

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

**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 2 October 2024

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 10 October 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



Sara Pregon  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence and Substitute Members
2. Declarations of Interest  
[Link to further information in the Council's Constitution](#)
3. Minutes of the Meeting held on 12 September 2024 (Pages 1 - 2)
4. Planning Applications (Pages 3 - 56)  
The report of the Director – Development and Economic Growth
5. Planning Appeals (Pages 57 - 58)  
The report of the Director – Development and Economic Growth

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

**Telephone:**  
0115 981 9911

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

**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
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, 12 SEPTEMBER 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,  
S Ellis, S Mallender, D Mason, C Thomas, T Wells, R Bird and H Om

### **ALSO IN ATTENDANCE:**

Councillors M Gaunt

### **OFFICERS IN ATTENDANCE:**

H Knott	Service Manger - Planning
A Cullen	Planning Manager - Development, Planning and Growth
G Elliott	Senior Planning Officer
P Langton	Senior Planning Officer
A Baxter	Team Manager - Area Planning (West)
R Clack	Legal Services Manager
T Coop	Democratic Services Officer
E Richardson	Democratic Services Officer

### **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS:**

Councillors A Edyvean (substituted by Cllr H Om) and E Georgiou (substituted  
by Cllr R Bird)

#### **9 Declarations of Interest**

There were no declarations of interest to record.

#### **10 Minutes of the Meeting held on 11 July 2024**

The minutes of the meeting held on 11 July 2024 were agreed as a true record  
and were signed by the Chair.

#### **11 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.

**24/00766/FUL – Demolition of existing dwelling, garage and residential  
outbuildings. Proposed replacement dwelling – Easthorpe Gardens,  
Flawforth Lane, Ruddington, Nottinghamshire, NG11 6LG**

## **Updates**

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

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr N Grace (Applicants Agent) and Councillor M Gaunt (Ward Councillor) addressed the Committee.

Councillor D Mason moved to accept the recommendation to refuse the application, and this was seconded by Councillor C Thomas and the vote was carried.

## **DECISION**

**PLANNING PERMISSION BE REFUSED FOR THE SPECIFIED REASONS SET OUT IN THE REPORT PUBLISHED WITH THE AGENDA.**

**24/01349/DEMOL – Prior notification of demolition of former officers mess Islamic school buildings – Former Islamic Institute, Inholms Gardens, Flintham, Nottinghamshire, NG23 5LQ**

## **Updates**

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

Councillor S Ellis moved to accept the recommendation and approve the application, and this was seconded by Councillor T Wells and the vote was carried.

## **DECISION**

**GRANT PRIOR APPROVAL FOR THE DEMOLITION OF THE BUILDING SUBJECT TO CONDITIONS SET OUT IN THE REPORT PUBLISHED WITH THE AGENDA.**

## **12 Planning Appeals**

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

The meeting closed at 7.00 pm.

CHAIR



**Planning Committee**

**Thursday, 10 October 2024**

**Planning Applications**

## **Report of the Director – Development and Economic Growth**

PLEASE NOTE:

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

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

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

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">24/00776/FUL</a>	26 Lyme Park, West Bridgford, Nottinghamshire NG2 7TR	7 - 20
	Two year temporary permission for side boundary fencing. New side gate. Planting of side perimeter hedging. Alterations to existing garage with new hardstanding and adequate drainage to create driveway for parking (Retrospective)	
<b>Ward</b>	Compton Acres	
<b>Recommendation</b>	Planning permission be granted subject to conditions	

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">23/02182/FUL</a> <a href="#">24/00211/RELDEM</a>	48 Main Street, East Leake, Nottinghamshire, LE12 6PG	21 - 44
	Proposed Demolition of Part of Existing Barns; Conversion of Existing Barns and Rebuild New Barn with Single Storey Extension to form 1 New Dwelling	
<b>Ward</b>	Leake	
<b>Recommendation</b>	Planning permission be granted subject to conditions	

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">24/01456/REG3</a>	Rushcliffe Borough Council, Sir Julien Cahn Loughborough Road, West Bridgford, Nottinghamshire	45 - 56
	Refurbishment & de carbonisation works including the installation of air source heat pumps with external plant enclosure, installation of photovoltaic panels, installation of thermal insulation to exterior timber framed walls and flat roof areas with increase in height, alteration to rear access into the building, removing painted timber window frames & replacing with	

powdered coated aluminium frames, and installation of mobile telecommunication dish.

**Ward**

Musters

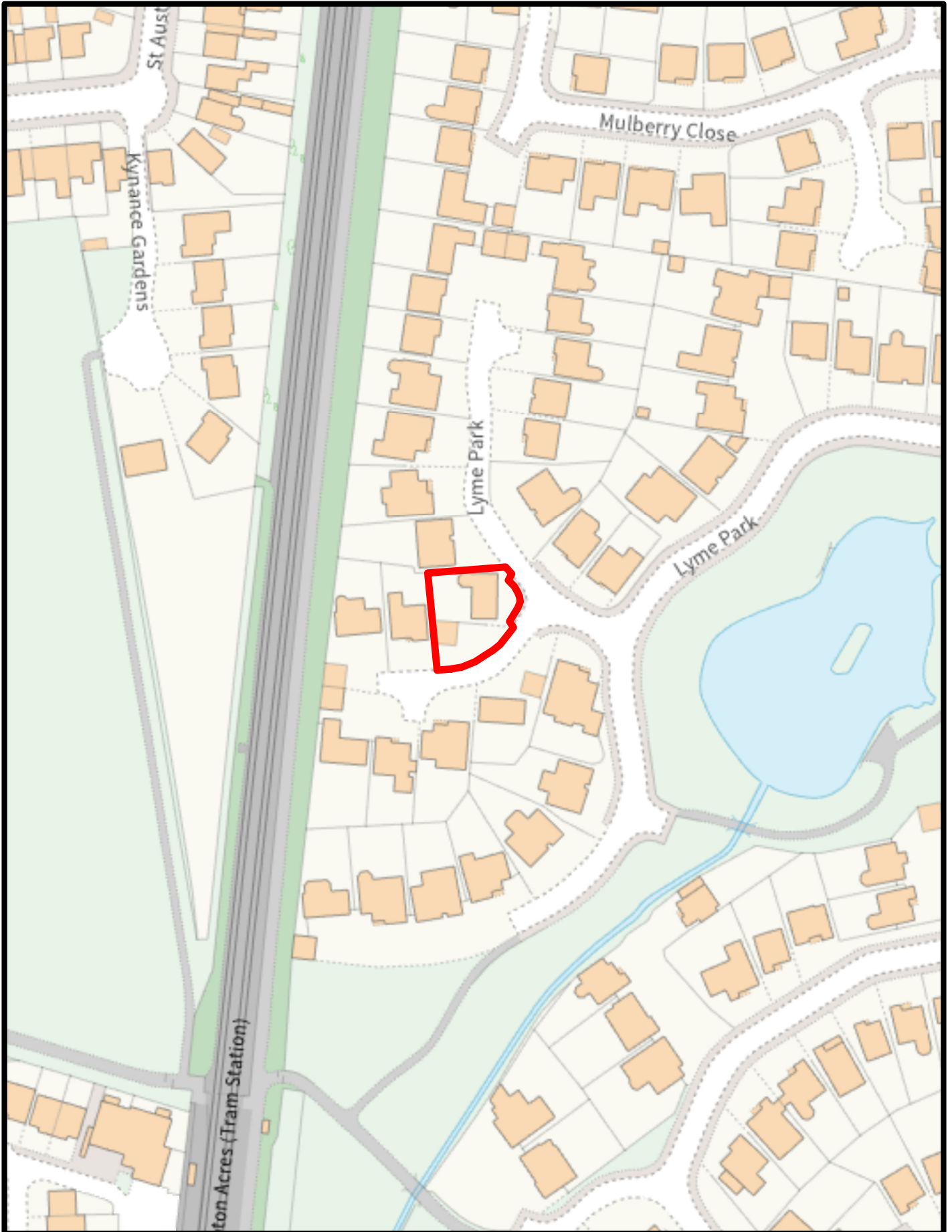
**Recommendation**

Planning permission be granted subject to conditions

---

This page is intentionally left blank





**Application Number: 24/00776/FUL**  
**26 Lyme Park**  
**West Bridgford**  
**Nottinghamshire**  
**NG2 7TR**



This page is intentionally left blank

# 24/00776/FUL

**Applicant** Ms Anna Mann

**Location** 26 Lyme Park West Bridgford Nottinghamshire NG2 7TR

**Proposal** Two year temporary permission for side boundary fencing. New side gate. Planting of side perimeter hedging. Alterations to existing garage with new hardstanding and adequate drainage to create driveway for parking (Retrospective)

**Ward** Compton Acres

## THE SITE AND SURROUNDINGS

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

1. The application relates to a 2-storey detached dwelling constructed of red brick with a brown tile roof. It is located in the Compton Acres area, a location with significant open landscaping. There is a detached garage to the side. Previous to the retrospective works, the site had a driveway leading into the garage with a section of open landscaping to the south and southwest of the dwelling.
2. The site is within the Environment Agency flood zone 3.

## DETAILS OF THE PROPAL

3. The proposed development includes a two-year temporary permission for side boundary fencing, a permanent side gate, planting of side perimeter hedging and alterations to existing garage with new hardstanding and adequate drainage to create a driveway for parking. Part of the works sought under this application have already been completed and these elements are the enclosure of the original driveway, installation of temporary fencing, gate, hedge and landscaping to front. The removal of the open landscaping to the front of the garage has also been carried out. An area of gravel has been placed and is currently being used for parking.
4. The side boundary fencing, and gate has a height of 2.2m with the top 0.3m of the fencing being comprised of trellising. It is constructed of timber fence panels with concrete pillars. It is proposed that the fencing would be temporary and the gate permanent.
5. In front of the fence facing the streetscene a laurel hedge has been planted.
6. The alterations of the garage include partially removing the brick wall to the south elevation to create an opening. Within the garage a new door is proposed to be set back from the new opening by 1.2m. New resin bound surface hardstanding is proposed to cover the gravel driveway (that currently does not have the benefit of planning permission). Together the garage and hardstanding are proposed to be used as 2 No. parking spaces. These are proposed works and not retrospective.

7. The proposal involves an area of existing open landscaping (51sqm approx). Approximately 20sqm of new open landscaping is to be located in front of the temporary boundary fence. This would result in the loss of around 31 sqm of open landscaping.
8. The above proposal is the result of negotiations between the LPA and applicant with the original proposal including fewer parking spaces (as classified according to the NCC highways design guide) and less of a setback for the proposed door of the garage. The applicant has also provided comments in respect of concerns raised which can be read in full [here](#).

## **SITE HISTORY**

9. 87/01045/A4P-Construction of 38 dwellings & associated road layout-PERMITTED. Note: condition 7 removed permitted development rights for "walls, fences, hedges or other means of enclosure".
10. 23/01289/FUL -Retrospective application for the erection of a wooden fence to the side boundary with planting and turf in front.

Refused by reason of:

1. Its height, siting, appearance and design the fence results in an unduly prominent and visually intrusive form of development, which detracts from the open appearance of the site and results in a detrimental impact on the setting of the property, the street scene and wider Compton acres estate. The loss of landscaping by the location of the fencing, to extend the private area of curtilage, together with the creation of a gravelled area is not considered to be in keeping with the established pattern and characteristics within area which is of open landscaped areas within the street, open frontages and green spaces all of which softens the appearance of the area. The proposal fails to make a positive contribution to the public realm and sense of place and has an adverse impact of the character and appearance of the area.
2. The development results in the loss of parking spaces and the new layout is considered to be insufficient to accommodate parking spaces in line with Nottinghamshire Highway Design Guide. An area has been surfaced in a loose gravel which is contrary to the Nottinghamshire Highway Design Guide and this new layout requires the use of Highway land which is not in the control of the applicant.

## **REPRESENTATIONS**

### **Ward Member**

11. One Ward Councillor (Cllr Om) - objects - stating that the temporary fence should not be allowed and that the streetscene would be changed for the worse by the erection of the fence due to its impact on Compton Acres open spaced design. In respect of revised plans Cllr Om maintained his objection.
12. One Ward Councillor (Cllr Phillips) - objects - referring to reasons given to the previous application in August 2023. His previous objection raised concerns

over the gravel driveway, impact of the fence on the openness of the Compton Acres estate and need to store wheelie bins at the front of the site as a result of the proposed development.

13. In respect of the current application Cllr Phillips considers that the hard standing space would not provide sufficient parking space, and any garage door recess would lead to cars having to park at an angle. He suggested that the Garage be demolished / moved back and a proper hard surface not loose gravel and that the temporary fence should not be allowed.
14. During the course of the application further comments were received from Cllr Phillips maintaining his concerns in respect of the size and space of the parking area and that the fence is not acceptable. Allowing the application would set a precedent and much of Compton Acres uniqueness will be lost.
15. In response to revised plans Cllr Phillips maintained his objection commenting on the length of time, maintaining that there was insufficient space for the parking and that no attempt to remove the gravel has been made. He expressed that the area should be reverted back to open space

### **Statutory and Other Consultees**

16. Nottinghamshire County Council (NCC) as Highways Authority - initially objected to the scheme on the basis of the proposed development would provide insufficient parking spaces according to the NCC highways design guide and the proposed parking spaces would overhang a strip of land in the ownership of NCC. Following the submission of revised plans, that increased the recess of the proposed garage door to provide sufficient space to comply with the NCC design guide for parking spaces without overhanging the NCC land, they withdrew their objections to the scheme.
17. The Borough Landscape Officer - Commented on the growth rate and type of Laurel forms. The officer highlighted that Laurel is a medium growing evergreen species with a growth rate of 30-60cm when established. Laurel makes a good hedge between 1 to 2m or more in height and if not pruned can grow a lot taller. It is a popular and well used hedgerow plant and due to its tough nature is well suited to external boundaries and public facing areas and roadside verges as it tolerates wind and salt damage.

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

18. Representations have been received from 4 individual properties. Three in support of the scheme and one objection. These comments are summarised as follows: -
  - a. the work that has been carried out at this address has enhanced the appearance of this section of Lyme Park. The fencing is tasteful and the planting of shrubs and flowers lovely to look at.
  - b. The applicant has worked hard on the development and has done a great job.
  - c. no objection to the erection of the side boundary fencing on the property of 26 Lyme Park. We think that it adds to the aesthetic of the

neighbourhood, especially with the plants that they have chosen to grow in front of the fence. I think it looks quite good.

- d. The street scene has been changed considerably by the erection of this oversized fence. In coming out of our property before this, we could see to the pond - now we see an oversized fence.
- e. The hedge has grown to a sufficient height to allow the fence to come down.
- f. There is not enough room for the two car hard standing without knocking down the garage and placing it further back into her garden. At present the car is parked over the service strip and would continue to be under these proposals.

Full comments can be found [here](#)

## **APPRAISAL**

### **APPRAISAL - POLICY**

- 19. 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**

- 20. 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.
- 21. 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.
- 22. 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.
- 23. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Section 2 - Achieving Sustainable Development
- Section 12 - Achieving Well Designed and Beautiful Places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

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

### **Relevant Local Plan Policies and Guidance**

24. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the current proposal:
- Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 10 - Design and Enhancing Local Identity
25. 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 17 Managing Flood Risk
26. The Rushcliffe Residential Design Guide (2009) sets out guidance for extension design and assessment of amenity impacts.
27. The policies in the Core Strategy, Local Plan Part 2 and the Rushcliffe Residential Design Guide are available in full along with any supporting text on the Council's website [here](#).

### **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 considerations of this proposal are:
- o Principle of development
  - o Design and impact on streetscene
  - o Impact on neighbouring residential amenity
  - o Flood risk
  - o Parking and Highways safety
  - o Biodiversity Net gain

#### Principle of development

30. The overarching Policy 1 in the LPP1 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.

31. In this instance the proposed development comprises extensions and alterations at an existing dwelling within the main settlement area of West Bridgford. As such it is considered to be a sustainable development and therefore is acceptable in principle subject to other material considerations being acceptable.

### Design

32. Policy 10 of LPP1 and Policy 1 of LPP2 require matters such as the scale, height, massing, design and layout of a proposed development to be carefully considered to ensure that a) it respects the appearance of the existing building and b) remains subservient to it. In addition, the policies require new developments not to harm the character of the wider area either.
33. The proposed works involve a temporary boundary fence and hedgerow , incorporation of original car standing into the garden area of the property, together with alterations to the existing garage and a new hard standing area to facilitate for parking. The proposal involves the loss of an element of open space that was largely grassed.
34. The retrospective application for the fencing is made on the basis that temporary additional screening is required to provide both privacy and security between the private amenity area of the garden and the public realm along Lyme Park whilst the hedgerow planting matures. The landscaping officer has suggested that the hedge would grow at a rate of between 30-60cm annually. In order to allow the hedge to reach the maturity necessary to provide the privacy and security desired by the applicant the fence would need to be in place for up to two years.
35. The importance of retaining the originally approved landscaping features and open space on the estate is evident through the removal of permitted rights for the erection of fences or other means of enclosure forward of any dwelling that fronts the highway as part of application A4/86/0237/P for the original housing development. Areas of landscaping is a particular character of the Compton Acres area and we have sought to protect quality areas of open space/ landscaping throughout the area.
36. It is noted that moving forward property boundaries and erecting hard landscaping goes against the open space design of Compton Acres, fencing is also not considered to be in keeping with the character of the local area. The vast majority of hard landscaping in the local area is made up of red brick boundary walls not wooden fence panels further adding weight to the proposed fencing not being in keeping with the character of the local area. Considering this, and the prominent corner plot position of the dwelling, it is considered that permanent fencing of such size and materials would be harmful to the character of the area.
37. However, hedges and dense areas of vegetation make up a number of the boundaries facing the streetscene on Lyme Park and the wider Compton Acres estate. These hedges and vegetation do not require planning permission to put in place.



38. As a result, while the fence would be considered visually harmful to the character of the area, it would be considered acceptable as a temporary measure to retain a degree of privacy whilst the hedgerow planting becomes established. This planting, alongside the 1m strip of open grassland fronting the hedge, would ultimately be in keeping with the character and appearance of the area and would preserve its character and open appearance.
39. The planting has already reached a height of approximately 1.5m which already partially screens the fencing from view, reducing the impact on the character of the area. As the hedge grows the impact of the fence would reduce.
40. It is noted that the proposal would increase the amount of residential amenity space for the property which is recommended in the residential design guide.
41. The proposed hardstanding would replace what was previously an area of grassed open landscaping adjacent the existing garage. Currently gravel has been used but the proposal seeks to replace this with a resin bound surface. Not only would the proposed hedge screen the drive from view from the east but considering the similarity of the proposed driveway to neighbouring properties and new open landscaping to the front of the fence, the loss of landscaping to provide off street parking for the property is not considered significant enough to warrant refusal.
42. In order to create parking spaces of a sufficient depth clear of the highway changes are proposed to the side wall of the existing garage. The wall would be removed and a new garage door set into the existing structure by a minimum of 1.2m. This would allow for the required 5.5m depth spaces for 2 vehicles. The proposed recessed garage door would not have a significant impact on the character of the area considering its size and siting. A condition is proposed to ensure matching materials are used.
43. The proposed side gate would largely be screened from view by the hedge and garage. Considering this it would be unlikely to have a significant impact on the character of the area.
44. The comments of the Cllrs and representations are noted however, on balance it is considered that the fence is acceptable as a temporary measure whilst the hedge matures, the changes to the driveway, garage and open space are acceptable and that overall the proposal is not considered to result in a significant adverse impact upon character of the area. Conditions are proposed to ensure the works are undertaken and that the fence, and associated posts, are removed.

#### Impact of proposed development on amenity of adjoining occupiers

45. Core Strategy Policy 10 requires 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.
46. The proposed development is not considered to result in any significant overlooking, overshadowing or overbearing impacts due to the height and

distance to neighbours, scale and form of development and the nature of the works that form part of this application.

### Parking and Highway Safety

47. The NCC Design guide at 4.1 advises that 4 or more bedrooms should have 3 or more parking spaces. The relocation of the fence and incorporation of the originally approved garage, incorporation of associated vehicular hardstanding into the garden of the property, and creation of a new car standing area has led to the loss of off-street parking for the property. There is a strip of land approximately 1m in width on the section of driveway directly adjacent to the road which is Highway. NCC highways objected to parking on this area of land which the original proposal included.
48. Following discussions with the agent, the scheme was amended to create 2 No. parking spaces which would partially fit into the recessed garage and not overhang the highway. Though the proposal would not provide the 3 No. off street parking spaces recommended in the NCC highways design guide, NCC highways do not object to the proposal based on the revised plans and provision of 2 spaces. There is unrestricted road parking. The comments of Cllr Phillips in respect of the dimensions are noted however officers are satisfied that the proposal as amended would provide for two vehicles to park clear of the highway. Conditions are proposed to facilitate the alterations proposed in a timely period.

### Flood Risk

49. The property is located within an area identified at risk of possible flooding on the Environment Agency (EA) flood risk map. It therefore must adhere to the Governments standing advice on householder development within a flood risk area. The advice states that all new development must be situated on the same level as the existing dwelling or 300mm above existing flood levels. The applicant has confirmed that the development will be set no lower than the existing levels.
50. The applicant has confirmed that the proposed driveway would be formed in resin bond which is a permeable material. Details are proposed to be secured by condition.
51. The development would therefore satisfy the EA's standing advice for minor development. An informative is included advising the applicant to construct the development having regard to the EA's flood proofing, resilience and resistance techniques. As a result, the proposed development complies with policy 17 of the LPP2.

### Biodiversity net gain

52. Under Regulation 5 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which, inter alia, is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## Conclusion

53. Given all the matters as considered above and having assessed the development proposed against the policies set out in National Guidance, the development plan for Rushcliffe and the Residential Design Guide, it is considered to be acceptable. Therefore, it is recommended that planning permission be granted.
54. Discussions have been had during the assessment of the application and amendments have been made to the proposal, and further information has been provided to address relevant planning policy and the identified impacts, thereby resulting in a more acceptable scheme and a recommendation to grant planning permission, subject to conditions.

## **RECOMMENDATION**

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

1. The fence, and associated posts, hereby approved, as shown on the block plan, shall be retained on site on a temporary basis and shall be removed once the laurel hedge planting reaches the height of the fence, or by no later than 31st December 2025, whichever is the sooner.

[Permanent fencing in this location is not considered to be an appropriate form of development temporary consent is to enable the hedgerow to grow to provide privacy 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).]

2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:
  - o D301 SITE LAYOUT AND BLOCK PLANS (08.08.2024)
  - o D001 DESIGN DRAWINGS (08.08.2024)
  - o D302 SITE LAYOUT AND BLOCK PLANS (08.05.2024)

[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 removal of the gravel driveway and replacement with a permeable material driveway (resin bond), details of which shall be submitted and approved by the Borough Council, alterations to the existing garage and the inset garage door, as shown on the plans approved under condition 2 above, shall be completed within 6 months of the date of this permission and shall thereafter be retained as such for the life of the development.

[In the interests of highway safety and the appearance of the area, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

4. The drive/parking area hereby approved shall be surfaced in a hard bound permeable material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary and constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking area to the public highway.

The surfaced drive/ parking area and the provision to prevent the unregulated discharge of surface water to the public highway shall then be retained and maintained as approved for parking vehicles only for the life of the development.

[To reduce the possibility 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 and 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].

5. The materials used in the construction/ alteration of the walls of the garage hereby permitted must be completed in materials which match those of the existing garage.

[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).]

6. The laurel hedge located on the southern boundary of the application site, in front of the temporary fence, that has been planted shall be retained and allowed to grow to a minimum of 2m in height. The hedgerow shall then be retained and maintained at the minimum of 2m in height for the life of the development. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[Landscaping is an important feature and makes a positive contribution to the character and appearance of the area, its planting and retention is necessary to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

## NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at: <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

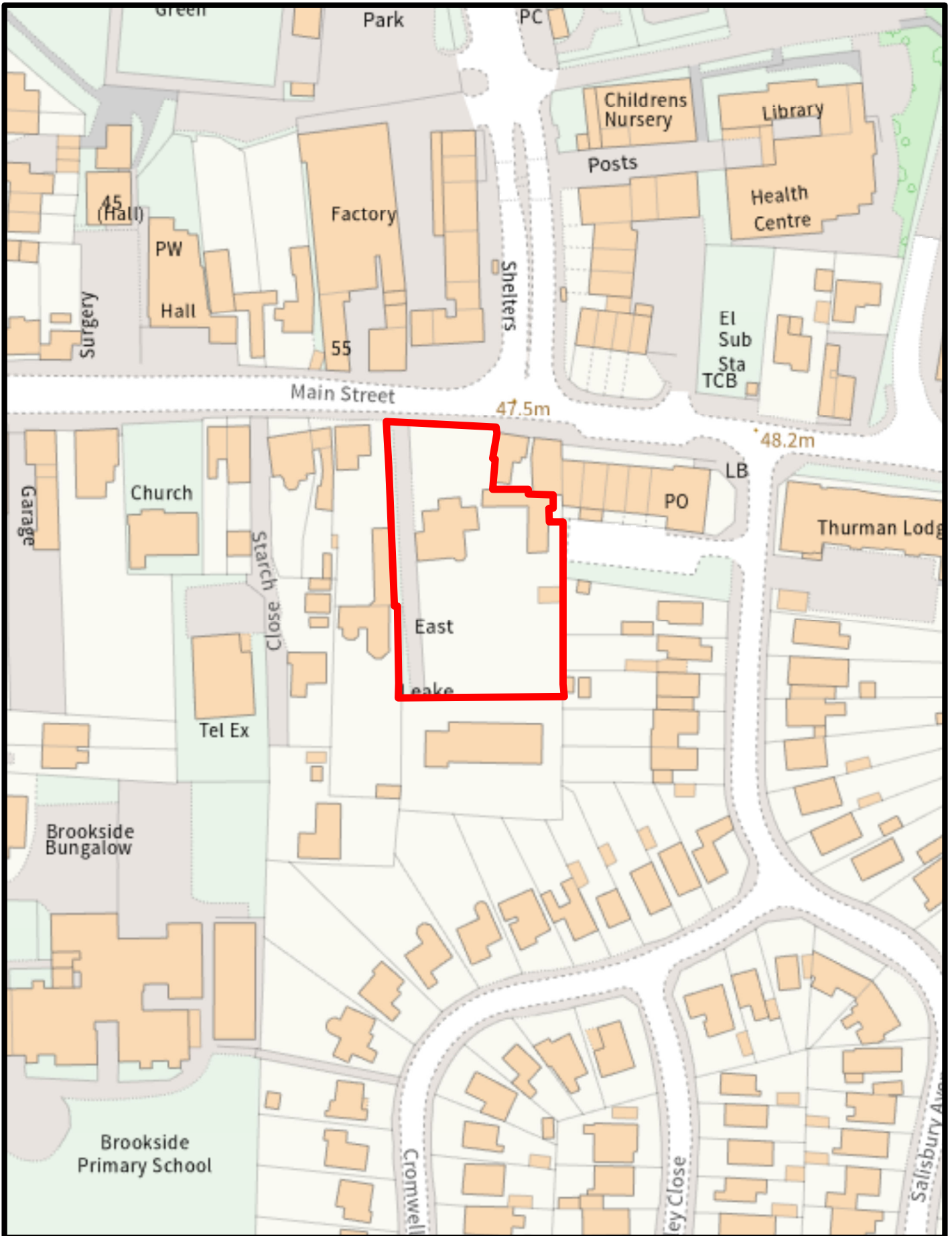
You are advised to ensure disturbance to neighbors' is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact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

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

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website

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

This page is intentionally left blank



**Application Number: 23/02182/FUL and 24/00211/RELD**  
**48 Main Street**  
**East Leake**  
**Nottinghamshire**  
**LE12 6PG**



This page is intentionally left blank



# 23/02182/FUL and 24/00211/RELDEM

**Applicant**

Mr Forlani

**Location**

48 Main Street  
East Leake  
Nottinghamshire  
LE12 6PG

**Proposal**

Proposed Demolition of Part of Existing Barns; Conversion of Existing Barns and Rebuild New Barn with a Single Storey Extension to form 1 New Dwelling

**Ward**

Leake

## THE SITE AND SURROUNDINGS

1. The application relates to a set of outbuildings and land comprising part of the side and rear garden area of 48 Main Street, East Leake, a two storey detached dwelling located in the centre of the village.
2. The outbuildings are located to the north-east of the application site. The outbuildings are currently used for residential living space and storage associated with No. 48 Main Street, East Leake.
3. Although access to the site is located in the centre of the village, opposite a number of commercial premises, the garden area of No. 48 is surrounded by residential properties.

## DETAILS OF THE PROPOSAL

4. This is a joint report for a full planning application, 23/02182/FUL, and an application for relevant demolition of an unlisted building in a Conservation Area, 24/00211/RELDEM.
5. Application 24/00211/RELDEM seeks permission for the partial demolition of the existing outbuildings, located to the north-east of No. 48, to allow for its conversion. The North/South (N/S) barn would be demolished and rebuilt with reclaimed materials. The 1970's glazed link between No.48 and the barns would also be demolished.
6. Application 23/02182/FUL seeks planning permission for the conversion of the existing barns and extensions to form 1 residential dwelling. The N/S barn would be demolished and rebuilt using reclaimed materials and the East/ West (E/W) barn would be retained and converted. The main living accommodation for the dwelling would be on the ground floor. There will be a mezzanine level in the E/W barn to create an office space or additional accommodation. A single storey extension is proposed to the eastern side of the N/S barn to provide further accommodation. The proposed conversion would use

reclaimed brick for the elevations and roof pantiles to match the existing buildings.

7. Access to the site would be accommodated via the existing access road off Main Street which serves both No. 48 Main Street and the residential annexe to the south of the site.
8. No. 3 off street parking spaces for the proposed dwelling would be facilitated to the north of No.48 within its front garden. The front garden is well screened by a front boundary wall, hedging and trees. No. 3 separate car parking spaces serving No.48 would be facilitated to the rear (south) of the site.
9. The application is supported by a structural report and ecological information. During the course of the application, a number of revisions have been made to the proposal. The originally proposed hard surfacing within the front garden which contained 6 off-street car parking spaces has been reduced in size. Landscaping to the front garden has been re-introduced and the hard surfacing within the front garden now only contains 3 off street parking spaces to serve the proposed dwelling. The revised plans have repositioned the 3 off-street car parking serving No.48 to the rear (south) of the site. The revised plans also clarify that no works/ alterations are proposed to the front tree or the front boundary wall. The revisions also clarify the proposed fence line separating No.48 and the proposed dwelling and its design. Updated ecological survey information has also been provided.

## **RELEVANT SITE HISTORY**

10. 20/01974/FUL - Demolition of existing rear garage outbuilding and erection of new dwelling. Permission granted by Planning committee on 22 April 2021.
11. 20/01988/RELDDEM - Demolition of existing rear garage outbuilding. Permission granted by Planning committee on 22 April 2021.
12. 21/03222/FUL - Conversion and Extension of Existing Residential Outbuildings to Form a New Detached Dwelling including associated parking and access works. Application withdrawn.
13. 22/00118/VAR - Variation of Condition 2 (Approved plans) of planning permission 20/01974/FUL to make alterations and replace approved plans. Planning permission granted 14 March 2022.
14. 22/00898/CLUPRD - Certificate of lawful development to resurface front garden. Certificate of proposed lawful development granted 08 July 2022.
15. 23/00998/FUL - Demolition of Existing Barns and Outbuildings, Erection of 1 Detached Dwelling. Application withdrawn.

## **REPRESENTATIONS**

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

16. One Ward Councillor (Cllr Thomas) objects to the planning application and the relevant demolition application on the following grounds:

- a. The amenity of future residents of the existing house would be significantly impacted by the shared car park in front of their property. This arrangement is not suitable for this pair of dwellings
  - b. It harms the setting of the historical farmhouse in the very centre of the village Conservation Area.
  - c. In terms of ownership, the front garden would need to be divided between the two properties and the spaces allocated and access rights assured – shared parking is not suitable. Also not clear how many parking spaces are allocated and whether there would be sufficient space to manoeuvre.
  - d. Considers that parking to the rear of the dwelling would be more appropriate
  - e. Contravention policy V1(a) of the East Leake Neighbourhood Plan which states that the only types of development permitted in the village centre will be those that particularly require a central village location. Family housing is excluded see para 8.1.8 of the ELNP. Housing for older people and those with mobility problems is included. There is no mention of “multi-generational” homes.
  - f. Concerns that elements of ‘lifetime homes’ have not been met
  - g. Intervisibility between back windows of the host dwelling and the proposed dwelling would not provide sufficient privacy. Obscure glazing would harm amenity of host dwelling for future occupiers.
  - h. Additional vehicles accessing property from Main Street will cause traffic hazard
  - i. The proposal is overdevelopment of the site.
  - j. The extension up to the boundary to the east appears to leave a small outside area that has no access
  - k. Concerns that the large ceiling height indicates an intention to add an additional storey internally
  - l. There is no description or analysis of the additional existing outbuilding which is to be demolished
17. After revised plans were received, the Ward Councillor (Cllr Thomas) maintained their objections due to the reasons they had previously cited. They also noted that the proposed parking area to the front of No.48 would have a serious detrimental impact on the amenity of future occupiers to this dwelling.
18. One Ward Councillor (Cllr Way) objects to the application on the following grounds:
- Agrees with the comments made by Cllr Thomas and the parish Council
  - Concerns regarding the proposed increase in roof height as it could lead to further internal extension of the property which would create potential for more vehicles
  - The egress from the site is dangerous and the highways report does not take into account the vehicle and pedestrian traffic at this location
19. Subsequent to the revised plans, the Ward Councillor (Cllr Way) did not remove their objections.
20. On receipt of revised plans one Ward Councillor (Cllr J Billin) objected to the application on the following grounds:
- The proposal would increase the number of vehicles expected to use the narrow driveway onto Main Street and poses issues with safety

- Cannot see need for raising roof height on the section of building that runs North/South and contains only ground floor accommodation
- Concerns that future internal alterations would create additional floor
- This development along with the previously approved dwelling to the rear would result in overdevelopment of the site

### **Town/Parish Council**

21. East Leake Parish Council objected to the original application on the grounds that the proposal would be contrary to Policy V1 of the Neighbourhood Plan, impact on the Conservation Area, the impact on having shared parking, the amount of traffic coming onto the main road and the impact on amenities for future residents.
22. After subsequent revised plans, East Leake Parish council confirmed that they did not object to the application as long as T1 and T2 were protected by TPO and a condition is included to ensure reasonable working hours.
23. However, after further revised plans were received, East Leake Parish Council objected to the revised plans due to parking arrangements and the impact of shared parking and the amount of traffic coming onto the road. They also requested that the proposal adhere to lifetime homes conditions. They also requested that T1 and T2 are protected by TPO and that a site management plan is put in place to minimise disturbance to neighbours.

### **Statutory and Other Consultees**

24. Nottinghamshire County Council Highways Authority acknowledged that the proposal would result in a slight increase in traffic movement as a result of the development. However, they consider that this would not have a significant impact on the highway network. They consider that the existing drive shared with the new building and parking has been provided and meet the Nottingham County Council Design Guide. Based on the information submitted, they do not object to the application.
25. Nottinghamshire County Council Archaeology have no comments or recommendations to make.
26. Borough Environmental Sustainability initially raised concerns that the submitted Ecology Survey as it stated that the buildings have 'negligible potential' for roosting bats and therefore does not require any further emergence surveys, whereas the Borough Ecologist considers there to be 'medium potential' for roosting bats and therefore an emergence survey should be submitted.
27. Subsequent to the concerns raised, a further Emergence Survey was submitted. The Borough Ecologist confirmed that the surveys appear to be completed according to good practice and are in date until December 2025. They consider that the site has the potential to support commuting and foraging behaviour for bats and wild birds. They consider that the reasonable avoidance measures outlined within the report should be conditioned as part of any forthcoming planning permission. Overall, they consider that it is unlikely that

this development will have a detrimental impact on populations of protected species provided the proposed reasonable avoidance measures, mitigation and enhancements are implemented.

28. Borough Conservation Officer considers that the limited demolition and rebuilding to a similar appearance for the N/S barn and the repairs and sensitive conversion of the E/W barn are supported. Considers that the layout, form, scale, massing and design of the buildings to be acceptable and also considers that the proposed materials are of high quality and of the local vernacular and would be appropriate for a conversion scheme. They suggest the re-use of the internal timbers within the conversion. They recommend a number of conditions including details of rainwater goods, landscaping conditions, details of method of demolition and building recording for the barns.
29. However, whilst they supported the conversion scheme for the barns, they raised concerns initially with the proposed parking to the front garden. They note that the works could be done under permitted development, but they raise concerns with potential impact of the hard surfacing on the trees within the front garden. They also consider that hard surfacing the whole front garden would have a small eroding effect on the character of a positive building, which would result in a small negative impact on the Conservation Area. They suggest that parking should be reduced to three cars along the frontage and other parking should be relocated elsewhere within the grounds, preferably to the south.
30. Subsequent to the concerns raised, revised plans were submitted which reduced the level of hard surfacing to the front garden and reduced the number of car parking spaces in this location to 3 spaces. The plans also proposed to add 3 car parking spaces to the south of No.48. The Conservation Officer confirmed that the revised plans addressed their previous concerns and considers that the proposal would be acceptable in terms of heritage impacts. Overall, they consider that the revised scheme would not harm the Conservation Area and its special interest would be preserved.
31. Borough Landscape Officer considers the tree to the front of the site adjacent Main Street to be a very important specimen due to its prominent location and it being visible from both Main Street and Gotham Road. Considers that with the current combination of trees and hedge to the front boundary screening the site, the proposed car parking area would cause harm to the character of the wider area, but also notes a certificate of lawful development has been granted for a porous parking area in this location.
32. Encourages the retention of the boundary hedgerows on the frontage of the site. Considers that the current plans are not clear as to whether the boundary hedging is to be retained. Requests that clarification on this matter is sought and a landscaping condition to secure appropriate replacement planting is utilized.
33. Considers it prudent to condition a method statement detailing the detailed construction of the surface of the car parking area (geocell) and a method statement for the construction and tree/vegetation protection whilst the works take place.

34. Also notes that the frontage tree is a lime tree, which could cause inconvenience to owners parking their cars underneath due to honeydew.

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

35. One representation has been received on the planning application from neighbouring occupiers/ local residents neither objecting to or supporting the proposal. The comments raised are summarised as follows:
- a. It is good to see across numerous submissions and subsequent withdrawals that the proposed development has been scaled back to provide a more modestly sized dwelling without an annex
  - b. Disappointing to see the front garden of a large historic farmhouse used as a car park
  - c. Concerns raised with the noise and disturbance caused by continuing building works
  - d. Wants to see a management plan which includes details of how to construction will manage disturbance to neighbours
  - e. Considers that the proposal will affect wildlife and considers that nesting area for displaced bats and swifts should be incorporated.
36. Two representations have been received on the relevant demolition application objecting to the application on the following grounds:
- a. The bat survey is inadequate Assessment needs to be repeated and three emergence surveys need to be conducted during the bat survey season

Full comments can be found [here](#).

### **PLANNING POLICY**

37. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (2023), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide.

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

38. The following sections in the National Planning Policy Framework (NPPF) are of relevance:
- Chapter 2 – Achieving Sustainable Development
  - Chapter 9 – Promoting Sustainable Travel
  - Chapter 12 – Achieving Well Designed and Beautiful Places
  - Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
  - Chapter 16 – Conserving and Enhancing the Historic Environment

A copy of the National Planning Policy Framework 2023 can be found [here](#)  
A copy of the Planning Practice Guidance can be found [here](#)

## Relevant Local Planning Policies and Guidance

39. The following policies within LPP1 are of relevance:
- 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

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#)

40. The following policies of LPP2 are of relevance:
- Policy 1 – Development Requirements
  - Policy 11 – Housing Development on Unallocated Sites within Settlements
  - Policy 12 – Housing Standards
  - Policy 17 – Managing Flood Risk
  - Policy 18 – Surface Water Management
  - Policy 28 – Conserving and Enhancing Heritage Assets
  - Policy 37 – Trees and Woodland
  - Policy 40 – Pollution and Land Contamination
  - Policy 41 – Air Quality

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#)

41. The East Leake Neighbourhood Plan was adopted in 2015, and the following policy is considered of particular relevance:
- Policy V1 – Priority Uses for Village Centre
42. The Rushcliffe Residential Design Guide sets out guidance as to local character and materials, height, scale and massing, achieving privacy and guides for amenity space. It states that “Infill development should respect the existing massing, building form and heights of buildings within their immediate locality”. It also provides guidance on garden sizes for new dwellings.
43. Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) also requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

## APPRAISAL

44. 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.

45. The main material planning considerations in the determination of this planning application are:
- Principle of development
  - Impact upon the character of the area and Conservation Area
  - Highway Safety
  - Ecology and Biodiversity
  - Impact on trees
  - Residential amenity
  - Sustainability

#### Principle of the development

46. Local Plan Part 1 Policy 3 sets out the spatial distribution of development across Rushcliffe. This directs the majority of development towards the main urban area of Nottingham, the edge of the main urban area (within sustainable urban extensions) and identified Key Settlements. The village of East Leake is identified within Policy 3 of LPP1 as a key settlement identified for growth.
47. The application proposes the conversion of existing outbuildings to form a new dwelling. The site is located within an existing built-up part of the village, which is surrounded on all four sides by existing residential properties. The conversion of the building would be located within a Key Settlement which is identified for growth. The proposal would contribute an additional dwelling to the Boroughs housing supply within a highly sustainable location and it is therefore considered acceptable in principle.
48. Objections have been received from the Parish Council and three Ward Councillors on the grounds that the proposal would be contrary to Policy V1 of the East Leake Neighbourhood Plan. Policy V1 (Priority Uses for Village Centre) seeks to limit the types of development within the centre of the village to those that particularly require this village central location, including; housing for older people, those with mobility problems, and situations where 'living over the shop' is appropriate.
49. Policy V1 allows for housing for older people and people with mobility issues, but does not elaborate on the type of development this is. In this case, the applicant has clarified that the dwelling has been designed to incorporate the following:
- A substantial clear space available in each of the main ground floor living areas for circulation and turning;
  - Areas earmarked for the potential adaptation for lifts and hoists;
  - The structure above Bedroom 1 and the En-suite Wet Room area will be suitable for supporting hoists;
  - All internal doorways to be a minimum of 800mm wide clear opening;
  - 300mm nib minimum leading to edge of doors;
  - All WC, En-suite and Bathroom wall structure to be capable of supporting grab rails;



- Windows to all habitable rooms to have low handles for ease of opening;
  - Windows to allow for views out while seated;
  - Service controls to be fitted between 450mm - 1200mm from finished floor level and at least 300mm from internal corners for ease of access;
  - Level threshold to main entrance doors;
  - Provision of a wider parking space next to the porch with level access to the dwelling.
  - Provision of living space for live-in carer or family member to assist with care.
50. It is considered that the proposed dwelling has been sensitively designed to be accessible for wheelchair users, people with mobility issues and older people. It is primarily single storey with a study annotated at the first floor. It has been shown that a lift could be installed if required to gain access to this area. Policy V1 does not specify that housing development within the village centre needs to ensure accessibility for wheelchair users, but the applicant has incorporated this and other accessibility features within the design therefore it would allow the dwelling to be occupied by someone with mobility problems. It is therefore considered that the proposed dwelling would conform with Policy V1 of the East Leake Neighbourhood Plan and would provide provision of this housing need within the centre of East Leake.

#### Impact on Character of the area and Appearance of Conservation Area

51. Policy 11 of the LLP 2 supports housing development on unallocated sites, subject to a number of criteria including; the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials; the site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature; the proposal would not result in the loss of any existing buildings considered to be non-heritage assets unless the loss of the asset is justified; the proposal would not have an adverse visual impact from outside the settlement; the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and appropriate provision for access and parking is made.
52. The proposal would include the demolition of the part of the existing N/S barn to facilitate its conversion. A Structural Report was submitted to support the application, and this confirms that the N/S barn is in very poor condition and there is widespread evidence of significant movement and distortion of the walls. It also confirms that the E/W element of the barns will also need demolishing due to structural integrity issues. It is understood that remedial work has already taken place to prevent the roof of the N/S barn from collapse.
53. It is considered that the proposed partial demolition of the barns is required for safety, as clarified within the submitted Structural Report, and would not cause harm to the character of the Conservation Area. It is also considered that the proposed demolition would allow the sensitive restoration of a building that contributes positively to the Conservation Area.

54. The barns are set back approx. 13 meters from Main Street and is largely screened by No. 50, located to the north of the building, and the trees along the northern (front) boundary. The proposal would see the conversion of the existing barns which would include the raising of the ridge height of the barns by approx. 0.3 meters at the N/S barn and approx. 0.6 meters to the E/W barn. Due to the position of existing properties to the north of the site and screening, it is considered that the proposed additional height would not materially impact the Conservation Area.
55. The resulting building has been designed to appear sympathetic to the existing barns. The Conservation Officer considers that the form, layout, scale, massing and design of the proposals to be acceptable and that the proposed materials are of high quality and appropriate for this type of conversion. They have requested that the internal timbers should be reused where possible. Whilst the reuse of internal timbers would be desirable, it is not considered a condition requiring the reuse of internal timbers would meet the appropriate tests in order to make the proposed development acceptable in heritage terms, as this would be an internal alteration that would not impact upon the Conservation Area.
56. The application initially proposed the hard surfacing of the entirety of the front garden area, located to the north of No. 48 Main Street to include 6 off-street car parking spaces (no. 3 spaces for no. 48 and no. 3 spaces for the proposed dwelling). Whilst this work could be carried out under permitted development rights, as confirmed with the granting of 22/00898/CLUPRD, it was considered that the hard surfacing of the entirety of this front garden could cause harm to the existing trees on the site, which are prominent within the Conservation Area and identified by the Senior Landscape Officer as an important specimen. The Conservation Officer also considered that the proposed parking area would have a small eroding effect on the character of the positive building (No. 48) and would result in a small negative impact on the Conservation Areas special interest.
57. Subsequent to the concerns, the applicant revised the proposed parking area to reduce the amount of hard surfacing proposed and to ensure that adequate separation between the trees within the front garden and the hard surfacing. This allowed landscaping to be retained to the front of the site, which softens the appearance of hard surfacing and is a betterment to what could be achieved under permitted development. This change also reduced the number of car parking spaces to the front of the dwelling (from 6 to 3) and allowed for the car parking associated with No. 48 to be positioned to the rear of the dwelling, rather than having a shared car parking area. The changes to the car parking area have been supported by the Conservation Officer as they now consider that the proposal would not cause harm to the Conservation Area.
58. In terms of the pattern and grain of development within this part of the Conservation Area, there are a number of residential properties to the west of the application site which have been constructed behind properties fronting onto Main Street. Further, the proposal would be a conversion of an existing building. As a result, the proposed dwelling would not conflict with and would preserve the pattern of development within this part of East Leake.

59. For the reasons set out above, it is considered that the proposal would preserve the character of the East Leake Conservation Area, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas Act).
60. It is also considered that the proposed conversion would be sensitively designed and would be sympathetic to the existing barns. It is therefore considered that the proposal would also accord with Policy 10 (Design and Enhancing Local Identity) of LPP1 and Policy 1 (Development Requirements) of LPP2.
61. Concerns have been raised by Ward Councillors that the proposal would result in overdevelopment of the site, when taking into consideration the previously approved annex to the rear (granted under 20/01974/FUL). It is considered that the proposed dwelling and the host dwelling would retain sufficient private amenity space and parking. It is therefore considered that the proposal would not result in overdevelopment of the site.

### Highway Safety

62. The proposed dwelling would utilise the existing vehicular access serving 48 Main Street. The application does not propose to alter the existing access.
63. Concerns have been raised by Ward Members in terms of highway safety and traffic congestion as a result of the proposed dwelling. The Highway Authority acknowledged that the proposal would result in a minor increase of traffic using the existing driveway. However, the existing driveway meets the NCC Highways Design Guide criteria and is considered sufficient to accommodate the proposed marginal increase in traffic. The Highways Authority have raised no objections to the proposal on highway safety grounds.
64. Further, the proposal would provide 3 no. off street car parking spaces for the proposed dwelling, and a further 3 no. parking spaces for No.48. This level of parking is considered sufficient to meet the needs of future occupiers.
65. In terms of refuse bins, there is sufficient space within both the existing plot and the proposed plot to store the three bin system. Rushcliffe Council operates a kerb side bin collection service, therefore it would be the responsibility of future occupiers to deliver their bins to the kerb side on Main Street on collection day.

### Ecology and Biodiversity

66. The Borough ecologist initially raised concerns that the submitted Ecology Survey submitted with the application concluded that the buildings have 'negligible potential' for roosting bats and therefore does not require any further emergence surveys. However, due to gaps in the condition of the buildings, the Borough Ecologist considers that the buildings have 'medium potential' for roosting bats and therefore an emergence survey should be submitted.
67. Subsequent to the concerns raised, a further Emergence Survey was submitted. The Borough Ecologist confirmed that the surveys appear to be completed according to good practice and are in date until December 2025. They consider that the site has the potential to support commuting and foraging

behaviour for bats and wild birds. They consider that the reasonable avoidance measures outlined within the report should be conditioned as part of any forthcoming planning permission. Overall, they consider that it is unlikely that this development will have a detrimental impact on populations of protected species provided the proposed reasonable avoidance measures, mitigation and enhancements are implemented.

68. A bat emergence survey was subsequently submitted and confirmed that no protected/ priority species were recorded using the barn but does have a potential to support commuting and foraging behaviour for bats and wild birds. The Borough Ecologist has confirmed that the proposal is unlikely to have detrimental impact on populations of protected species provided that reasonable avoidance measures, mitigation and enhancements are implemented. It is considered prudent to impose a condition which requires submission of enhancement details including provision of swift bricks and bat boxes.
69. The application was submitted prior to national Biodiversity Net Gain requirements. However, Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) requires that developments, where appropriate, should seek to achieve net gains in biodiversity. The proposal would include the restoration of existing buildings and would include the incorporation of landscaping to the parking areas and rear garden. It is considered prudent to condition the submission of a detailed landscaping scheme to ensure that the proposal will include biodiversity enhancements.

#### Impact on Trees

70. There are a number of trees within the site and along the site boundaries. Following consultation with the Borough Council's Landscape Officer he acknowledged that the tree to the front of the site (T1) is an important specimen which contributes to the character of the area and Conservation Area.
71. Concerns have been raised in relation to the impact of the proposed development on the trees and hedgerows within the front garden and the impact this would have on the Conservation Area. The application initially sought permission to hard surface the front garden in its entirety to provide 6 parking spaces. After concerns were raised in relation to the potential impact to the trees within the front garden, the parking area was revised reduce the level of hard surfacing and to allow separation between the hard surface and the trees/hedgerow to the front boundary.
72. The hedgerow within the front garden is identified as 'significant' within the East Leake Townscape Appraisal positively contributes to the Conservation Area. The applicant has confirmed that the hedgerow is to be retained as part of the development. It is considered prudent to impose a condition securing the retention of the hedgerow to ensure it continues to contribute to the Conservation Area.
73. It is also considered prudent to impose a condition requiring the submission of a detailed method statement which details the proposed construction method for the car parking area and details of tree/vegetation protection measures

whilst works take place to ensure that the trees are adequately protected during construction works.

### Residential Amenity

74. Ward Councillors have raised concerns in relation to the impact of the proposed car parking area (serving the proposed new dwelling) on the existing dwelling known as No.48 Main Street. They consider that the proposed parking area would result in significant harm to future occupiers of No. 48 due to the shared parking arrangement.
75. Revised plans were submitted to amend the parking arrangement, so that the parking associated with No.48 would be positioned to the rear of the dwelling and parking for the proposed dwelling would remain to the front of the site. It is not considered that car parking in this location would cause significant harm to the amenity of future occupiers, parking to the front of properties is a common arrangement. Further, the parking would serve only one additional dwelling, it is therefore not considered that the proposal would result in a significant increase in activity which would cause unacceptable levels of noise and disturbance to the host dwelling.
76. Concerns have also been raised by ward councillors in relation to the intervisibility between back windows of the host dwelling and the proposed dwelling and that this would cause privacy concerns. They also consider that obscurely glazing windows would harm the amenity of future occupiers for No. 48. The eastern side elevation of No.48 faces onto the private amenity space and windows serving habitable rooms for the proposed dwelling. In order to ensure privacy of future occupiers of both the proposed dwelling and No.48, the ground floor side elevation which serves the living room is proposed to be obscurely glazed. It is considered that obscurely glazing this window would not have significant impacts on the future occupiers of No.48, as they have a large set of bifold doors/ windows to the southern rear elevation that would be retained and receives more sunlight than the window on the side elevation. The living room would also be serviced via an existing window on the northern (front) elevation that is proposed to be retained. It is considered that these windows are sufficient to ensure that the proposal would not have a detrimental impact on the future occupiers of No.48, whilst also ensuring that privacy is retained for the proposed dwelling.
77. Concerns have also been raised in relation to the potential noise and disturbance caused by the construction phases of the proposed development. This is a small-scale project and it is not considered necessary to impose a condition requiring a management plan, but an informative can be placed on the decision reminding the applicant of reasonable construction hours to prevent these issues.
78. In terms of the impact of the proposed conversion on neighbours, the proposal would only include marginal extensions to an existing building. It is therefore considered that the proposal would not result in overshadowing or overbearing impacts to neighbouring properties within the vicinity, nor would it cause these impacts to future occupiers of No.48.

79. In terms of overlooking, the nearest buildings are located to the north of the proposed dwelling and comprise commercial units at ground floor and what appear to be offices at first floor. The northern elevation of the proposed dwelling would not include any window openings at ground or first floor level and, as such, it is considered that the proposal would not cause undue overlooking or loss of privacy for the buildings to the north or future occupiers of the dwelling. It is considered prudent to impose a condition which restricts the insertion of window openings in this elevation to retain this level of privacy.

### Sustainability

80. In order to promote sustainable development and construction, conditions are recommended which would require the dwellings to be constructed so as to limit the water consumption to no more than 110 litres per person per day, and require the installation of electric vehicle charging points.

### Other matters

81. Concerns have been raised by ward members in relation to car parking being located to the front of No.48 and within close proximity of this property. This is a private matter and would be the choice of the occupier and future purchasers. It is therefore afforded very limited weight in the planning balance.
82. Further, ward members have raised concerns between the subdivision of the host dwelling and the proposed dwelling and the relationship between these properties. It is considered that this is a private matter and therefore afforded very limited weight in the planning balance.
83. Ward members have also raised concerns with the potential of creating an additional floor within the barns if permission were granted. The plans as submitted only indicate a mezzanine floor within the E/W barn to provide an office/study. The plans do not indicate any further first floor accommodation would be provided. Internal alterations after the implementation of a planning permission would not require planning permission and therefore it is considered that this is not a material planning consideration and, subsequently this is afforded very limited weight in the planning balance.

### Conclusion and Planning Balance

84. The proposal would contribute an additional dwelling to the Boroughs housing supply within a highly sustainable location. It would provide a new dwelling that is accessible for wheelchair users, older people and people with mobility issues. Subject to conditions, the proposal would not result in harm in relation to highway safety, trees, ecology, or residential amenity. The proposal therefore accords with the policies contained within the Rushcliffe Local Plan and the guidance contained within the NPPF.
85. The proposed development was not the subject of pre-application discussions. Negotiations have however taken place with the agent during the course of the application and amended plans have been submitted to address the concerns raised in relation to the character and appearance of the Conservation Area. This has resulted in a more acceptable scheme and the recommendation to grant planning permission, subject to conditions.

86. With regards to the application for relevant demolition within a conservation area, it is considered that the partial demolition of the existing barns would facilitate the sensitive conversion of the buildings to a dwelling. It is also considered that the proposal would not cause harm to the Conservation Area and therefore it is considered acceptable.
87. Please note there are two separate recommendations, one for each application.

## RECOMMENDATION

**(i) 23/02182/FUL - It is RECOMMENDED that planning permission be granted subject to the following conditions:**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Proposed Plans and Elevations revision 14 (received 18<sup>th</sup> July 2024)
  - Proposed Parking plan Revision 10 (received 18<sup>th</sup> July 2024)
  - Proposed Block Plan and Site Location Plan Revision 14 (received 18<sup>th</sup> July 2024)

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

3. The development hereby permitted must not proceed above the damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development, including details of windows, doors and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.

[To ensure the appearance of the development is satisfactory having regard to policies 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework]

4. The development hereby permitted must not proceed above damp proof course until a written scheme the hard and soft landscaping based on of the site based on the submitted (including the location, number, size and species of any new trees/shrubs to be planted) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial

completion of the development hereby permitted or it being brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

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

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework.]

5. Development shall not commence until a method statement together with a Tree Protection Plan has been submitted for the written approval of the Borough Council. The method statement shall detail the construction methods of the driveway surface hereby approved and methods by which existing trees on the site will be protected during construction.. The tree protection measures shall be provided before work commences on site and the development works shall only be carried out in accordance with the approved plan. No spoil, materials or vehicles shall be stored within the area of tree protection.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to development commencing, to protect the health of existing trees and to comply with Policy 37 (Trees and Woodland) of the Local Plan Part 2: Land and Planning Policies.]

6. Prior to the commencement of demolition, a Building Recording Exercise of the building (to a detailed level 2 record, in accordance with guidance provided in Understanding Historic Buildings: A guide to good recording practice), shall be carried out, submitted to and approved in writing by the Borough Council.

[To ensure a detailed record of the building is obtained and to comply with policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. A pre-commencement condition is required to ensure an accurate record of the building can be obtained]

7. Prior to the commencement of works beyond damp proof course level, a scheme of biodiversity enhancements including the use of bat/bird/bee boxes/bricks shall be submitted to and approved by the Local Authority. Thereafter the development shall only be carried out in accordance with the approved details.



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

8. Prior to commencement of any works, including site clearance and demolition, details of the method of demolition for the buildings shall be submitted to and agreed in writing by the Local Planning Authority. The methodology shall include details of the hand tools to be used for the demolition hereby approved. Thereafter the demolition shall be undertaken in accordance with the approved details.

[This condition is a pre commencement condition to avoid damage to the parts of the building that are to be retained having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 28 (Historic Environment: Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework]

9. The development hereby approved shall be carried out in accordance with the recommendations as set out in section F, G and H of the Ecological Appraisal WCL/SF/BES/LP/5624 dated 5<sup>th</sup> June 2024.

[To ensure that protected species and their habitats are enhanced as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies]

10. The existing front (northern) boundary hedgerow shall be allowed to grow to, and then retained at, a minimum height of 3 feet for the lifetime of the development. Should any part of the front boundary hedgerow be removed, uprooted, destroyed, die or become diseased or damaged then another of the same species and size as that originally planted must be planted in the same place during the next planting season.

[To ensure the appearance of the development is satisfactory having regard to policies 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework].

11. The dwelling shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

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

12. The development shall not be brought into use until a scheme for the provision of electric vehicle charging points has been submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the development on site. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

[To promote sustainable modes of transport and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Notwithstanding the provisions of the Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no window openings or rooflights (other than those expressly authorised by this permission) shall be inserted into the northern elevation of the dwelling hereby permitted without express planning permission from the Local Planning Authority.

[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) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. Prior to the first occupation of the dwelling hereby permitted, the new parking spaces for the host dwelling (No.48) of the application site shall be implemented and completed in accordance with the details submitted on the approved Proposed Parking plan Revision 10 (received 18<sup>th</sup> July 2024) Proposed Block Plan and Site Location Plan Revision 14 (received 18<sup>th</sup> July 2024) and once provided shall be permanently so maintained and retained at all times thereafter.

15. Prior to the occupation of the dwelling hereby permitted, the window(s) in the eastern side elevation of No.48 at ground floor and first floor level must be;

- a. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and;
- b. fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development.

[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) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

16. Prior to the occupation of the dwelling hereby approved, the boundary 1.8 metre high close bordered fence separating the host dwelling and the dwelling hereby approved shall be constructed and completed in accordance with the

details submitted on the approved Proposed Block Plan and Site Location Plan Revision 14 (received 18<sup>th</sup> July 2024) and once provided shall be permanently so maintained and retained at all times thereafter.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

17. Prior to the occupation of the dwelling hereby approved, the glazed link connecting No.48 Main Street and the dwelling hereby approved, as denoted on the Proposed Block Plan and Site Location Plan Revision 14 (received 18<sup>th</sup> July 2024) shall be removed.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

18. Notwithstanding the provisions of the Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no enlargement or any other alteration shall be carried out to the dwelling hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area 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).

## **NOTES TO APPLICANT**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL).

Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

The development makes it necessary to amend 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 [licenses@viaem.co.uk](mailto:licenses@viaem.co.uk) to arrange for these works to take place.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

During and post construction, a sensitive lighting scheme should be implemented to prevent disturbance to commuting and foraging bats in the local area. Lighting should be directed away vegetative features within the site and along boundaries, and light overspill of over 1lux should be avoided within these vegetated areas.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

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

You are reminded that the site is located within the East Leake Conservation Area and permission would be required for the demolition of any gate, wall or fence or other means of enclosure with a height of one metre or more if next to a highway, or a height of two metres elsewhere.

You are advised that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Landscape Officer on 0115 914 8558.

Condition 13 requires the new dwelling 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 as a condition of their planning permission.

**(ii) 24/00211/RELD - It is RECOMMENDED that planning permission for relevant demolition of an unlisted building in a conservation area be granted subject to the following conditions:**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Proposed Plans and Elevations revision 14 (received 18<sup>th</sup> July 2024)
  - Proposed Parking plan Revision 10 (received 18<sup>th</sup> July 2024)
  - Proposed Block Plan and Site Location Plan Revision 14 (received 18<sup>th</sup> July 2024)

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

3. Prior to commencement of any works, including site clearance and demolition, details of the method of demolition for the buildings shall be submitted to and agreed in writing by the Local Planning Authority. The methodology shall include details of the hand tools to be used for the demolition hereby approved. Thereafter the demolition shall be undertaken in accordance with the approved details.

[To avoid damage to the parts of the building that are to be retained having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 28 (Historic Environment: Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework]

4. Development shall not commence until, a Tree Protection Plan detailing the construction methods of the driveway hereby approved and methods by which existing trees on the site will be protected during construction, shall be submitted to and approved by the Borough Council. The tree protection measures shall be provided before work commences on site and the development works shall only be carried out in accordance with the approved plan. No spoil, materials or vehicles shall be stored within the area of tree protection.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to development commencing, to protect the health of existing trees and to comply with Policy 37 (Trees and Woodland) of the Local Plan Part 2: Land and Planning Policies.]

5. Prior to the commencement of demolition, a Building Recording Exercise of the building (to a detailed level 2 record, in accordance with guidance provided in Understanding Historic Buildings: A guide to good recording practice), shall be carried out, submitted to and approved in writing by the Borough Council.

[To ensure a detailed record of the building is obtained and to comply with policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. A pre-commencement condition is required to ensure an accurate record of the building can be obtained]

## **NOTES TO APPLICANT**

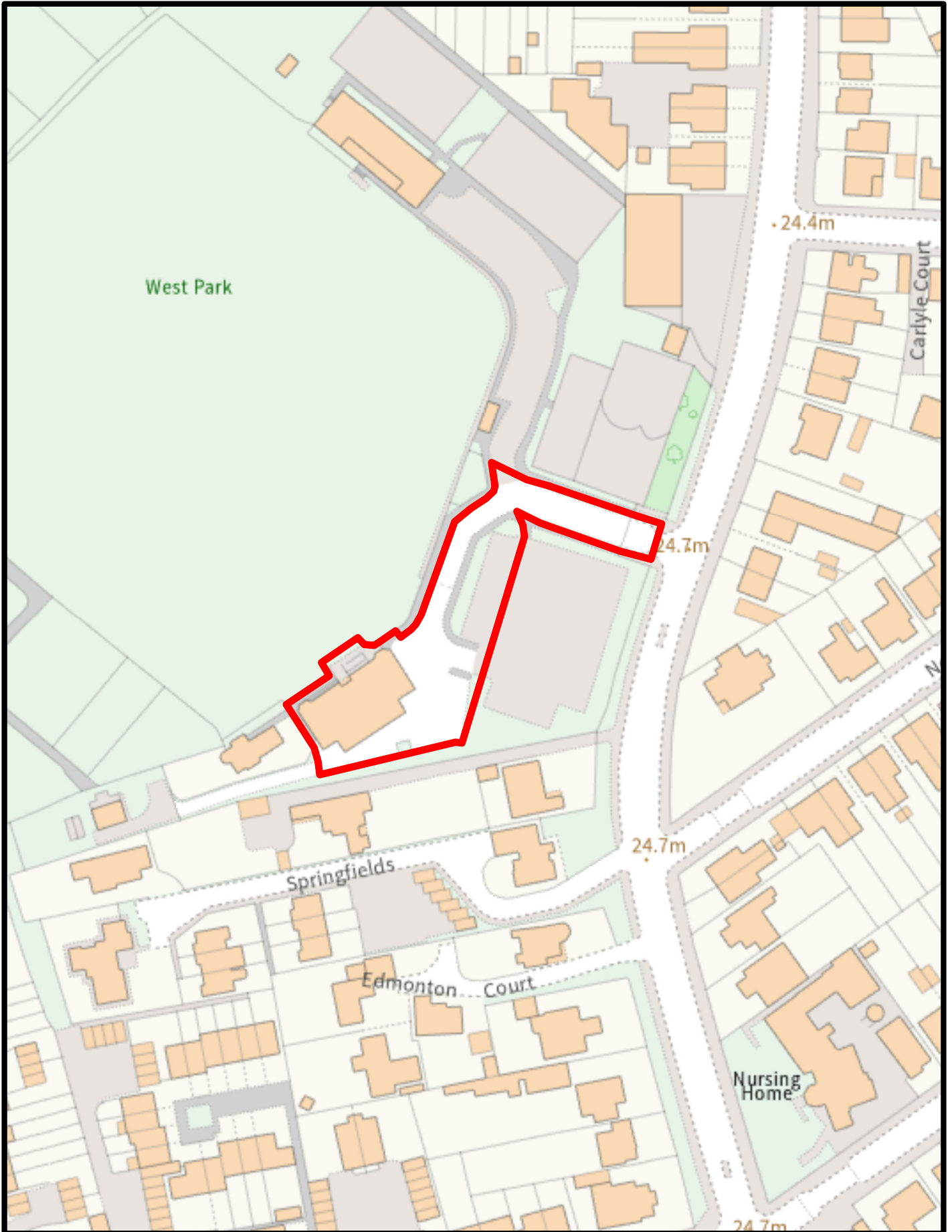
Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development may be CIL chargeable. Full details of the amount payable, the process and timescales for payment, and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

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

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

You are reminded that the site is located within the East Leake Conservation Area and permission would be required for the demolition of any gate, wall or fence or other means of enclosure with a height of one metre or more if next to a highway, or a height of two metres elsewhere.

You are advised that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Landscape Officer on 0115 914 8558.



**Application Number: 24/01456/REG3**  
**Rushcliffe Borough Council**  
**Sir Julien Cahn Pavilion**  
**Loughborough Road**  
**West Bridgford**  
**Nottinghamshire**  
**NG2 7JE**



This page is intentionally left blank



# 24/01456/REG3

**Applicant** Property Services Rushcliffe Borough Council

**Location** Rushcliffe Borough Council Sir Julien Cahn Pavilion Loughborough Road West Bridgford Nottinghamshire

**Proposal** Refurbishment & de carbonisation works including the installation of air source heat pumps with external plant enclosure, installation of photovoltaic panels, installation of thermal insulation to exterior timber framed walls and flat roof areas with increase in height, alteration to rear access into the building, removing painted timber window frames & replacing with powdered coated aluminium frames, and installation of mobile telecommunication dish.

**Ward** Musters

## THE SITE AND SURROUNDINGS

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

1. This application is referred to Planning Committee as the applicant is the Borough Council.
2. The application site is located on the West Park Sports ground off Loughborough Road. The site as a whole comprises sports fields, tennis courts, car parking and two pavilion buildings. There is a mixture of fence and landscaping to the boundaries with allotments and residential beyond. The pavilion, subject of this application, is located to the south western edge of the site.

## DETAILS OF THE PROPOSAL

3. Planning permission is sought for refurbishment & de carbonisation works to the Julien Cahn Pavilion. The works include
  - the installation of heat pumps with external plant enclosure (rear elevation),
  - installation of photovoltaic panels (rear elevation),
  - installation of thermal insulation to exterior walls,
  - improvement to rear access into the building,
  - installation & replacement to fenestration,
  - removal of chimney stack
  - removal of painted timber windows/ door(s) & replacement with powdered coated aluminium equivalent
  - Two new windows; and
  - the installation of mobile telecommunication dish.

## SITE HISTORY

4. 17/01069/FUL Metal storage shed

5. 06/00115/REG3 Convert former public toilet to form caretakers office and retail concession
6. 04/01150/FUL demolish an existing changing block and built a pavilion, car parking, tennis courts, security fence/gates and play equipment
7. 94/00413/REG4 floodlighting
8. 94/00697/REG3 car parking and signage (1994).

## **REPRESENTATIONS**

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

9. One Ward Councillor (Cllr Polenta) has responded in support of the application highlighting that the proposal is fully aligned with the collective responsibility to address the urgent need for sustainable development and reducing the carbon footprint of our built environment. The proposal would significantly enhance the building's energy efficiency, supporting local and national climate goals. These measures will reduce the environmental impact of the building, contribute to a greener local community, and demonstrate a commitment to future-proofing our infrastructure against the challenges of climate change.

### **Statutory and Other Consultees**

10. RBC Environmental Health Officer – Have raised no objection subject to conditions regarding the noise levels of the equipment and details of the enclosures.

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

11. No Comments received at the time of writing the report.

Full comments can be found [here](#)

## **PLANNING POLICY**

12. 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**

13. The relevant policies from the NPPF are:
  - o Paragraph 11c)
  - o Chapter 2 (Achieving sustainable development)
  - o Chapter 4 (Decision-making)
  - o Chapter 8 (Promoting healthy and safe communities)
  - o Chapter 12 (Achieving well- designed and beautiful places)
  - o Chapter 14 (Meeting the challenge of climate change, flooding and coastal change).

- o Chapter 15 (Conserving and enhancing the natural environment)

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

14. The Environment Agency Standing Advice for minor extensions is also relevant.

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

15. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the determination of the application:
  - Policy 1 - Presumption in favour of Sustainable Development
  - Policy 2 - Climate Change
  - Policy 10 - Design and Enhancing Local Identify
  - Policy 12 - Local Services and Healthy Lifestyles
  - Policy 13 - Culture, Tourism and Sport
  - Policy 17 – Biodiversity.
16. 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 16 - Renewable Energy
  - Policy 17 – Managing Flood Risk
  - Policy 18 - Surface Water Management
  - 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
  - Policy 40 - Pollution and Land Contamination
17. 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/>.
18. Rushcliffe Borough Council – Corporate Strategy 2024 - 2027, Rushcliffe Sustainable Community Strategy 2009-2026 and Leisure Facilities 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.
19. Low Carbon and Sustainable Design Low Carbon and Sustainable Design Supplementary Planning Document 2023. This can be found [here](#)
20. Carbon Neutral 2030 - Council Strategy. In March 2020, Rushcliffe Borough Council made a commitment to work towards becoming carbon neutral by 2030 for its own operations. The Rushcliffe Borough Council Corporate Strategy 2024-2027 which seeks to deliver Rushcliffe's Climate Change Strategy. Details of which can be found [here](#)
21. 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 relations.

## **APPRAISAL**

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
23. The main issues in the consideration of the application are; the principle of development; 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.
24. Policy 13(c) of the LPP1 states that where appropriate, existing cultural, tourism and sporting facilities will be protected and their further development will be supported. Policy 21(1)(b) of the LPP2 states, inter alia, the enhancement of existing tourist and leisure facilities will be supported where it accords with the principles of sustainable development and is not detrimental to the surrounding area. In line with part 6 of this policy, applications that would have a significant adverse impact on tourist and leisure facilities will be resisted. The site is located within the built area of West Bridgford and the principle of alterations to enhance facilities is supported in principle, subject to the consideration of matters including design, residential amenity, flooding and ecology.
25. The proposal also falls to be considered under Policy 16(1) of the LPP2 which states that renewable energy schemes will be granted planning permission where they are acceptable in terms of the criteria listed under this policy. The main criteria relevant to the current application are:
  - f) open space and other recreational uses;
  - g) amenity of nearby properties;
  - i) form and siting;
  - j) mitigation;
26. The proposed solar panels would be located on the rear roof slope and as such not highly visible from the public realm. There is a belt of mature vegetation / landscaping along the rear boundary with the adjacent residential properties and as a result it is not considered that the solar panels would cause harm to the area or neighbouring amenity.
27. In relation to the proposed air source heat pumps (ASHPs), they would be sited on the rear corner of the building and would be within a timber enclosure. Given the separation distances between the proposal and the nearest adjacent residential properties (15m to the boundary of 154 and approximately 28m to the dwelling 154a), it would be unlikely that the ASHPs would have an undue impact, however as the specific details of the heat pumps have not been finalised it is prudent to include a condition on any forthcoming planning approval that requires noise level details to be provided and approved by the Borough Council before being brought into use.

28. The plant is proposed to be screened and on the basis of the information submitted the unit is unlikely to unduly impact the amenity of neighbouring properties. However, It is also considered prudent to include a condition requiring details of the acoustic enclosure to be submitted and agreed prior to the plant being brought into use.
29. It is therefore considered that the renewable energy provision proposed is supported and compliant with criteria g) and j) of Policy 16 (renewable energy) of Part 2 of the Rushcliffe Local Plan.
30. Two new windows are proposed on the side elevation facing towards the car park and therefore are not considered to result in an adverse impact upon adjacent occupiers.
31. The other alterations to the building in respect of the improvement to rear access into the building, removal of chimney stack and the removal of painted timber windows/ door(s) & replacement with powdered coated aluminium equivalent are all considered to be acceptable
32. Confirmation has been provided that the proposed thermal insulation to the external walls does not involve the application of external insulation. The timber framed walls currently have limited or no thermal insulation. It has been confirmed that this would be undertaken by insulating the existing walls by upgrading them to meet current Building Regulations through the incorporation of thermal insulation between the timber studwork and across the internal face. The intention is to incorporate this insulation from the inside face of these walls without disturbing the horizontal shiplap boarding.. There should be no need to take the existing external boarding off however, where this proves difficult, such as the kitchen area, shiplap boarding will be temporarily removed externally, insulation incorporated and then original shiplap boarding will be refitted to follow existing. . The flat roof areas to front above veranda and rear above furniture store are currently 'warm roof' construction and have approx. 60mm of thermal insulation lying directly beneath the roof covering. To meet current Building Regulations, these flat roof areas are proposed to have an additional layer of thermal insulation [approx. 90mm thick] and a new waterproof covering. This would result in enhanced insulation and a small increase in the height of these areas. The installation of thermal insulation to exterior walls and flat roof areas in the manner described is considered acceptable and it is not considered that the proposal would have an undue negative impact on the building itself or the surrounding area.
33. Policy 38 sets out that where appropriate, all development will be expected to preserve, restore and re-create priority habitats. The proposed development would be on an area of existing hardstanding and as such would be subject to the de minimis exemption from mandatory biodiversity net gain as it would impact less than 25 sq.m of priority habitat.
34. The application is located entirely within flood zone 3 (land at a high risk of flooding) but is protected by Flood defences. 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:

c. the development is for minor development where it has been demonstrated that the Environment Agency's (EA) flood risk standing advice has been followed, including:

- i. an industrial or commercial extension of less than 250 square metres;
- ii. alterations to buildings that do not increase the size of the building;
- iii. householder development including sheds, garages within the curtilage of the dwelling; and
- d. development does not increase the risk of flooding on the site or elsewhere, including through increased run-off due to areas of hardstanding, or reduction in ground water storage as a result of basements"

35. The footprint created by the development does not exceed 250sq.m therefore the EA standing advice applies. The advice states that the floor level of all new development must be no lower than the existing levels and flood proofing is incorporated, or 0.30m above existing flood levels. The proposal is seen to adhere to these policies with the existing finished floor level within the building being set at least 400mm above FGL. External plant is proposed to be mounted on stools to ensure that it is raised above FGL, and where possible all electrical equipment will be mounted a min of 450mm above FFL.
36. In light of the above, it is considered that the proposal would not result in any increase in flood risk at the site or increase flooding elsewhere and would comply with the aims of the NPPF and Policy 17 of LPP2 in this respect

### **Conclusion**

37. Given all the matters as considered above and having assessed the development proposed against the policies set out in National Guidance and the development plan for Rushcliffe, it is considered to be acceptable. Therefore, it is recommended that planning permission is granted for the proposed development, subject to the conditions set out below.
38. The proposal was not subject to pre-application discussions however no modifications were required to be made to the proposal resulting in the recommendation to grant planning permission.

### **RECOMMENDATION**

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

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

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

2. The development hereby approved must be carried out strictly in accordance with the following approved plans and documents:
  - Application form received on 4 September 2024
  - G/1225/12 Block Plan received on 4 September 2024
  - G/1225/01 Rev A Site Plan received on 4 September 2024
  - G/1225/07 Rev A North East Elevation received on 4 September 2024

- G/1225/08 Rev A South East Elevation received on 4 September 2024
- G/1225/09 Rev A South West Elevation received on 4 September 2024
- G/1225/10 South West Elevation received on 27 August 2024
- G/1225/11 Rev A Roof Plan received on 4 September 2024

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

3. The exterior of the development hereby permitted must be constructed using only the materials specified in the submitted application form and on the plans approved under condition 2 above. If any alternative materials are proposed to be used, then prior to the development advancing beyond damp proof course level, the details of all alternative external materials must be submitted to and approved in writing by the Borough Council. Thereafter the development must be carried out in accordance with the approved, alternative materials.

[To ensure the appearance of the development is satisfactory having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

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

5. Prior to the plant being brought into first use details of the type of plant enclosure shall be submitted to the Borough Council for written approval. The development shall be undertaken in accordance with the approved details and it shall be retained and maintained for the life of the development.

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

NOTE:

### **Biodiversity Gain Condition**

The development granted by this notice must not begin unless:

- a. a Biodiversity Gain Plan has been submitted to the planning authority, and
- b. the planning authority has approved the plan, or
- c. the development is exempt from the biodiversity gain condition

**Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (de minimis exemption), and as such does not require approval of a biodiversity gain plan before development is begun.**

Further information about this statutory condition is set out below within the notes.

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

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop all work immediately and contact Natural England on 0300 060 3900.

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

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

#### Biodiversity Net Gain Condition – Notes

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning

permission is deemed to have been granted subject to the “biodiversity gain condition” which

means development granted by this notice must not begin unless:

- a. a Biodiversity Gain Plan has been submitted to the planning authority, and
- b. the planning authority has approved the plan.

Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:



- i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric).

**Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.**

This page is intentionally left blank

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference and link to Appeal decision notice	Comments/Decision Date
23/01456/FUL	Land Rear of Manor Lodge, Manor Park, Ruddington	Erection of 3 dwellings including access, car parking and landscaping	Allowed	Non-Determination	APP/P3040/W/24/3336408	05/09/2024
22/02257/HYBRID	Land At Main Street, Flintham	Hybrid planning application for a rural exception development, including full planning permission for 14 affordable dwellings including 6 discount market sales dwellings with associated provision of car parking, open space, landscape, access and infrastructure works, and outline planning permission for 3 enabling self-build market dwelling plots.				Costs decision Refused. 27/08/2024

This page is intentionally left blank