



Rushcliffe
Borough Council

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

Our reference:
Your reference:
Date: Wednesday, 3 July 2024

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 11 July 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 20 June 2024 (Pages 1 - 2)
4. Planning Applications (Pages 3 - 52)
The report of the Director – Development and Economic Growth
5. Planning Appeals (Pages 53 - 54)
The report of the Director – Development and Economic Growth

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8.30am - 4.30pm

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Rushcliffe Arena
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NG2 7YG



Membership

Chair: Councillor R Butler

Vice-Chair: Councillor R Walker

Councillors: S Calvert, J Chaplain, A Edyvean, S Ellis, E Georgiou, S Mallender, D Mason, C Thomas and T Wells

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, 20 JUNE 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), R Walker (Vice-Chair), S Calvert, J Chaplain,
A Edyvean, S Ellis, S Mallender, D Mason, C Thomas and T Wells

OFFICERS IN ATTENDANCE:

H Knott	Service Manger - Planning
P Langton	Senior Planning Officer
G Sharman	Team Leader
R Clack	Legal Services Manager
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors E Georgiou

1 Declarations of Interest

There were no declarations of interest.

2 Minutes of the Meeting held on 9 May 2024

The minutes of the meeting held on 9 May 2024 were agreed as a true record
and were signed by the Chair

3 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.

**23/01251/FUL - Erection of 1no. dwelling - Land North West of 42 Wilford
Lane, West Bridgford**

Updates

In accordance with the Council's Public Speaking Protocol for Planning
Committee, Mrs C Mears (Objector) and Councillor A Phillips (Ward Councillor)
addressed the Committee.

Comments

Members of the Committee expressed concern about the impact on neighbouring residents from traffic and delivery vehicles to and from the site and asked that a condition be added requiring a Construction Management Plan to be created to include delivery times and hours of operation.

Councillor A Edyvean moved to accept the recommendation and approve the application with the additional condition 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 SET OUT IN THE REPORT PUBLISHED WITH THE AGENDA AND THE ADDITIONAL CONDITION RELATING TO A CONSTRUCTION MANAGEMENT PLAN THE DETAILS OF WHICH ARE DELEGATED TO THE DIRECTOR DEVELOPMENT AND ECONOMIC GROWTH

4 Planning Appeals

The Committee noted the Planning Appeal Decisions report which had been circulated with the agenda.

The meeting closed at 7.15 pm.

CHAIR



Planning Committee

Thursday, 11 July 2024

Planning Applications

Report of the Director – Development and Economic Growth

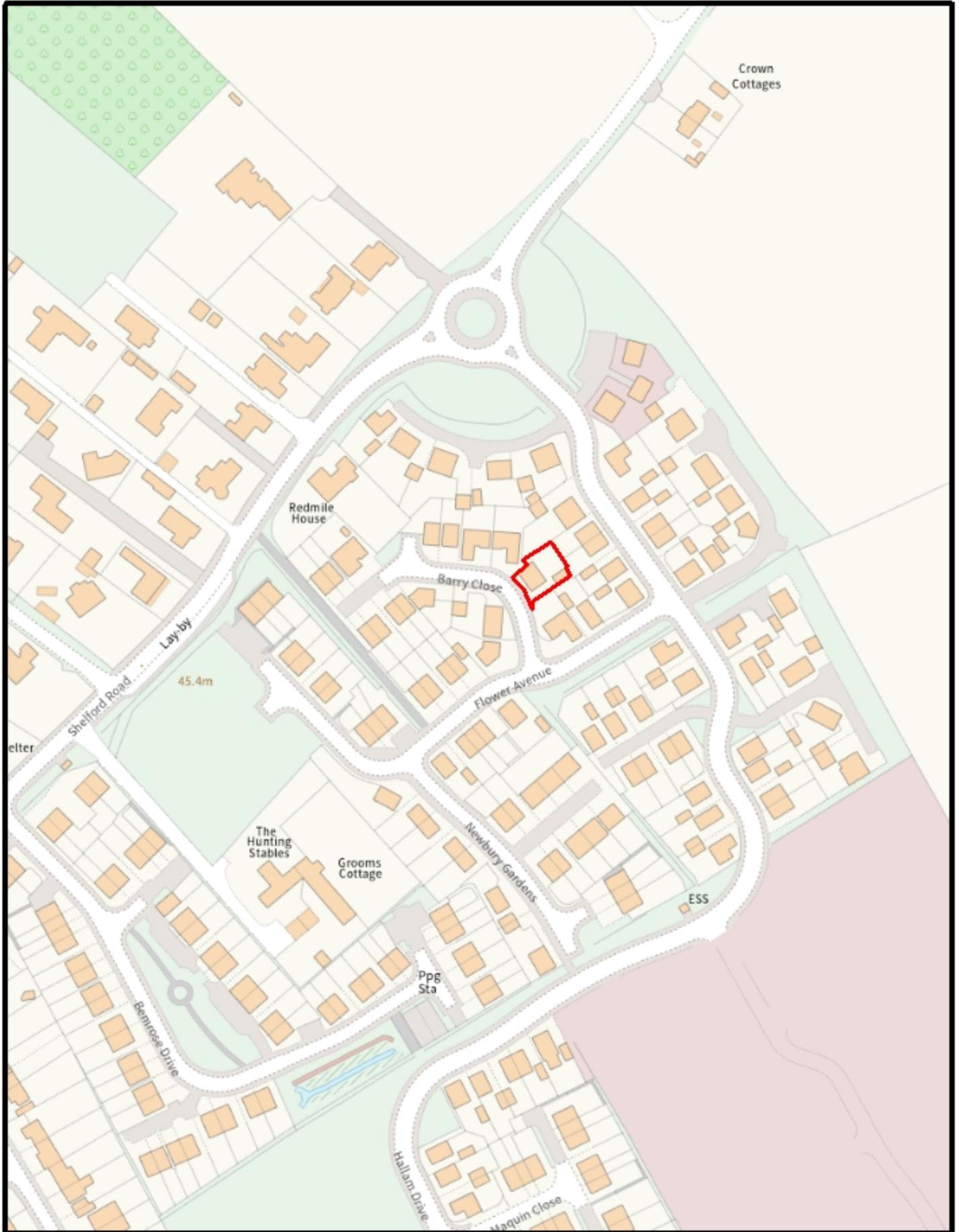
PLEASE NOTE:

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>

Application	Address	Page
24/00476/FUL	14 Barry Close Radcliffe On Trent Nottinghamshire NG12 1DY	5-18
	Proposed Change of use from C3 dwelling to C2 childrens residential care home	
Ward	Radcliffe On Trent	
Recommendation	Planning permission be granted subject to conditions	
Application	Address	Page
23/02298/OUT	The Manor House, 1 Owthorpe Road, Cotgrave, Nottinghamshire, NG12 3JE	19-38
	Outline application for proposed residential development of up to 5 no. dwellings with all matters reserved except for access	
Ward	Cotgrave	
Recommendation	Outline planning permission be granted subject to conditions	
Application	Address	Page
24/00355/FUL	West Park Loughborough Road West Bridgford Nottinghamshire	39-51
	Construction of new cricket practice facility comprising of non turf playing surface with associated net and framing together with associated ground preparation and landscaping works includes soakaway and fencing	
Ward	Musters	
Recommendation	Planning permission be granted subject to conditions	



Application Number: 24/00476/FUL
14 Barry Close, Radcliffe On Trent



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24/00476/FUL

Applicant Mr Joseph Rafter

Location 14 Barry Close Radcliffe On Trent Nottinghamshire NG12 1DY

Proposal Proposed Change of use from C3 dwelling to C2 childrens residential care home

Ward Radcliffe On Trent

THE SITE AND SURROUNDINGS

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

1. This application relates to a modern two storey detached four bedroom dwelling located on the eastern side of Barry Close, a cul de sac, close to its junction with Flower Avenue and within the Princes Place residential development off Shelford Road Radcliffe on Trent.
2. The site is currently served by 2 no. off street parking spaces and a detached garage (part converted to playroom) and an enclosed rear garden. The site is adjoined by the side and rear gardens of the immediately adjoining detached properties on Barry Close, Flower Avenue and Hallam Drive.

DETAILS OF THE PROPOSAL

3. The Full planning permission is sought for the change of use of the existing dwelling from Use Class C3 to a children's home (Use Class C2).
4. The application has been accompanied by the following management plan details:-
 - The proposed children's home would be Ofsted registered providing 1:1 care for up to 2 no. children with emotional and behavioural difficulties aged between 8 and 17 years old. All referrals would be from Local Authorities
 - Additional information has been deposited which outlines that there would be 2 no. staff carers working a 24 hour shift; 16 hours awake and 8 hours sleeping from 11pm to 7am. The total shift times will be 10 am to 10am. Therefore, change over times will occur between 10am to 10.30am
 - An off site manager would be present between 09.00 and 16.00 up to two times a week
 - Professional visitors would need to book their visits in advance: Social

workers would visit the children once every six weeks. Meetings with other stakeholders and case reviews would be carried out remotely using Teams etc – face to face meetings would likely to be carried out at the head office premises

- The organisation would generally focus' on children who are taken into care as a result of neglect/abuse, mental health, ASD and/or children who can't live within larger groups
 - Internal/external doors would have locks on and bedroom doors have alarms so that staff are aware if a child has left their room. The applicant has also confirmed that dusk to dawn external lighting and CCTV would be installed and a secure bicycle shelter would be provided
 - The manager would communicate with local residents prior to the home being brought into use and provide their contact details and would be responsible for integrating into the local community which includes building relationships, contributing to neighbourhood groups/meetings and liaising with the local parish council.
5. No external alterations to the building are proposed.
6. A block plan has been deposited which shows 2 no. off street parking spaces plus a garage to be provided at the site.

SITE HISTORY

7. 23/02278/CLUPRD – A Certificate of Lawfulness was refused in February 2024 for the change of use of the residential dwelling to care for children by care workers as the proposal would result in a material change of use.

REPRESENTATIONS

Ward Councillor(s)

8. One Ward Councillor (Cllr Brennan) – whilst not objecting in principle, concerns are raised with regards to the location of dwelling in a fairly narrow cul de sac, on a bend and with limited off street parking and the impact of increased traffic and limited parking arrangements. Assurances would be required that the proposal will not generate parking issues that would adversely affect safety and access for neighbouring properties.
9. One Ward Councillor (Cllr Upton) – the general principle of children's homes in the community is supported. However, they should be carefully planned and in the right location. Concerns are raised with regards to the proposed change of use from residential to business use – there appears to be an agreement that purchasers of properties on this estate not to operate a business from their properties. If granted this could set a precedent for other business changes of use proposals.

Highway safety and impact on the community concerns are raised given that Barry Close is a relatively narrow cul de sac with limited on street parking. The application site is on a bend and only has 2 no. tandem parking spaces

on the drive. Concerns are raised with shift working, impact of visitor parking and increased traffic. Objections are therefore raised.

Town/Parish Council

10. Radcliffe on Trent Parish Council – no objections.

Statutory and Other Consultees

11. The Highway Authority (Nottinghamshire County Council) Barry Close is a private road and not an adopted highway. The number of trips to be generated by the change of use is not going to be significantly different from the current use. The residential care home proposes 2 number of staff and 2 number of children at any one time. It is therefore not anticipated there will be significant highway implication to the change of use. Based on the information submitted, no objections are raised to the proposal.
12. The Borough Council's Environmental Health Officer raises no objections on environmental health grounds.
13. Nottinghamshire Police: Designing Out Crime Officer – initial comments requested a management plan outlining mitigation measures to prevent risk to children to include details of how the premises will be operated, managed and what conflict resolution procedures are in place for issue that may affect the local neighbourhood. The application should also achieve the Secured by Design accreditation to ensure it meets the required security standards for a property of this type and intended use.
14. Following a review of the management details and the additional management statement confirmation has been received that these are very comprehensive and cover the points previously raised.

Local Residents and the General Public

15. Representations have been received from 31 properties with some properties expressing concerns on several occasions throughout the application process. Three letters have been received without addresses. Comments have been summarised as follows:
- a. It is accepted that the applicants have great intentions and do good work
 - b. This is a 100% residential area which has a lot of young children, is not suitable for this type of residential accommodation for young people with behavioural problems and raises community safety issues. Homeowners have chosen the area due to the calm and quiet nature of the village and estate
 - c. The proposed use would be out of character with the area
 - d. The site is adjoined by 6 other dwellings Impact on amenity and quality of life by virtue of loss of privacy, increased noise, smell, waste, levels and types of activity and anti-social behaviour
 - e. The supporting statement states that children will have restriction on their liberties which raises concern with anti-social behaviour
 - f. The property would be occupied by older children due to the failed care system
 - g. The use would exacerbate existing issues with anti-social behaviour from

- social houses
- h. The plot and garden are not large and not suitable for a children's home for vulnerable people
 - i. The proposal would result in increased traffic and on street parking raising highway and pedestrian safety issues - There are only 2 no. parking spaces and with 4 staff cars will have to park on the street impacting on local residents particularly at peak times for staff change overs - the applicant has done nothing to reduce the need for on street parking
 - j. The proposal would change the use from a family dwelling to a commercial business property - There is a clause in the deeds of the estate stating that properties can only be used for residential purposes the proposed use is as a business
 - k. The submitted statement states that property will house 2 no. children but the plans show three bedrooms leading to confusion as to the intention of future use /expansion and will more staff be needed
 - l. Lack of CCTV provision raises security issues
 - m. 1:1 staff ratio is insufficient to support vulnerable young people – this could lead increased potential for anti social behaviour at night and during staff breaks
 - n. Has a risk assessment been undertaken – local amenities are circa 1 mile and 25 min walk away and the bus service only runs hourly from the estate. There is still heavy construction traffic through the estate. There are no facilities on the estate
 - o. It is unclear what the converted garage will be used for – there is no therapy space or on-site education space provided
 - p. The business plan submitted with the application refers to failures at other sites but there are specifics of what these were
 - q. It is unclear who will be responsible for the property or if there are issues with local residents
 - r. The proposed use would impact on the housing market and lead to the devaluation of properties
 - s. The opening times have not been specified
 - t. There has been a lack openness, consultation and communication
 - u. One representation has been received which did not object subject to there being no additional allocated parking spaces, the proposal is in keeping with the character of the area, there is no risk of flood risk and the development is not extended to provide additional facilities.

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) and the Radcliffe on Trent Neighbourhood Plan. 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:
 - Chapter 2 (Achieving sustainable development)

- Chapter 8 (Promoting healthy and safe communities)
- Chapter 9 (Promoting Sustainable transport)
- Chapter 12 (Achieving well designed and beautiful places).

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

18. On the 23rd May 2023 the Housing Minister issued a written statement on planning for accommodation for looked after children. This statement sets out that the planning system should not be a barrier to providing homes for the most vulnerable children in society. The purpose is to remind local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area. The full statement can be found [here](#).

Relevant Local Planning Policies and Guidance

19. The relevant policies in the Local Plan Part 1: Core Strategy:-

- Policy 1 (Presumption in Favour of Sustainable Development)
- Policy 10 (Design and Enhancing Local Identity)
- Policy 12 (Local Services and Healthy Lifestyles).

20. Policies in the Local Plan Part 2: Land and Planning Policies:-

- Policy 1 (Development Requirements)
- Policy 14 (Specialist Residential Accommodation).

21. 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](#). There are no directly relevant policies within the Radcliffe on Trent Neighbourhood Plan.

Other Legislation

22. Children's Homes (England) regulations 2015. These regulations include Quality Standards which set out the aspirational and positive outcomes that they are expected to achieve. They also set out the underpinning requirements that homes must meet in order to achieve those overarching outcomes. Ofsted is the registration authority of children homes and as registration authority regulates and inspects childrens homes.

APPRAISAL

23. 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.

24. The main issues in the consideration of the application are the principle of development, impact on the character and appearance of the area; residential amenity and living conditions and highway safety and parking.

Principle of development

25. 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. Policy 12 of LPP1 sub paragraph e) sets out that new community facilities should be in locations accessible by a range of sustainable transport modes.
26. Paragraph 92 of the NPPF (2023) states: "*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which a) promote social interaction....and b) are safe and accessible...and c) enable and support healthy lifestyles...*".
27. Policy 14 (Specialist Residential Accommodation) of the Local Plan Part 2: Land and Planning Policies sets out that planning permission will be granted for specialist accommodation that falls within use class C2 (Residential Institutions) of the Use Class Order. Of relevance to the principle of this application this is provided that:
- a) the proposal is located in an existing residential area, close to good public transport routes, shops, community facilities and open space appropriate to the needs of the occupiers;*
- b) the proposal does not result in an overconcentration of similar uses in any one area leading to a significant adverse impact on the character of the area.....*
28. The application site falls within Princes Place a modern residential development located to the eastern side of Shelford Road which is still be built out. At present there are no specific services or facilities within the development however the site is within a reasonable distance of a bus stop on Shelford Road with an hourly service to main town centres and the railway station. There are wide range of services and facilities within Radcliffe on Trent Centre circa 1.6km to the southwest. The proposal would also not result in an over concentration of similar uses in the area.
29. Taking the above into account, it is considered that the site is in a sustainable location and as such the principle of the proposal meets the criteria set out in the Chapter 12 of the NPPF (2023) and Policy 12 of LPP1 and Policy 14 of the Local Plan Part 2: Land and Planning Policies.

Impact on the character and appearance of the area

30. Policy 10 of the LPP1 requires development to reinforce local characteristics. Policy 1 of LPP2 provides that development should be sympathetic to the character and appearance of the neighbouring buildings and surrounding area, and not result in an overintensive form of development. Chapter 12 of the NPPF reflects this.

31. No internal or external alterations are proposed to the existing dwelling which would remain as a residential dwelling in terms of its appearance. There is a driveway to the front/side of the dwelling served by a dropped kerb which provides off street parking provision and leads to a detached garage building.
32. Given the number of children and staff present at the site on a daily basis it is not considered that the level of activity and comings and goings to the site would be significantly different to that which would be expected from a typical family residing at the property.
33. Taking the above into account it is therefore considered that the proposed use would not result in harm to the character of the area or visual harm to the character and appearance of the existing property, the immediate streetscene or the wider setting and is in accordance with Policy 10 of the Local Plan Part 1 Core Strategy and Policy 1 of the Local Plan Part 2, Land and Planning Policies documents and Chapter 12 of the NPPF (2023).

Residential amenity and living conditions

34. Policy 10 of LPP1 and Policy 1 of LPP2 requires that new development proposals be assessed in terms of their impact on the amenity of occupiers of proposed development and nearby residents. Policy 14 of LPP2 requires new residential institutions to provide a satisfactory residential environment for the benefit of the intended occupants without detriment to the amenity of nearby dwellings.
35. Third party comments have been received with regards to impact on residential amenity and anti-social behaviour.
36. The property would accommodate up to two children with two trained staff providing 1:1 care working a 24-hour shift. In terms of required staff breaks this would not fall within the remit of planning legislation. Shift changes would take place once a day between 10am and 10.30am. It has been confirmed that there would be a manager on site up to twice a week and visits every six weeks from social workers. The property would be Ofsted regulated and subject to Children's Home regulations.
37. Given the number of children and staff resident at the property the level of activity and shift changes would again not be considered to be such that it would be significantly different to that which would be expected from a typical family residing at the property and would not result in significant adverse impact on neighbouring amenity. Environmental Health officers as technical advisors have assessed the details of the proposal and have raised no concerns.
38. Furthermore, there are no extensions or alterations to the appearance of the building proposed. Overall, it is considered that no significant loss of amenity through overlooking, or loss of privacy would result above and beyond the existing relationship and the site's established use as a residential property. Waste disposal would be as existing for the residential property given the number of residents.
39. The property is a four-bedroom family dwelling and as such it is considered that there is appropriate levels of amenity space to accommodate two

children and their carers. Similarly, there are four bedrooms to provide each child and the two carers with accommodation as confirmed by the updated floor plans dated 21st June 2024 together with the shared communal facilities.

40. Comments have been received raising concern with regards to potential anti-social behaviour including when staff are taking breaks and at night that could impact on the amenity of neighbouring properties and the area. The applicant has confirmed that the carers would take breaks - when the children are at school, when the manager is on site or when it has been risk assessed that it is appropriate to leave the two children with one staff member for a short period of time. The owner of the children's home would also carry out and keep updated location and child risk assessments.
41. The Police Authority have been consulted and reviewed the application documents. The applicant has confirmed that Secure by Design Principles would be followed and that CCTV and dusk until dawn security lighting will be provided at the site. From the submitted details of the management and policies documents which the Police Authority consider to be comprehensive the Police Authority have raised no concerns or objections to the proposal. The manager of care home would establish a proactive working relationship with the Police Authority.
42. Notwithstanding this it is not the role of the planning system to dictate how the property would be managed. The property would be Ofsted registered. It is considered that the operation and management of the proposed children home is controlled through other legalisation. It is a matter for the owner and the appropriate authority to regulate care facilities. The control of the planning system in this scenario is to consider whether the potential impact on amenity would be harmful.
43. Third party representations have also raised concern with regards to the children to be placed in the property. There is nothing in local or national planning policy that indicates the proposal, based solely on the demographic of the children who would occupy the property is unacceptable and as such a refusal on these grounds would be unlikely to be sustained at appeal.
44. For the reasons set out above it is not considered that the proposal would result in significant harm to the amenity of neighbouring properties or the wider area. The proposal therefore accords with and Policy 10 of the Local Plan Part 1 Core Strategy and Policy 1 and Policy 14 of the Local Plan Part 2, Land and Planning Policies documents and Chapter 12 of the NPPF (2023).

Highway safety and parking

45. Policy 1 of LPP2 sets out that planning permission for changes of use will be granted where a suitable means of access can be provided without detriment to the amenity of adjacent properties or highway safety. Sub paragraph e) of Policy 14 of LPP2 requires that specialist residential accommodation development should not have no significant adverse impact on highway safety and adequate provision for access and parking is made.
46. Chapter 9 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

47. A number of concerns have been raised with regards to increased traffic, insufficient off street parking provision and highway and pedestrian safety issues.
48. The Highway Authority as the LPA's qualified technical advisors on highway safety and parking matters have been consulted and have reviewed the submitted documents and plans. It is considered that the number of trips to be generated by the change of use is not going to be significantly different from the current use. The application proposes 2 members of staff and 2 children at any one time. It is therefore not anticipated there will be significant highway implications to the change of use. As such the Highway Authority has raised no objections to the proposal have raised no objections in terms of highway or pedestrian safety.
49. Whilst the proposal may increase some journeys to and from the site it is not considered that this would be so significant or so different to vehicles accessing and leaving a conventional family dwelling or be of a level so as to justify a refusal of planning permission.
50. As a four-bedroom dwelling there would be a requirement for 3 no. off street parking spaces. The existing garage has been partly converted to a playroom. This would decrease the number of available off street parking spaces to two. The applicant has confirmed that the garage would be converted back to a garage to provide a third parking space. To meet these requirements. From my site visit there are no on street parking restrictions in the vicinity of the site.
51. The proposal therefore raises no highway safety or parking issues and is in accordance with Policy 1 and Policy 14 of the Local Plan Part 2, Land and Planning Policies document and Chapter 9 of the NPPF (2023).

Other Matters

52. Comments have been received with regards to the use of the garage and lack of education or therapy rooms – as noted above the garage would revert back to a garage space to provide an off street parking space. The agent has confirmed that therapy sessions are carried out off site and the local authority will identify a suitable off site education provision for them to attend during normal school hours.
53. Concerns have been raised with regards to the management of the property itself and communication with local residents. This would be the responsibility of the management company.
54. Concern raised with regards to devaluation of properties is not a material planning consideration.
55. No opening times have been specified in the application. This would not be required as this would be a residence for children with 24 hour care.

56. Comments have been received that there is a clause in deeds and covenants of properties within the residential estate that prevents any commercial or business being operated from the dwellings. This would not be a material planning consideration but would be a separate legal matter and any grant of planning permission would not override any private covenants that may affect the use.
57. Comments have also been raised that the business plan submitted with the application refers to failures at other sites but there are no specifics of what these were. The business plan refers to the wider portfolio of children's homes. This application has to be assessed on the sites individual circumstances, the submitted documents and the outcome of consultation. Any such issues would be covered by the management plan procedures.
58. Objections have also claimed that members of the public were not properly consulted. Letters were sent to the residents of directly adjoining neighbours, as required by The Town and Country Planning (Development Management Procedure) Order 2015. A site notice was also displayed close to the site for 21 days to publicise the application more widely. In terms of additional information that has been deposited this has been sought solely for clarification of details.

Conclusion

59. For the reasons set out above it is considered that the principle of the change of use of this existing residential property to a care home for up to two children is acceptable in line with local and national policy. There are no external alterations proposed. The proposal would not adversely impact upon the amenity of neighbouring properties and Highway safety would be maintained. Overall, the proposal would comply with the relevant local and national policy and guidance and on that basis a favourable recommendation is put forward.
60. The application was not subject to pre application advice. Matters that required clarification and additional information have been sought through the consideration of the application which has resulted in the recommendation to the Planning Committee.

RECOMMENDATION

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

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

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

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

Deposited on the 22nd March 202
Site Location Plan; and

Proposed Floor Plans deposited on the 21st June 2024.

[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 children's home hereby approved shall not be occupied at any one time by more than two resident young people between the ages of 8 years -17 years of age and shall be operated in accordance with management plan details deposited on the 22nd March 2024 and the details set out in additional correspondence dated 16th May 2024, 17th June 2024 and 21st June 2024.**

[For the avoidance of doubt. This permission has been granted solely on the basis of the management details submitted with the application.]

- 4. The development hereby permitted must not be occupied or first brought into use until the existing garage has been reinstated to a garage to provide an off street parking space to serve the property. The garage shall thereafter be retained as such in perpetuity unless specifically otherwise agreed in writing by the Local Planning Authority.**

[In the interests of highway safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Section 9 of the NPPF (2023)].

- 5. Prior to the children's home hereby approved being first brought into use or occupied precise details of external lighting and CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. These shall be installed in complete accordance with the approved details and shall be retained and maintained for the lifetime of the development.**

[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)]

- 6. Prior to the children's home hereby approved being first brought into use or occupied precise details of a bicycle store shall be submitted to and approved in writing by the Local Planning Authority. This shall be retained for the lifetime of the development.**

[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)]

- 7. 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.

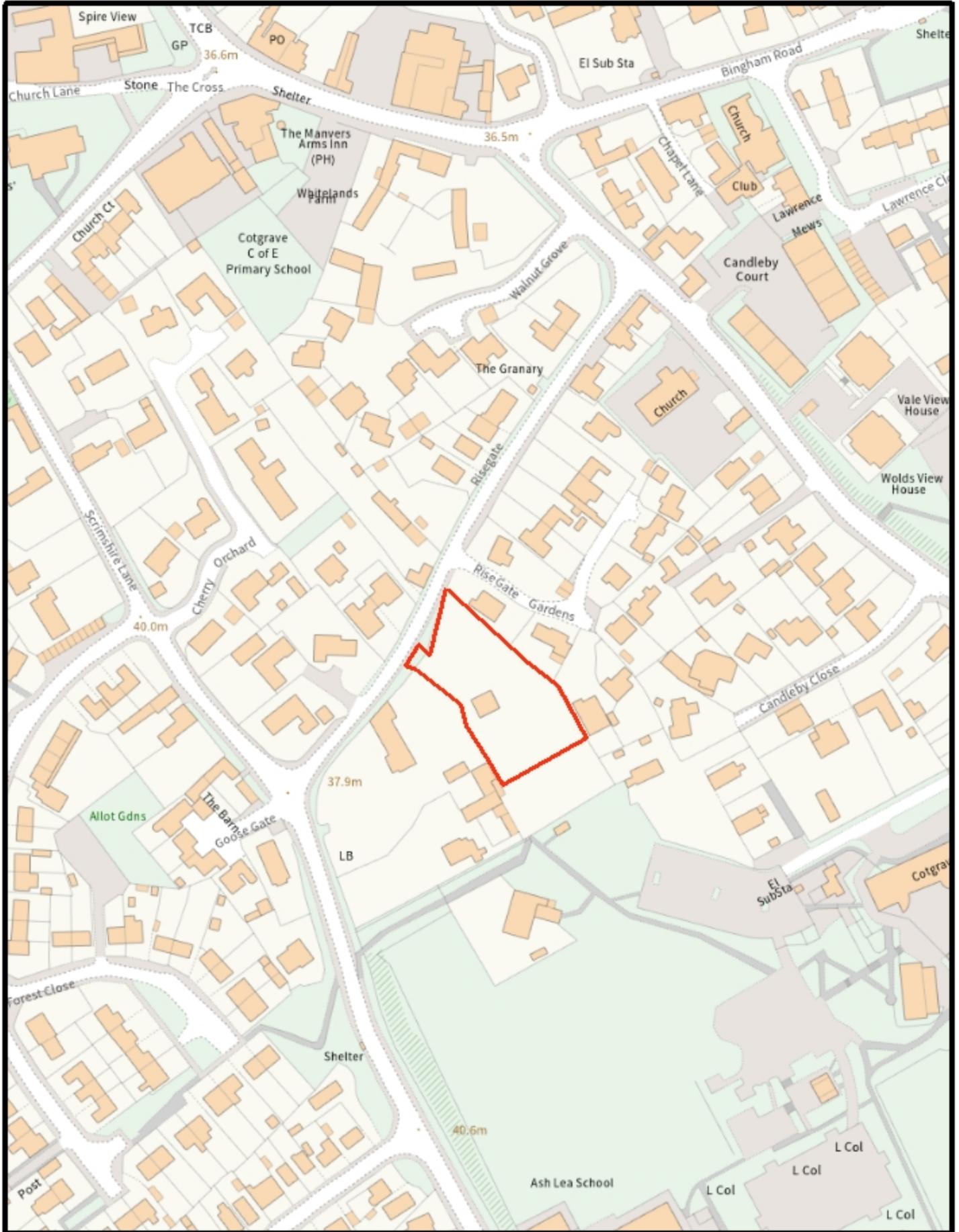
[In order that the Local Planning Authority may retain control over any future use the property due its particular character and location, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

Note-

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.

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.

You are reminded of the need to ensure other regulations are satisfied prior to the use hereby permitted being implemented.



Application Number: 23/02298/OUT
1 Owthorpe Road, Cotgrave



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23/02298/OUT

Applicant Kerri Whittaker and Richard Whittaker

Location The Manor House, 1 Owthorpe Road, Cotgrave, Nottinghamshire
NG12 3JE

Proposal Outline application for proposed residential development of up to 5
no. dwellings with all matters reserved except for access

Ward Cotgrave

THE SITE AND SURROUNDINGS

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

1. The application site is a broadly rectangular backland plot measuring c.0.24 hectares which makes up part of the residential curtilage of The Manor House, 1 Owthorpe Road. It is sited to the rear (North-East) of the host dwelling and shares a North-West side boundary with Risegate, although is in an elevated position in comparison.
2. The North-West and North-East boundaries consist of a historic brick wall dating to the eighteenth century which acts as a retaining structure between the residential gardens and the highway verge adjacent to Risegate and Risegate Gardens. Adjacent to Risegate the wall has a height of c.4.0m from the highway verge and c.1.6m from within the residential garden.
3. The application sites North-West boundary is with Risegate. The North East-boundary forms the side boundary of 1 Risegate Gardens, the rear boundary of 2 Risegate Gardens and part of the side boundary of 3 Risegate Gardens. The South-East boundary forms part of the side boundary of the garden of 3 Owthorpe Road. The South-West boundary of the application site is with The Manor House, 1 Owthorpe Road, which is in the applicants ownership.

DETAILS OF THE PROPOSAL

4. Outline planning permission is sought for the erection of 5 no. detached dwellings with all matters reserved aside from access. The access to the development would be facilitated by the partial demolition of the masonry retaining wall and the construction of inward curving retaining walls either side of an access road with a gradient not greater than 1:12. The access would have a dropped kerb footway crossing and a width of c.6.59m comprising the access drive, a footway and a grass verge.
5. An indicative plan has been submitted which shows 5 no. detached properties within the site. However, layout (along with Appearance, Landscaping and Scale) is not being determined as part of this application.

SITE HISTORY

6. 03/01735/FUL - Two storey side extension; single storey side and rear extensions. Permitted January 2004.
7. 16/02618/FUL - Erection of annexe building (following demolition of existing outbuilding). Permitted December 2016.
8. 23/01105/OUT - Outline application for proposed residential development of up to 5 no. dwellings, with all matters reserved except for access. Withdrawn September 2023.

REPRESENTATIONS

Ward Councillor(s)

9. Councillor Chewings objects due to:
 - a) Overlooking/loss of privacy, particularly to 16, 20, and 22 Risegate
 - b) Impact on the character of the area, due to the loss of the historic wall
 - c) Potential structural implications following the partial removal.
10. Councillor Butler objects due to:
 - a) Additional traffic, parking and access issues
 - b) Impact on the character of the area, due to the loss of the historic wall/heritage asset
 - c) Potential structural implications following the partial removal
 - d) Overbearing and overlooking Risegate Gardens.
11. Councillor Ellis objects, supporting the reasons provided by Mr and Mrs Harriss.

Statutory and Other Consultees

12. Cotgrave Town Council raises concern with the additional traffic and car parking on Risegate, and the potential impact of the development on the stability of the historic boundary wall.
13. Environmental Health do not object.
14. The Conservation Officer considers the proposal would harm the significance of the historic wall, and the harm would be at the lower end of the less than substantial scale. It is considered that the harm could be lessened and/or mitigated sufficiently through achieving heritage benefits. It is also considered that the proposal would not harm the special interest of the closest Listed Building by virtue of distance, intervening development, mature vegetation and limited intervisibility in so far as oblique glimpses and views between the properties.
15. Nottinghamshire County Council as Local Highways Authority do not object, subject to the implementation of conditions relating to an Approval of Principle, a vehicular footway crossing and the hard surfacing of the access and provision of discharging surface water.
16. Nottinghamshire County Council as Archaeology Advisors note the site has clear archaeological potential and recommends that the client consider evaluation via trial trenching in support of the application to have a better

understanding of the archaeological potential and risks. Alternatively, if the client is willing to accept the risk, the archaeology may be dealt with by way of a condition for archaeological mitigation to include strip map and sample, and recording of the historic boundary wall.

17. Nottinghamshire County Council as Lead Local Flood Authority do not provide bespoke comments.

Local Residents

18. Letters have been sent to neighbouring residents and two site notices posted at the site. 11 objections to the development have been received due to:
 - a) The partial loss of and structural impact of the development on the historic wall
 - b) Incorrect reference to land levels
 - c) Overlooking/loss of privacy
 - d) Overbearing/loss of light
 - e) Additional traffic and on-street car parking
 - f) The loss of trees prior to submission of the application
 - g) Flooding/surface water drainage
 - h) Impact on existing sewage/drainage
 - i) Impact on neighbouring dwellings' foundations.
19. The full extent of comments can be found [here](#).

PLANNING POLICY

20. 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 and The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG).

Relevant National Policies and Legislation

21. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
22. The NPPF includes a presumption in favour of sustainable development. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
23. Achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an

environmental objective, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives.

24. 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 5 – Delivering a Sufficient Supply of Homes
- Chapter 11 - Making Effective Use of Land
- Chapter 12 - Achieving Well Designed and Beautiful Places
- Chapter 13 - Protecting Green Belt Land.
- Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 - Conserving and Enhancing the Natural Environment
- Chapter 16 - Conserving and Enhancing the Historic Environment.

Relevant Local Plan Policies

25. 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 2 - Climate Change
- Policy 3 - Spatial Strategy
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 11 - Historic Environment
- Policy 17 – Biodiversity.

26. 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 11 - Housing Development on Unallocated Sites within Settlement
- Policy 12 - Housing Standards
- Policy 18 - Surface Water Management
- Policy 28 - Conserving and Enhancing Heritage Assets
- Policy 29 - Development affecting archaeological sites
- Policy 37 - Trees and Woodlands
- Policy 38 - Non-designated Biodiversity Assets and the Wider Ecological Network.

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

APPRAISAL

28. 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.

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

Principle of development:

30. It is noted that the application is in outline form with only access to be determined at this time. Matters of layout, appearance, scale and landscaping are not being assessed as part of this outline application.
31. The proposed development site is located within the built-up part of Cotgrave, a key area for growth as identified in Policy 3 (Spatial Strategy) of the Local Plan Part 1 (Core Strategy). A range of services and facilities are located within close proximity to the site and the area is well-served by public transport. The proposal is considered to comprise a backland development. Paragraph 70(d) of the NPPF states that Local Planning Authorities should "...support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes...".
32. Policy 11 of the LPP2 outlines that planning permission will be granted on unallocated sites within the built-up area of settlements provided that:
 - a) The scale and location is in accordance with Policy 3 of the LPP1
 - b) The design is of a high standard and does not adversely affect the character or pattern of the area - in terms of scale, bulk, form, layout and materials
 - c) The site does not make a significant contribution to the amenity of the area
 - d) Would not result in the loss of any existing buildings considered to be heritage assets
 - e) The proposal would not have an adverse visual impact or be unduly prominent from locations outside of the settlement
 - f) The proposal would not cause a significant adverse impact on amenity of nearby residents and occupiers
 - g) Appropriate provision for access and car parking.
33. In light of the above, the principle of a residential development in this location is acceptable and compliant with the Borough Spatial Strategy (Policy 3 of the LPP1). The suitability of the site for any future development therefore lies with more detailed considerations as set out within Policy 11 (b through g) of the LPP2, and any wider considerations of heritage, design/impact on the character of the area, neighbour amenity, highways matters, trees and archaeology.
34. It should however be noted that these considerations are only material insofar as they relate to those elements under consideration as part of this outline application. Those matters being the principle of development, and access. Whilst a site layout has been presented to demonstrate how 5 dwellings could be set out on site, this plan is indicative only, and the layout of this plan is not to be set through this application.

Impact on character of the area and Heritage

Dwellings/Layout:

35. It is noted that an **indicative** site plan has been submitted showing where the applicant considers that 5 no. dwellings could be sited. Although purely indicative and not forming part of this current outline application, it does show that the site is of sufficient size to accommodate up to 5 no. detached dwellings whilst not appearing overdeveloped or significantly out of character with, or harmful to the character and appearance of, the surrounding area. Notwithstanding this, precise details of layout, appearance and scale will be assessed and determined under future reserved matters application(s).

Access:

36. The historic wall to which this application relates is not offered any statutory protections; the wall is not within a Conservation Area and is not a listed building. Officers understand that an application had been made for the wall to be listed, but this was denied in June 2008, as described by Historic England (formerly English Heritage), for the following reasons.

- The wall is of modest architectural quality being plainly detailed throughout and lacking in distinctive constructional or decorative detailing
- The walling incorporates no features of distinction indicative of a specific function or intended architectural or landscape effect
- The walling makes no significant contribution to the setting of the Manor House or any other listed building or structure within the vicinity
- The character and appearance of the wall has been compromised by successive phases of repair
- There is no firm documentary evidence to support the suggested early date of the wall
- The wall is too plain and too altered to meet the criteria for listing.

37. Policy 28 (Conserving and Enhancing Heritage Assets) of the LPP2 states that proposals which affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals. This policy applies to all heritage assets, including Listed Buildings, Conservation Areas, Scheduled Monuments and non-designated assets of all kinds.

38. The Council will use the following criteria when determining whether the feature is a non-designated heritage asset. It must:

- Remain as a largely intact or retrievable example of its architectural style, innovation and craftsmanship or period or build; and
- Be prominent or visible by virtue of its position within the townscape or landscape.

39. It must also possess at least two or the following qualities that contribute positively towards the amenities of its locality.
- The building is the work of a particular architect or regional or local note;
 - It has qualities of age, style, materials or any other characteristics which reflect those of at least a substantial number of buildings in the wider settlement;
 - It relates by age, materials or in any other significant way to adjacent listed buildings and contributes positively to their setting;
 - Individually, or as part of a group, it serves as a reminder of the gradual development of the settlement in which it stands, or of an earlier phase of its growth;
 - It has a significant historic association with established features of a settlement such as road layout, open spaces, a town park or a landscape feature; and
 - The building has landmark quality or contributions towards the quality of recognisable spaces, including exteriors or open spaces within a complex of public buildings.
40. The tall masonry retaining boundary wall is highly visible due to its prominent location running adjacent and parallel to a large portion of Risegate, making up the site boundaries to the North-East and North-West, within the historic core of Cotgrave. The wall is understood to date back to the eighteenth century but has been heightened and altered many times during its life. It was likely originally constructed with projecting brick piers and, later across multiple phases, raking buttresses were added at original pier locations and between these. Officers would consider the wall to represent a non-designated heritage asset due to its prominence, being largely intact, positively impacting the amenities of its locality by virtue of its qualities of age, style, and materials being reflective of the wider settlement, serving as a reminder of the gradual development of Cotgrave, and having a significant historic association with established features of the settlement, such as the road layout and landscape feature.
41. The retaining wall adjacent to Risegate is attractive and makes a positive contribution to the area which is achieved through its substantial scale, repair through different time periods and its curvature broadly following that of the road.
42. The partial demolition of the wall would include the removal of c.8.9m of the c.100m wall, between two feature pillars. Whilst the quality of the wall subject to demolition is not high, given the quantum of demolition and the break-up of the uninterrupted form, there would be a level of harm to the non-designated heritage asset which has been identified by the Conservation Officer to be 'at the lower end of less than substantial'.
43. Paragraph 209 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' This aligns with the requirements of policy 28 (conserving and enhancing heritage assets) of the LPP2 which requires that Proposals that affect heritage assets will be required to demonstrate an understanding of the

significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals.

44. A detailed heritage assessment accompanies the application. The applicant has agreed to provide a scheme of repair and restoration to the retained wall by condition, which would allow the wall's long-term retention and visual improvement, whilst adding to its existing theme of repair over time. Additionally, the proposal would create an attractive feature entrance through inward curving walls, making use of brick removed as a result of demolition. Also, given that the proposal provides for 5no new dwellings, there would be associated social and economic benefits resultant of the scheme.
45. Accordingly, the proposal would have both heritage and design benefits, as well as social and economic. Together it is considered that these factors outweigh the harm arising when making a 'balanced judgement' under paragraph 209 of the NPPF. The scheme would therefore be compliant with policy 11 part 'd'.

Access and Highways Matters

46. The proposed access would have an appropriate pedestrian and vehicular visibility splay, a driveway width in accordance with current standards to serve 5no dwellings, and a gradient not exceeding 1:12. It is also noted that NCC Highways do not object to the application.
47. Layout is not being considered as part of this application. However, from the indicative layout plan submitted with the application, it is considered that up to five dwellings could be accommodated on site with sufficient space for off-street parking in accordance with the NCC Residential Parking Guidelines, subject to the submission of acceptable details at reserved matters stage.

Impact on amenity of adjoining occupiers

48. 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 Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
49. The comments received from local residents are noted in relation to impacts of the residential development on amenity, particularly noting the level changes. However, this application relates solely to the access to the site and the submitted layout plan is purely indicative. Details of the siting, scale of dwellings and landscaping of the site will be a matter for future reserved matters application(s) where impact on amenity will be duly considered.
50. That said, given the size of the site, it is considered that the layout for up to 5 dwellings could be designed to provide appropriate separation distances and the windows within the elevations of the new dwellings be so positioned to prevent any undue overlooking, overbearing or overshadowing impacts. This

should be informed by a topographical levels survey. Such matters would be determined at Reserved Matters stage.

51. The new access point would likely result in an increased level of noise from the site, given the new access point serving up to 5 no. dwellings. However, given the proximity of the shared driveway to neighbouring properties and noting the built-up area of the site, it is not considered likely to result in a detrimental impact on the adjoining occupiers.

Trees and Ecology

52. It is noted that the site included several mature trees within the site towards the North-West boundary which were removed prior to submission of the application and the comments from local residents are noted with regards to this. That said, the application site is not within the Conservation Area and the removed trees are not the subject of a Tree Preservation Order, and the removal therefore required no permission from the Local Planning Authority.
53. Policy 37 (Trees and Woodlands) states that 'adverse impacts on mature trees must be avoided, mitigated or, if removal of the trees is justified, it should be replaced. Any replacement must follow the principle of the 'right tree in the right place'.
54. At present, the application site has 4no trees, comprising a Lime (A2), Yew (B2), Leyland Cypress (C2) and Juniper (C2). Although purely indicative and not forming part of this current outline application, it does show that the site is of sufficient size to accommodate up to 5 no. detached dwellings whilst retaining the Category A and B Lime and Yew trees. Additional landscaping would be considered and secured through the submission of the landscaping reserved matters.
55. The site forms part of a domestic garden within an established residential area. There are not considered to be any significant ecological constraints to development in this location, however a condition relating to the implementation of appropriate ecological Reasonable Avoidance Measures is considered prudent.

Archaeology

56. The County Archaeologist confirms that the site has clear archaeological potential, as noted by the submitted desk-based assessment. It is recommended that either; trial trenching to better understand the archaeological potential and risks prior to determination, or by archaeological mitigation to include a strip map and sample, and recording of the historic boundary wall by way of condition. The applicant has confirmed that a condition requiring the latter is acceptable and therefore, request this matter be dealt with by condition.

Surface Water Drainage

57. Policy 18 (Surface Water Management) states that 'development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the

drainage hierarchy.' This is noted by the agent in the application form, who notes that surface water would be disposed through soakaways and a sustainable drainage system.

58. Having looked at the government's drainage maps as a guide, it appears that at present surface water runs from South-West to North-East on Risegate, and is of a low risk. It is also noted that concerns have been raised by local residents with regards to surface water.
59. The proposed new dwellings and associated hardstanding would likely increase the amount of surface water run-off on the site without appropriate drainage works. It is also noted that, given the topography of the site and the location of the site access, surface water flow would likely head from the site towards Risegate without appropriate surface water management.
60. Accordingly, whilst limited information has been provided indicating the use of several drainage channels and a verge strip soakaway, it is considered prudent for the implementation of a condition requiring details of the surface water drainage scheme to be submitted to and approved by the Local Authority as part of any reserved matters application.

Other Matters

Water Standards:

61. The LPP2 sets out in policy 12 that all new dwellings should meet the higher 'Optional Technical Housing Standard' for water consumption as Rushcliffe being an area that has been identified as having moderate 'water stress' (i.e. scarcity). It would therefore seem reasonable to condition the dwellings meet this standard, which will require any developers to notify building control who will in turn ensure the building meets the higher standards as part of their process. A note to applicant regarding this process would seem reasonable.

Electric Vehicle Charging:

62. It is also considered prudent to secure the provision of electric vehicle charging points to the site at a rate of one per dwelling to comply with the aims of Policy 41 - Air Quality of the LPP2 and part 11 of policy 1 (Development Requirements) of the LPP2. The Borough has identified that local air quality issues are largely caused by 'tail pipe' emissions from vehicles, and as such the support and encouragement for electric vehicle usage would provide the infrastructure for future users to adopt more sustainable transport modes.

RECOMMENDATION

63. Policy 11 of the LPP2 outlines that planning permission will be granted on unallocated sites within the built-up area of settlements provided that:
 - a) The scale and location is in accordance with Policy 3 of the LPP1
 - b) The design is of a high standard and does not adversely affect the character or pattern of the area - in terms of scale, bulk, form, layout and materials
 - c) The site does not make a significant contribution to the amenity of the area
 - d) Would not result in the loss of any existing buildings considered to be heritage assets

- e) The proposal would not have an adverse visual impact or be unduly prominent from locations outside of the settlement
 - f) The proposal would not cause a significant adverse impact on amenity of nearby residents and occupiers
 - g) Appropriate provision for access and car parking.
64. The application site is located in Cotgrave, one of the key Settlements identified for growth in Policy 3 of the LPP1. Whilst design elements in terms of scale, bulk, form, layout and materials of the proposed dwellings do not form part of the assessment of this outline application, in terms of the works required to facilitate the access, Officers consider that the design is well thought out and of high-quality in responding to the key site characteristics and would not adversely affect the character of the area. It is further considered that 5 dwellings could be developed on the site without adverse impact on the character of pattern of the area.
65. The site is a backland site representing garden land that is raised above public domain, and therefore does not provide a significant contribution to the amenity of the area or as any open space.
66. The proposal would result in the partial loss of a non-designated heritage asset. However, as assessed above, the partial removal of the wall would result in a harm at the 'lower end of less than substantial' and as a result of the high-quality design and the scheme of repair and restoration, along with the social and economic benefits, the public benefits would outweigh the identified harm to a sufficient degree that would justify the partial loss of the non-designated heritage asset.
67. The application site is located relatively central to the village of Cotgrave, and would therefore not be unduly prominent from locations outside of the settlement and the above assessment considers the site could accommodate 5no dwellings dwellings without undue overshadowing, overbearing, overlooking or noise impacts to adjoining occupiers subject to an appropriate design along with a topography/levels survey conditioned on any approval.
68. The proposed access would adequate provide pedestrian and vehicular visibility splays and an acceptable driveway gradient. It is also considered that appropriate car parking could be provided subject to the submission of acceptable details at reserved matters stage.
69. As such, for the reasons set out above, it is considered that the application accords with the general national and local planning policies considered above, resulting in a recommendation to recommend the grant of outline planning permission.
70. The application was the subject of pre-application consultation and no significant concerns have been raised during the consideration of the scheme allowing for the decision to be issued in a timely manner.

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

1. **An application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission and**

the development shall commence no later than two years from the date of the approval of the last reserved matter.

[To comply with section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2005]

2. The development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council:

- i) Appearance
- ii) Landscaping
- iii) Layout
- iv) Scale.

[To ensure a satisfactory development, and in the interests of amenity, having regard to Policies 1, 11 and 28 of the Rushcliffe Local Plan: Part 2 (2019)]

3. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
 - 1158/H01 Rev B – Access Road General Arrangement. Dated 13.12.23. (Notwithstanding the indicative general arrangement)
 - 1158/D01 Rev B – General Arrangement. Dated 13.12.23 (Notwithstanding the indicative general arrangement)
 - Structural Engineers Report, ref; P16-200, completed by HWA Consulting Engineers and dated 6 November 2023
 - Archaeological Desk-Based Assessment & Impact Assessment, ref; TJC2023.175 v1.0, completed by TJC Heritage LTD and dated November 2023
 - Historic Building Recording, ref; TJC2023.184 v1.0, completed by TJC Heritage LTD and dated November 2023
 - Tree Survey, completed 1 December 2022 and updated 14 April 2023, completed by AT2 Tree Surveys.

[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)]

4. Prior to the commencement of works, details of the proposed land levels across the site, together with finished floor levels and ridge heights of the proposed buildings, along with those of neighbouring properties to the North-East and North-West, shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.

[To ensure the development creates a visually attractive environment and to preserve the amenities of neighbouring properties, 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 and Beautiful Places) of the National Planning Policy Framework]

5. Prior to any demolition of any wall taking place, details of
 - a scheme of repair and restoration to the North-West and North-East boundary wall informed by a detailed structural assessment performed by a suitably qualified structural engineer; and
 - the design and construction of the new site access retaining walls;

shall be submitted to and approved by the Borough Council, and completed in accordance with the agreed details prior to the occupation of any dwelling.

[In the interest of heritage, character of the area, and neighbour amenity 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)]

6. No works (including any demolition) to which this planning permission authorises shall be carried out until the both the interior and exterior of the historic wall has been recorded in accordance with a Written Scheme of Investigation (WSI) that must first have been submitted to and approved in writing by the Local Planning Authority. The WSI must:
- be prepared by a suitably qualified historic buildings surveyor;
 - outline how the building is to be surveyed commensurate with a Level 2 Survey as set out in the Historic England document "Understanding Historic Buildings - A Guide to Good Recording Practice" (2016), including Drawn Record 4.3.3 (items 2-4, 6-7), Photography 4.4.8 (items 1-2, 5) and Written Record 4.5.2 (items 1-3, 6);
 - include provision for the production and deposition of a final report of the building survey carried out within the local Historic Environment Record (HER).

A copy of the final survey report must be placed within the local HER within 3 months following its completion.

[In the interest of heritage and archaeology, 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)]

7. No structural works to the boundary wall or construction of an access or removal of soil or fill adjacent to the walls, including within the walls, shall be undertaken until a comprehensive and up to date structural report and an Approval in Principle is provided, including working drawings has been submitted to and agreed in writing by the Local Planning Authority. All structural works hereby agreed shall be carried out only in accordance with the specification of works and method statement contained in the approved structural report.

[To ensure the long term retention and structural stability of the historic wall during and following construction works in the interest of design and the character of the area and highway safety, 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)]

8. Demolition shall not commence before a contract for the carrying out of works of the site redevelopment has been made and planning permission has been granted for that redevelopment. Any demolition thereafter shall be undertaken using hand tools held in the hand only to avoid damage to the historic wall and to allow the re-use of materials for new walls as part of the development hereby permitted.

[In the interest of design and the character of the area 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)]

9. The development hereby permitted shall not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until an Archaeological Strip, Map and Sample Report has been submitted to and approved in writing by the Borough Council, and the archaeological evaluation has been carried out in accordance with the approved scheme.

[To ensure that the impact on the archaeology of the site is mitigated and to comply with policy 29 (Development affecting archaeological sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

10. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP must include details outlining:
- appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
 - areas for loading and unloading plant and materials;
 - the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
 - measures to control the emission of dust and dirt during construction;
 - measures for the storage/recycling/disposal of waste resulting from the construction works;
 - any hoarding to be erected
 - Details of ecological reasonable avoidance measures to be undertaken on site;
 - Details of interim surface water run-off controls during the construction phases of development.

The approved CMP must be adhered at all times throughout the construction period for the development.

[In the interests of highway safety and to protect the amenities of the area 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)]

11. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details to be submitted and approved by the Borough Council. Thereafter, the protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[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 and Beautiful Places) of the National Planning Policy Framework]

12. The development hereby permitted shall not be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or first brought into use until the drainage scheme has been implemented and completed in accordance with the approved details.

[To ensure a satisfactory standard of development in terms of the disposal of foul water and to ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Section 14 of the National Planning Policy Framework]

13. Before any bricks are laid as part of the access works / wall alterations hereby approved, samples of all bricks which are not reused following demolition, stone and details of lime mortar mixes to be used in the access works hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Any new bricks required for the purposes of repairs shall match as closely as possible the size, colour, form and texture and the bonding pattern of the existing bricks. The works shall be carried out only in accordance with the agreed details.

[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)]

14. Prior to the construction of any dwelling progressing above Damp Proof Course (DPC), details of integrated ecological enhancements for each plot, including as a minimum the provision of bat boxes, bird boxes (including swift boxes), bee bricks and hedgehog highways shall be submitted to and approved in writing by the Borough Council. The biodiversity enhancements for each plot shall be implemented in accordance with the approved details prior to the first occupation of that plot.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Chapter 15 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy]

15. No dwelling shall be occupied until the site access is fronted by suitably constructed vehicular footway crossing, constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[To ensure a suitable means of access is provided, in the interests of highway safety 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)]

16. No dwelling shall be occupied until the access has been surfaced in a hard bound material for a minimum distance of 5m to the rear of the highway boundary and has been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The hard bound surfacing

and drainage measures shall thereafter be retained for the life of the development.

[To reduce the possibilities of deleterious material being deposited on the public highway (loose stones etc.) and to ensure surface water from the site is not deposited on the public highway causing dangers to road users, in the interest of highway safety 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)]

17. No dwelling shall be occupied as part of the development hereby permitted until such time as it has been provided with a fast-charging Electric Vehicle Charging Point.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with Policy 2 (Climate Change) the Local Plan Part 1 Rushcliffe Core Strategy and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

18. The residential dwellings hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

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

19. The development hereby permitted shall not exceed 5 residential units.

[To ensure a suitable means of access is provided, in the interests of highway safety 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)]

Note-

The application was the subject of pre-application consultation and no significant concerns have been raised during the consideration of the scheme allowing for the decision to be issued in a timely manner.

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.

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at licences@viaem.co.uk to arrange for these works to take place.

Please contact the Council Highway Structural Engineers for Approval In Principle (AIP). The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

Access shall be afforded at all reasonable times to allow the Council's Conservation Officer and specialist archaeological advisors, or other representative, to inspect the works whilst these are in progress and upon completion.

Condition 18 requires the new dwelling(s) to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement is a condition of this planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building Regulations 2010 (as amended).

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

The development makes it necessary to construct vehicular crossings over a verge of the public highway, together with reinstatement of redundant crossings. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at licences@viaem.co.uk to arrange for these works to take place.

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the

Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

You are advised that the Archaeologists at Nottinghamshire County Council may be able to provide advice in respect of archaeological matters. They can be contacted on 0300 500 80 80 or at heritage@nottscc.gov.uk.



Application Number: 24/00355/FUL
West Park, Loughborough Road, West Bridgford



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24/00355/FUL

Applicant Property Services

Location West Park Loughborough Road West Bridgford Nottinghamshire

Proposal Construction of new cricket practice facility comprising of non turf playing surface with associated net and framing together with associated ground preparation and landscaping works includes soakaway and fencing.

Ward Musters

THE SITE AND SURROUNDINGS

Details of the proposal can be found [here](#):-

1. The application site relates to the northern corner of West Park Sports ground. West Park is a purpose-built cricket ground but does also include tennis courts and junior football pitches. A Sports Pavilion building is located immediately to the south of the application site.
2. Vehicular access to the wider site comes via Loughborough Road with the access road leading to a dedicated hard surfaced carpark.
3. There are allotments immediately to the north-east of the site. The closest residential properties are to the north-east along Chestnut Grove.

DETAILS OF THE PROPOSAL

4. Planning permission is sought for the erection of cricket practise facilities consisting of an enclosed cage structure with playing surface to provide 5 lanes. The structure would be completely enclosed by nets to ensure that balls remain within the structure. The frame would have a length of 37.2m, width of 18.9m, and height of 4m.
5. The application comes forward to allow the replacement of two existing cricket practice strips which have come to the end of their usable life.
6. Acoustic fencing of 2.5m is also proposed along the north-eastern section of the structure with a fence of 1.5m to the shared boundary with neighbouring properties along Chestnut Grove.
7. A new soak away is proposed to the south-west of the proposed practice facility and a 1.8m wide footpath would be created around the sports pavilion leading to the practice facility.
8. Additional tree planting is proposed within West Park.

SITE HISTORY

94/00413/REG4 - Erect 4 floodlight columns (6.7 m high) – Approved 10.08.1994.

94/00697/REG3 - Formation of 28 additional carparking spaces – Approved 12.08.1994.

94/00788/ADV - Erect 2 externally illuminated signs – Approved 27.09.1994.

04/01150/FUL - Demolish changing block and ancillary buildings; construct pavilion, car parking, tennis courts and security fencing/gates and play equipment (existing pavilion refurbished for community hall) – Approved 24.08.2004.

06/00115/REG3 - Convert former public toilet to form caretakers office and retail concession – Approved 02.03.2006.

17/01069/FUL - Metal storage shed – Approved 10.07.2017.

REPRESENTATIONS

Ward Councillor(s)

9. Adjacent Ward Councillor (Cllr Phillips) - No comments to make.

Statutory and Other Consultees

10. Nottinghamshire County Council as Lead Local Flood Authority have no observations or comments.
11. Nottinghamshire County Council as Highway Authority – No objections.
12. Sport England - Sport England raises no objection to the application because it is considered to accord with exception 2 of our Playing Fields Policy and paragraph 103 of the NPPF.
13. Environment Agency - have no objection to this application because no ground raising has been proposed and there would be no increase in flood risk elsewhere based on the proposals.
14. Rushcliffe Borough Council Environmental Health – provide detailed comments and raise no objection subject to conditions in relation to noise management, operating hours and external lighting.

Local Residents and the General Public

15. There have been 7 written representations received including 2 letters from representatives of West Bridgford Legion Cricket Club, 4 from local residents and 1 written representation from a professional planning agent.
16. 3 written representations write in objection to the proposal on the following grounds;

- a. The development is planned to be significant in size and will have a large visual impact on the surrounding area
 - b. Increased noise nuisance from the development. The proposed facilities will have an increased usage over the current facilities
 - c. Over reliance on the modelling from the noise impact assessment. Concerns that the mitigation measures would not overcome the increase in noise from the use of the proposed development
 - d. the proposed operating hours are disproportionate and unreasonable
 - e. the type of use and the associated noise will be very intrusive, causing nuisance and stress. This will impact both garden areas and rooms within the house. It is suggested that it would render the rear gardens of property unusable
 - f. questions whether an alternative location or orientation of the development has been considered.
17. 4 written representations write in support on the following grounds;
- a. The cricket facilities at West Park are in desperate need of renewal and this proposal is exactly what we need
 - b. Would result in really good facilities for practicing cricket and good for young people to unleash their talent
 - c. We are in favour of Rushcliffe residents having the opportunity to enjoy a healthy, active lifestyle via these fantastic facilities.

Full comments can be viewed in full [here](#).

PLANNING POLICY

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

Relevant National Planning Policies and Guidance

19. 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 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
20. Paragraphs 96-97 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".

21. 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

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

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

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

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

24. The policies in the Core Strategy and Local Plan Part 2 are available in full along with any supporting text on the Council's website at: <https://www.rushcliffe.gov.uk/planning-growth/planning-policy/local-plan/>.

25. Rushcliffe Borough Council – Corporate Strategy 2024 - 2027, Rushcliffe Sustainable Community Strategy 2009-2026 and Leisure Strategy (2017 – 2027) are of relevance. The Borough Councils Corporate Strategy identifies the Councils four priorities including quality of life with a commitment to, inter alia, protecting our residents health and facilitating healthier lifestyle choices and providing high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council.

26. The Borough Council has an adopted Leisure Facilities Strategy (2017 – 2027). The vision of the Strategy is 'to provide high quality, financially sustainable leisure facilities to support Rushcliffe residents to enjoy healthy active lives'.

27. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.

APPRAISAL

28. 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.
29. The main issues in the consideration of the application are; the principle of development; impacts upon residential amenity including noise nuisance, design/impact upon the character and appearance of the area, landscaping, impact on local ecology and impact on flood risk.

Principle of Development:

30. 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.
31. 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.
32. 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.’*
33. In terms of local need, the proposed development would replace an existing practice facility within West Park that has come to the end of its usable life. It is therefore considered that the local need for the development has been demonstrated and that the proposal would be compliant with Policy 12 in this respect.
34. The application site is not located within a designated District or Local Centre however due to the nature of the proposed development being a sports facility,

it is considered that the siting within West Park, an established cricket ground, is wholly appropriate.

35. Furthermore, West Park is easily accessible by public transport and the proposed development would sit within, and be used in conjunction with, the existing wider cricket ground facility. The proposed development would therefore accord with the criteria within Policy 12.
36. Policy 13 of LPP1 (Culture Tourism and Sport) States that the Provision of culture, tourism and sporting facilities of an appropriate scale will be encouraged throughout Rushcliffe. In relation to sports facilities, criteria b and c of Policy 13 states;

‘New sporting facilities will be encouraged, especially where this complements the strengths of existing major facilities located in Rushcliffe;

and c) Where appropriate, existing cultural, tourism and sporting facilities will be protected and their further development will be supported.’
37. In light of the above policy support, it is considered that the principle of development is acceptable.

Residential Amenity:

38. 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 minimized.
39. In terms of the potential noise impact, the application is supported by a noise impact assessment which includes technical details and modelling of the increase in noise resulting from the development.
40. The proposal includes acoustic fencing along the edge of the structure where the batting area is proposed as well as the boundary with neighbouring residential properties. This has been put forward as the predominant mitigation measure against the noise generated by the proposed development.
41. It is noted that there are concerns raised by local residents in relation to the potential noise generation of the proposed development.
42. However, it is also noted that there are no objections raised by the Environmental Health officer to the proposed development subject to the inclusion of recommended conditions in relation to further mitigations measures within a noise management plan, the structure remaining enclosed while in use.
43. It is acknowledged that the proposed development has the potential of resulting in a more intensive use of the application site. However, having also taken into account that the site is an established cricket ground, it is considered that with the appropriate conditions attached to any grant of planning permission in relation to noise management, the proposal would not result in a material impact on residential amenity over the existing situation to warrant a refusal of planning permission. The suggested hours of use have been carefully

considered and it is considered prudent to condition no use outside the hours of 9am and 9pm. The applicant has agreed to these reduced hours.

44. There is no flood lighting included within this application and any future installation of external flood lighting would require planning permission. Accordingly, it is considered that the proposal would not increase light pollution at the site.

Design and Appearance:

45. Policy 1 of the Local Plan Part 2 requires the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.
46. The proposed structure would measure 4m in height, 37.2m in total length and 18.9m in width and would be visible from within West Park and surrounding residential properties and areas.
47. However, it is considered that the structure would be seen in the context of the established cricket ground and as such would not appear incongruous or unduly prominent.
48. Furthermore, the proposed structure would have a lightweight appearance, with the elevations made up predominantly of netting. While acoustic fencing would be positioned along the batting area, this would make up a small proportion of the structure and located at the rear.
49. In light of the above, the proposed development would be acceptable from a design and appearance and would accord with the criteria of Policy 1 in this respect.

Access and Parking:

50. In considering applications, Policy 1 (Development Requirements) of the Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highway Authority.
51. The vehicular access to the site would remain unchanged by the proposed development and it is considered the existing hard surfaced car park would remain capable of accommodating off street parking associated with the use of the proposed development.
52. Furthermore, it is noted that the Highway Authority have not raised any objection to the proposal.
53. In light of the above, the proposed development is not considered to give rise to any material highway safety concerns.

Ecology and Biodiversity:

54. Policy 17 of the Core Strategy envisages that biodiversity will be increased in the Borough during the plan period by, amongst other things, seeking to ensure

new development provides biodiversity features and improves existing biodiversity features wherever appropriate.

55. The proposed development would be exempt from mandatory Biodiversity Net Gain (BNG) due to the application being submitted for determination prior to the 2nd April when the legislation came into effect for smaller sites.
56. Given that the site is currently regularly cut grass forming part of West Park, it is not envisaged that the site would be suitable habitat for any protected species.
57. The submitted layout plan does include additional planting within the wider West Park site along the north-western boundary and eastern edge of the park. It is also considered appropriate to introduce planting between the two fences. This could be secured via planning condition attached to any grant of planning permission.
58. In light of the above, it is considered that the proposal would be acceptable from an Ecology perspective and accord with the overarching aims of Policy 17.

Flood risk

59. The application is located entirely within flood zone 3 (land at a high risk of flooding) but is protected by Flood defences.
60. Policy 17 (Managing Flood Risk) of the LPP2 states that "planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that the sequential test and exception test are applied and satisfied in accordance with the NPPF and NPPG [and] development does not increase the risk of flooding on the site, or elsewhere" amongst other things. It goes on to state that "development proposals in areas of flood risk will only be considered when accompanied by a site-specific flood risk assessment. Proposals will be expected to include mitigation measures which protected the site and manage any residual flood risk".
61. In regard to the regard to the sequential test Para 168 of the NPPF advises that;
62. "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."
63. Given that the proposed development would form a replacement of an existing facility within the site and that the wider site is an established cricket ground, it is considered that there would not be any other reasonable alternative sites at a lower risk of flooding for the siting of the proposed development. As such it is considered that the sequential test has been passed.
64. Having had regard to Annex 3 Flood Risk Vulnerability Classification of the NPPF, the proposed development would fall into a water compatible land use classification.

65. Table 2: Flood risk vulnerability and flood zone 'incompatibility' within the NPPG advises that water compatible development is not required to pass the exception test.
66. It is noted that the Lead Local Flood Authority raise no objection to the proposed development and that the Environment Agency comment that there would be no increase in flood risk elsewhere based on the proposals.
67. In light of the above, it is considered that the proposal would not result in any increase in flood risk at the site and would comply with the aims of the NPPF and Policy 17 of LPP2 in this respect.

Other Matters

68. Under S149 of the Equality Act 2010 a duty exists which require decision makers 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, race, religion, sexual orientation, disability and pregnancy. The facility will have linking accessible paths which lead directly to the car park and public toilets ensuring the DDA accessible when the Sports Pavilion is closed.

Conclusion

69. In conclusion, the proposed development would enhance the facilities available locally and within the Borough and also provide community facilities in line with the Borough Council Leisure Strategy, providing health benefits in line with guidance within the NPPF and the Council's own local planning policies. Any undue impact can be appropriately mitigated by the use of planning conditions.
70. The application was subject of pre-application discussions providing general advice. The scheme is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

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

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

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

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

Flood Risk Assessment by BWB Ref. 243743 FRA received 4 March 2024

G_1217 02 Proposed Landscaping received 7 May 2024

G_1217 03 Proposed Site Works Rev C received 7 May 2024

G_1217 04 North East Rev A Elevation received 7 May 2024

G_1217 05 South East Elevation Rev C received 7 May 2024

G_1217 06 south west Elevation Rev A received 7 May 2024

G_1217 07 North West Elevation received 7 May 2024

G_1217 08 Proposed Layout Plan Rev C received 7 May 2024

Planning Statement received 8th May 2024

Noise Impact Assessment Ref. NP-010871-02 by Nova Acoustics received 7 May 2024

[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 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. This shall include provision for landscaping between the two proposed fences**

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]

- 4. The use hereby permitted shall only take place between the following hours of 9am to 9pm**

[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)]

- 5. Prior to the first use of the development hereby approved, a noise management scheme which includes further mitigation measures including the installation of foam padding on the metal enclosures and the management of people related noise. The Noise Management Scheme must include a review mechanism whereby it is reviewed if a complaint is received by the Local Authority or, if not, at least annually. The use shall thereafter be carried in accordance with the approved Noise Management Scheme**

[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)

- 6. The acoustic fencing shown on plan G_1217 03 Proposed Site Works Rev C received shall be constructed with a minimum surface mass of 10kg/m² and have no holes or gaps in accordance the details within the submitted noise impact assessment by Nova Acoustics (Project Ref: NP-010871 Rev 02; dated 3rd May 2024). Both sections of acoustic fencing shall be installed prior to the use of the development commencing. The acoustic fencing shall thereafter be maintained for the lifetime of the facility**

[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 practice facility hereby approved shall only be used while the cage structure is fully enclosed by netting.**

[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)

- 8. There shall be no external lighting installed in or around the Practice Nets**

[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)].

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Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference and link to Appeal decision notice	Comments/ Decision Date
23/01114/OUT	82 Cotgrave Lane, Tollerton	Outline planning application for a detached dwelling (all matters reserved aside from access)	Dismissed	Delegated	APP/P3040/W/23/3332831	11/06/2024

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