerations, including development plan policies where relevant; and to ensure that appropriate expertise informs its decision.

Full details of this legislation can be found [here](#)

20. Legislation sets out circumstances where applicants may seek compensation for “loss or damage” which arises as a result of a local authority refusing consent for works to trees where the damage occurs and claim is made within 12 months of a decision being issued under section 203 of the Town and Country Planning Act 1990:

*A tree preservation order may make provision for the payment by the local planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of loss or damage caused or incurred in consequence—*

- (a) of the refusal of any consent required under the order, or*
- (b) of the grant of any such consent subject to conditions.*

### **Relevant Local Planning Policies and Guidance**

21. The relevant policy within the Local Development Framework is Policy 37 (Trees and Woodlands) of Local Plan Part 2 (LPP2).

22. Within Policy 37, section 1 is the most relevant as sections 2 and 3 refer to situations of granting planning permission and woodland planting for biodiversity gain which are not relevant in this instance:

23. *“1) Adverse impacts on mature tree(s) must be avoided, mitigated 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’.”*

24. Radcliffe on Trent has an adopted neighbourhood plan. The plan has no policies specifically relating to protected trees, and mentions trees only in relation to proposals for housing development and as part of Biodiversity Networks linked to development neither of which are relevant in this instance.

25. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and Neighbourhood Plans can be found in the Local Plan documents on the Council’s website at:

## APPRAISAL

26. The main consideration in relation to this application is whether there is sufficient justification for the proposed felling, taking into account the amenity value of the tree and the impact it is having on neighbouring property.
27. The Senior Landscape and Design Officer notes in his comments that in relation to several of the issues raised there is no evidence offered that the tree is the cause of the issues described.
28. The application form contains two questions relating to reasons for works to trees. The first is whether the justification for works relates to the health of the tree e.g. if it is diseased or there are fears that it might break or fall. This question has been answered 'No'.
29. The second question is whether it is alleged that the tree is damaging property, e.g. subsidence or damage to drives or drains the answer given is 'No', although 'Patio Damage' has been written in beside the check boxes.
30. The submission does not contain any specialist supporting information from an arboriculturist or surveyor. However, a supporting statement from the applicant is attached outlining the reasons for the application.
31. In the case of the crack to a retaining wall there has been no investigation or survey to confirm that the action of tree roots is the main contributing factor.
32. Some of the concerns appear to relate to perceived future risks. The height of the tree and its proximity to dwellings is taken to imply that the tree is dangerous. However, it is not uncommon for trees to be within falling distance of property or roads, and such a fact does not in and of itself equate to danger. For a tree to represent a danger there would need to be some reason to believe that the tree is likely to fall, not simply that if it did it is large enough to hit property. The application contains no information, and none is apparent from the Senior Landscape and Design Offices visit to site, suggesting that there are any particular defects with the tree which might give rise to a risk of failure.
33. The lifting of paving within the garden by roots is a consideration and is a consequence of root action, however the Senior Landscape and Design Officer is of the view that this issue could be addressed without needing to fell the tree, by lifting slabs, severing roots and relaying. There are some roots which are around 4cm wide, larger than is recommended to sever without arboricultural advice, however given the distance from the tree the officer is confident that this could be undertaken without adversely affecting the health of the tree.
34. The application is presented to committee as there is risk of compensation being payable. The circumstances where a Council is liable to pay compensation for loss or damage by refusing consent is subject to criteria and strict limitations. These are summarised below:
  - a) No claim can be made for loss or damage incurred before an application for consent to undertake work on a protected tree was made

- b) A claim for compensation must be for not less than £500 and be made to the authority either: · Within 12 months of the authority's decision, or within 12 months of an appeal decision.
35. Any claimant who can establish that they have suffered loss or damage as a result of an authority either refusing consent or imposing conditions in respect of protected trees is entitled to claim compensation. However, the authority's liability is limited. In such cases, compensation is not payable for any loss or damage which was:
- a) reasonably foreseeable by that person; and
  - b) attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent;
  - c) loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
  - d) loss of development value or other diminution in the value of land;
  - e) and/or costs incurred in making an appeal to the Secretary of State against the refusal of any consent or the grant of consent subject to conditions.
36. In light of the above, the Council cannot be liable for the damage which has occurred to date but could be liable if the damage was to get worse over the next 12 months and the additional damage requires work over £500 in value.
37. At present it is not considered that a clear case has been made that the damage to the wall is as a result of the tree, but it is clear the slabs are being affected by the roots. There is a degree of uncertainty about whether the above criteria for compensation would be met and if the damage was to extend or get worse what the costs would be.
38. The scale of damage in this instance is relatively small, in light of this the Council may decide that the amenity value of the tree is more important than the limited risk of compensation being payable. It should be pointed out that when the Council considers applications for subsidence damage from insurance companies the initial cost of repairs is outlined, along with the cost of more substantial repairs if the permission were to be refused, but in this case the costs of future repairs are not known.
39. It should be noted that no arboricultural statement has been submitted in support of the application and no tree surgeon has provided any supporting information.
40. In the absence of the specialist evidence from an appropriate expert it is possible that no further damage would be "reasonably foreseeable" to the council should it refuse consent as no technical or expert evidence or information has been submitted to suggest that such risks exist, or even that the current damage can be attributed to this tree. Accordingly, it is recommended that consent to fell the tree is refused.



## **RECOMMENDATION**

It is RECOMMENDED that consent be refused for the following reasons;

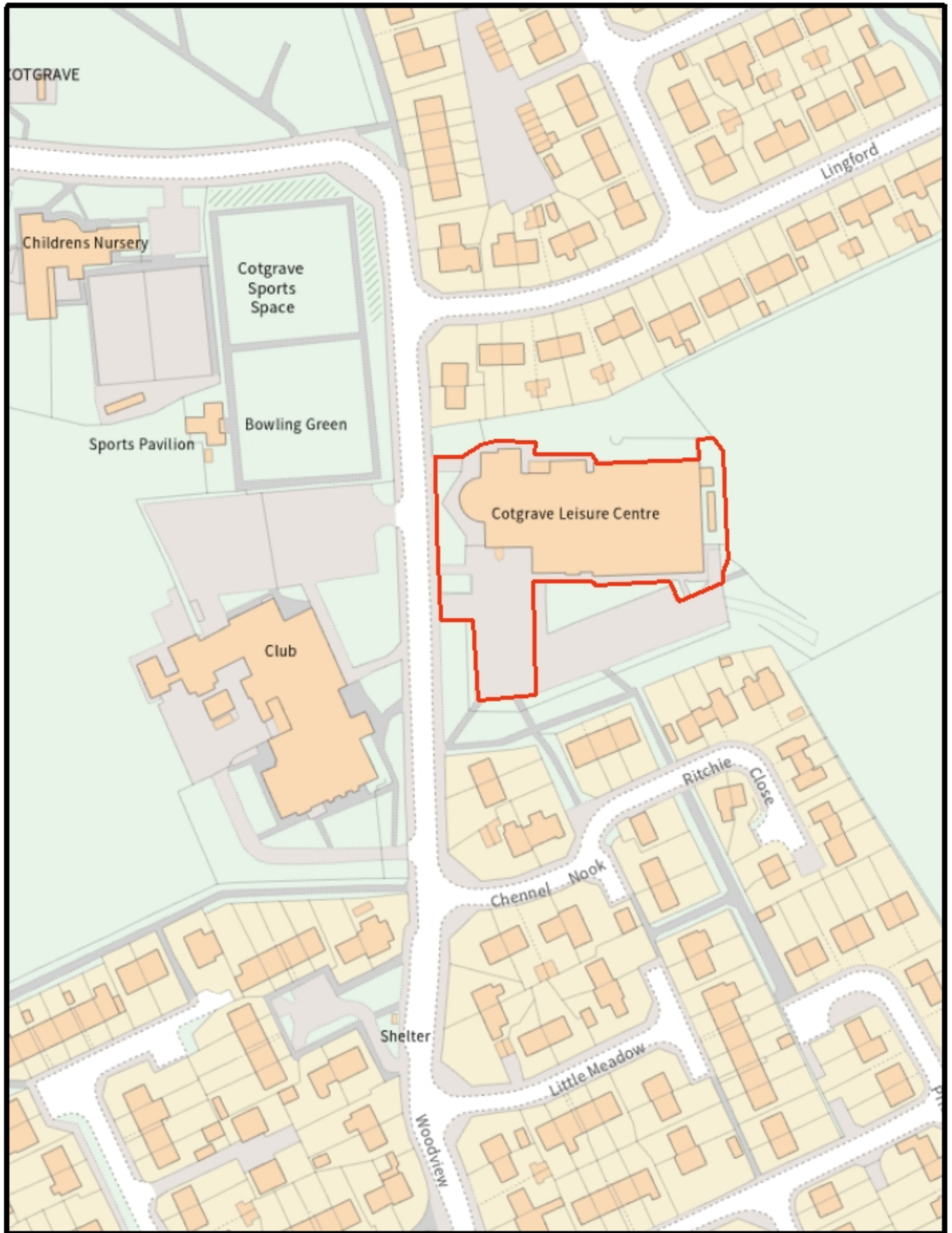
- 1. No written arboricultural advice or diagnostic information from an appropriate expert has been provided to substantiate that the tree suffers from any defect, decay or damage which might reasonably give rise to a risk of failure and any damage to neighboring property which may arise to neighboring property. As such it has not been demonstrated that felling, and loss of the amenity value of the tree, is justified on safety grounds.**

**The application would therefore be contrary to adopted policy within LPP2 - Policy 37 (Trees and Woodlands) which states that adverse impacts to mature trees should be avoided.**

- 2. No written technical evidence from an appropriate expert has been provided to substantiate that the tree would cause damage to nearby surfacing, walls or buildings were it to be retained, or in the case of the patio paving that the issues related to tree roots could only be resolved by felling the tree. As such it has not been demonstrated that felling, and loss of the amenity value of the tree, is justified on the grounds of damage to nearby property or that such damage in the case of the patio could most reasonably be resolved by felling the tree.**

**The application would therefore be contrary to adopted policy within LPP2 - Policy 37 (Trees and Woodlands) which states that adverse impacts to mature trees should be avoided.**

This page is intentionally left blank



**Application Number: 23/02280/FUL**  
**Cotgrave Leisure Centre, Woodview, Cotgrave**



scale 1:2000

This page is intentionally left blank

**23/02280/FUL**

**Applicant** Rushcliffe Borough Council

**Location** Cotgrave Leisure Centre, Woodview, Cotgrave, Nottinghamshire,  
NG12 3PJ

**Proposal** Refurbishment of leisure centre premises and integrated youth club to include internal rearrangement, new entrance canopy and associated groundwork, new cycle shelter, fencing and signage, EV charge points. Also includes upgrade of mechanical plant systems to improve energy efficiency and associated substation.

**Ward** Cotgrave

## **THE SITE AND SURROUNDINGS**

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

1. The application relates to a modern leisure centre located centrally within Cotgrave. There is a car park to the south of the building accessed from Woodview beyond which are residential properties. There are also residential properties immediately to the north at Lingford. There is a playing field to the east which sits at a higher land level than the leisure centre.
2. The leisure centre building constructed in buff brick with a seam metal roof. There is a two storey curved projection to the Woodview frontage incorporating a young people's centre and first floor fitness suite, and an entrance canopy to the south elevation.

## **DETAILS OF THE PROPOSAL**

3. The application proposes alterations to the leisure centre building including a replacement entrance canopy, replacement bike store, and the external siting of a plant room to the east side of the building and substation to the north east corner of the car park. Various internal alterations are proposed including the formation of a separate youth club lobby, toilets and office. The youth club would be served by a separate access from the wood view elevation. A glazed canopy is proposed at the youth club entrance. Within the leisure centre entrance the alterations would include new accessible changing provision, the reconfiguration of toilets and repositioning of management office.
4. The replacement entrance canopy would project 4 metres forward of the building comprising a slightly curved glazed canopy on columns measuring a maximum of 3.75 metres in height.
5. The bike store would comprise 5 bike hoops with a 2-2.45 metre high glazed canopy over, open on all sides.

6. The plantroom would comprise a modular building with an Air Source Heat Pump (ASHP) unit above, referred to as an evaporator unit on the application plans. An attenuation screen is proposed to the south elevation of the ASHP, this would measure 5.95 metres in height from ground level, slightly exceeding the height of the evaporator.
7. The proposed substation would be housed within a green GRP cabinet measuring 3.9x 3.9 metres.

## **SITE HISTORY**

8. 96/00610/REG3 - Extension to form swimming pool; additional car parking. Approved 1996.
9. 03/01285/REG3 - Erection of 2.4m high security fence and gates around site. Approved 2003.
10. 19/00712/FUL- Installation of replacement swimming pool ventilation system incorporating external mounted air handling unit and associated duct work. Approved in 2019.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

11. One Ward Councillor (Cllr Butler) supports the application and leisure centre improvements. The proposals to enhance and improve the space and arrangements for the Cotgrave Youth Club would help to boost its identity and facilities.

### **Town/Parish Council**

12. Cotgrave Town Council does not object.

### **Statutory and Other Consultees**

13. The Highway Authority (Nottinghamshire County Council) does not object.
14. The Borough Council's Environmental Health Officer does not object. They are satisfied with the findings of the Sound Impact Assessment and its conclusion that the proposed Air Source Heat Pump would present a significantly lower risk of adverse impacts on nearby sensitive receptors than the existing Combined Heat and Power plant. Some additional external lighting is proposed but there would not be a significant change in the external lighting provision at the site. An informative note is recommended in relation to hours of construction including deliveries.

### **Local Residents and the General Public**

15. No responses received.

Full comments can be found [here](#)

## **PLANNING POLICY**

16. 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 National Planning Policy Framework (NPPF) (December 2023) and the National Planning Practice Guidance (the Guidance).

### **Relevant National Planning Policies and Guidance**

17. The relevant policy considerations in the NPPF are:
- Paragraph 11c)
  - Chapter 8 (Promoting healthy and safe communities)
  - Chapter 11 (Making effective use of land)
  - Chapter 12 (Achieving well- designed and beautiful places)
  - Chapter 14 (Meeting the challenge of climate change, flooding and coastal change).

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

### **Relevant Local Planning Policies and Guidance**

18. The relevant policy considerations in the LPP1 are:
- Policy 1 (Presumption in Favour of Sustainable Development)
  - Policy 2 (Climate Change)
  - Policy 10 (Design and Enhancing Local Identity)
  - Policy 12 (Local Services and Healthy Lifestyles)
  - Policy 13 (Culture, Tourism and Sport).
19. The relevant policy considerations in the LPP2 are:
- Policy 1 (Development Requirements)
  - Policy 30 (Protection of Community Facilities)
  - Policy 31 (Sustainable Tourism and Leisure)
  - Policy 39 (Health Impacts of Development).
20. The full text of the policies in the LPP1 and LPP2, together with the supporting text can be found in the Local Plan documents on the Council's website at: [Planning Policy - Rushcliffe Borough Council](#).

## **APPRAISAL**

21. 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.
22. The main issues in the consideration of the application are the principle of development, design and impact on the character and appearance of the area; residential amenity, and highway safety.

## **Principle of development**

23. The overarching Policy 1 in the Local Plan Part 1: Core Strategy reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.
24. The application seeks the enhancement of leisure and community facilities including the enhancement of the youth club through the provision of enhanced facilities and a dedicated entrance, installation of a new plant room and Air Source Heat Pump to improve energy efficiency, a replacement entrance canopy to improve the appearance of the building and a covered cycle rack to improve facilities for users. The principle of the proposal is supported by Policy 12 of the LPP1 and Policy 31 (Sustainable Tourism and Leisure) of the LPP2 subject to the wider planning considerations set out below.

## **Amenity**

25. The externally visible elements of the scheme would comprise the replacement of the entrance canopy and bike store, and the siting of a plant room to the east of the building and a substation to the south east corner of the building. The plant room would be the tallest element of the scheme measuring 5.95 metres to the top of the Air Source Heat Pump screening. It would however be sited over 25 metres from the boundary with the closest residential properties on Chennel Nook to the south and the substation element would be over 20 metres from this boundary. Given the separation distance it is not considered that these elements or the proposed canopy and bike store would give rise to an undue overbearing impact on the closest neighbouring properties.
26. The potential noise/ disturbance impact of the proposed plant room and ASHP unit have been carefully considered and the submission includes a Sound Impact Assessment. The report concludes that the ASHP would have a lower operational noise level than the existing Combined Heat and Power Unit that it would replace, following the measurement of sound levels from the existing CHP plant along with an assessment of background sound levels. It is understood that only one of the ASHP units would be operational at any one time and the plant would be enclosed with acoustic screening. Environmental Health are satisfied with the findings of the assessment and do not object to the proposal. It is not therefore considered that the proposal would have an undue noise impact on the closest neighbouring properties.
27. Additional lighting is proposed comprising wall-mounted floodlights to the external access route to the proposed youth club entrance. There are existing wall-mounted lights to the Woodview elevation and it is not considered that there would be a significant change in external lighting provision. It is not considered that this element would result in undue harm to the amenities of neighbouring properties.
28. Taken as a whole it is considered that the proposal would not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy. No significant



adverse noise impacts are identified, and as such the development would be considered to comply with Policy 1(4) of the LPP2.

## **Design and Appearance**

29. In terms of visual amenity, the plant room/ ASHP would be sited to the eastern end of the building thereby limiting views from Woodview. The plant would partly project above the roof height of the leisure centre, however it is not considered that it would appear visually incongruous in the street scene given its siting and distance from Woodview. Views of the ASHP from the south would be screened by the acoustic enclosure. The adjacent playing field is elevated relative to the leisure centre. It is not considered that the plant and ASHP would appear overly prominent against the backdrop of the leisure centre building and the existing plant.
30. The proposed substation would comprise a green GRP building sited towards the rear north east corner of the car park. It is not considered that it would be prominent in public views from Woodview. Planting is proposed to the west and part of the south elevation of the substation to soften its appearance. Through discussion with the Design and Landscape Officer a Portuguese Laurel hedge is proposed, to be planted at a height of 80-100cm.
31. The entrance canopy would be a lightweight structure comprising a curved glazed canopy in place of the current metal canopy, representing a contemporary addition and a visual improvement compared to the current canopy. The canopy to the youth club entrance would also be a lightweight glazed structure. The bike shelter would be a simple lightweight canopy structure that would provide a betterment compared to the current open cycle hoops.
32. Internal works are proposed to provide a dedicated youth club area with a separate entrance and separate facilities to the main leisure centre. This along with the other internal alterations would not require external alterations to the building. The proposed internal alterations along with the external works would support the enhancement of community facilities as advocated by paragraph 97 of the NPPF.
33. It is considered 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. It would therefore comply with Policy 1(4) of the LPP2.

## **Highway Safety**

34. There would be no loss of parking spaces as a result of the siting of the substation, plant building, replacement canopy or cycle shelter. The application seeks the improvement of leisure and community facilities however it would not represent an intensification of use of the site. The youth club element is existing and the application seeks an enhancement of facilities rather than the introduction of a new use. It is not considered that the proposal would materially impact upon highway safety and the Highway Authority does not object to the proposal. It would therefore comply with Policy 1(2) of the LPP2.

## Conclusions

35. It is considered that the proposal accords with the principles of sustainable development and would not be detrimental to the surrounding area. It is considered acceptable in terms of neighbouring residential amenity, visual amenity and highway safety. The development would accord with policy 12 (Local Services and Healthy Lifestyles) of the LPP1 and policy 31 (Sustainable Tourism and Leisure) of the LPP2.
36. For the reasons set out above it is considered that the application accords with the general national and local planning policies considered above.
37. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

## 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 shall be carried out in accordance with the following approved plans:**

- **P010-4000-02 (Site Plan)**
- **P010-4000-03 (Existing and Proposed Ground Floor Plan)**
- **P010-4000-04 (Existing and Proposed First Floor Plan)**
- **P010-4000-10 (Existing and Proposed North Elevations)**
- **P010-4000-11 (Existing and Proposed East Elevations)**
- **P010-4000-12 (Existing and Proposed South Elevations)**
- **P010-4000-13 (Existing and Proposed West Elevations)**

**Received on 20 December 2023**

- **525-CLC-251 Rev C (As Proposed Overall Site Plan)**
- **525-CLC-252 Rev A (As Proposed Part Site Plan)**
- **525-CLC-261 Rev A (As Proposed Overall Ground Floor Plan)**
- **525-CLC-271 Rev A (As Proposed Part Ground Floor Plan)**
- **525-CLC-282 Rev B (As Proposed Part Elevations)**

**Received on 12 February 2024; and**

- **P010-4000-01 (Location Plan)**

**Received on 16 February 2024**

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

3. Prior to the installation of the entrance canopies, substation or plant building, details of the facing and roofing materials shall be submitted to and approved in writing by the Borough Council and the development shall be carried out in accordance with the details as approved.

[To ensure a satisfactory appearance of development and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the installation of the air source heat pump/ evaporator unit, details of the acoustic screen shall be submitted to and approved in writing. The submitted details shall include details of the materials to be used and a specification of its sound mitigation.

[To ensure a satisfactory appearance of development, to ensure a satisfactory level of neighbouring amenity and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Within the first planting season following the installation of the substation, planting shall be carried out in accordance with the planting specification and locations as confirmed by email on 15 March 2024 comprising the planting of Portuguese Laurel to the west and south of the substation.

Any part of the hedge which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[To ensure the development is of a satisfactory appearance in accordance with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

## **NOTES TO APPLICANT**

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

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 page is intentionally left blank

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference and link to Appeal decision notice	Comments/Decision Date
22/01268/REM	Land South of Butt Lane, East Bridgford,	Approval of reserved matters in respect of appearance, landscaping, layout and scale for the construction of 59 dwellings alongside associated site infrastructure, works and public open space pursuant to Variation of Condition permission 21/00664/VAR for the Variation of Condition 2 and 9 (to allow an alternative access to be constructed at the eastern end of the application site) of planning permission 19/00784/OUT.	Allowed	Delegated	APP/P3040/W/23/3330093	08/03/2024
23/01703/FUL	The Old Grain Store, Barnstone Lodge Farm Works Lane, Barnstone	2no. single storey extensions to the North West elevation of dwelling and associated internal alterations.	Dismissed	Delegated	App/P3040/D/23/3333909	12/03/2024

23/00235/GDOTEL	Land Off Buckfast Way Adjacent Eltham Road West Bridgford	The installation of a 17.5m streetpole accommodating 6no. antennas, the installation of 2no. ground-based equipment cabinets, along with ancillary works	Allowed	Delegated	APP/P3040/W/23/3328757	14/03/2024
22/02257/HYBRID	Land At Main Street Flintham	Hybrid planning application for a rural exception development, including full planning permission for 14 affordable dwellings including 6 discount market sales dwellings with associated provision of car parking, open space, landscape, access and infrastructure works, and outline planning permission for 3 enabling self-build market dwelling plots.	Dismissed	Delegated	APP/P3040/W/23/3330938	18/03/2024
23/01565/FUL	27 Main Street Keyworth	Detached garage with first floor store and external stairs. Car port (Retrospective)	Split (Part appeal allowed part dismissed)	Committee	APP/P3040/D/23/3335679	21/03/2024

22/00243/FUL	Land North Of Cotgrave Road Cotgrave Road Owthorpe	Erection of 4 No. poultry buildings, 8 no. feed bins, 2 no. feed blending rooms, gate house, generator, plant room, water tank, Dirty Water Tank and Gas Tanks. Creation of new access road, car parking and concrete apron as well as new attenuation p	Dismissed	Committee	APP/P3040/W/23/3315368	27/03/2024
--------------	--	--	-----------	-----------	------------------------	------------

This page is intentionally left blank