

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

Our reference:
Your reference:
Date: Wednesday, 5 February 2025

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 13 February 2025 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 9 January 2025 (Pages 1 - 2)
4. Planning Applications (Pages 3 - 38)
The report of the Director – Development and Economic Growth
5. Planning Appeals (Pages 39 - 40)
The report of the Director – Development and Economic Growth

Email:
customerservices
@rushcliffe.gov.uk

Telephone:
0115 981 9911

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, 9 JANUARY 2025

Held at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

and live streamed on Rushcliffe Borough Council's YouTube channel

PRESENT:

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

ALSO IN ATTENDANCE:

A Baxter - Team Manager – Area Planning (West)
M Hilton – Area Planning Officer

OFFICERS IN ATTENDANCE:

H Knott	Head of Planning
A Cullen	Planning Manager - Development
P Langton	Senior Planning Officer
R Clack	Legal Services Manager
T Coop	Democratic Services Officer

APOLOGIES:

Councillors S Ellis and E Georgiou

21 Declarations of Interest

Councillor R Walker declared a non-pecuniary interest as Ward Councillor for application 24/00984/CMA and would remove himself from the debate and not vote on this item.

22 Minutes of the Meeting held on 14 November 2024

An amendment to Councillor R Walker's declaration of interest to clarify that he did not vote on the item in his ward.

The minutes of the meeting held on 14 November were agreed as a true record and were signed by the Chair.

23 Planning Appeals

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

24 Planning Applications

The Committee considered the written report of the Director for Development

and Economic Growth relating to the following applications, which had been circulated previously.

Councillor R Walker removed himself from the debate and did not vote on the following item.

24/00984/CMA – Proposed quarry for the prior extraction of gypsum with ancillary development and on-site processing, site access off Barton Lane and restoration of the site – Land Northeast of Ratcliffe on soar Power Station, Barton Lane, Thrumpton.

Updates

There were no further updates for this item.

DECISION

THE CONDITIONS BE RECOMMENDED AND A RESPONSE BE PROVIDED TO NOTTINGHAMSHIRE COUNTY COUNCIL IN RESPECT OF THIS APPLICATION.

25 Exclusion of the Public

It was resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for item 6 on the Agenda relating to application reference: 23/01285/FUL, appeal reference: APP/P3040/W/24/3352048, on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of part I of Schedule 12A of the Act.

DECISION

THE BOROUGH COUNCIL WITHDRAWS ITS DEFENCE OF THE APPEAL.

The meeting closed at 7.55 pm.

CHAIR



Rushcliffe
Borough Council

Planning Committee

Thursday, 13 February 2025

Planning Applications

Report of the Director – Development and Economic Growth

PLEASE NOTE:

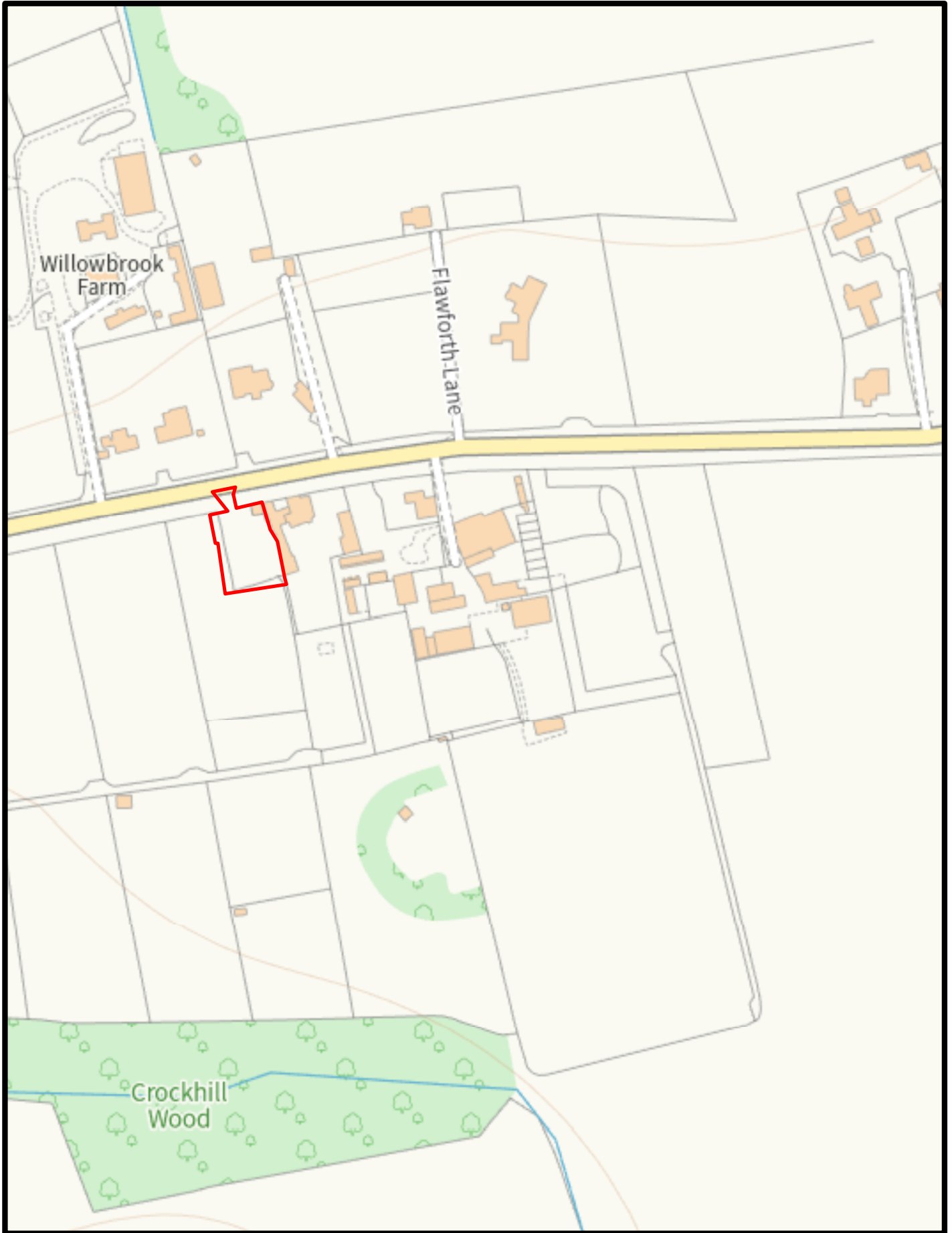
1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local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

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

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

Application	Address	Page
24/01525/FUL	Christmas Cottage, Flawforth Lane, Ruddington	5 - 26
	Demolition of existing dwelling. Erection of new replacement self-build dwelling, new access and gates, (Part Retrospective)	
Ward	Ruddington	
Recommendation	Refuse Planning Permission	

Application	Address	Page
24/01905/REG3	Bingham Arena, Mercia Court, Bingham	27 - 38
	Variation of Condition 29 (Hours of use) for planning application 19/02914/FUL to amend opening time Monday to Friday from 6.30am to 6.00am	
Ward	Bingham North	
Recommendation	Grant Planning Permission	



Application Number:24/01525/FUL
Christmas Cottage, Flawforth Lane, Ruddington



scale 1:2000

page 5

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

Rushcliffe Borough Council - 100019419

This page is intentionally left blank

24/01525/FUL

Applicant

Mr Steve Millett

Location

Christmas Cottage, Flawforth Lane, Ruddington

Proposal

Demolition of existing dwelling. Erection of new replacement self build dwelling, New access and gates, (Part Retrospective)

Ward

Ruddington

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

THE SITE AND SURROUNDINGS

1. The site is located at the western edge of a small cluster of properties located to the east of Ruddington and the south of Flawforth Lane. It is divorced from the village of Ruddington by open fields.
2. Until recently the site accommodated a one and a half storey dormer bungalow detached property which has been demolished. The planning statement submitted states that the dwelling was in the process of being extended under permitted development and suffered a collapse of the walls.
3. Construction of a self-build replacement dwelling has started on the site, and this has been constructed up to first floor level. An enforcement notice and stop notice has been issued on the site and it is understood that works have since ceased.
4. The site also accommodates a garage/ outbuilding to the north-east which is still in situ. The site previously accommodated further outbuildings comprising a brick lean-to building attached to the neighbouring property and two detached garden rooms, all no longer present on site.
5. The site accommodates a reasonably large garden and open aspect to the south and west. The site is located in the Green Belt. There are no neighbouring properties within close proximity to the west of the site. To the east there are properties of mixed styles.

DETAILS OF THE PROPOSAL

6. The current application seeks retrospective permission for the demolition of the existing dwelling and the erection of a replacement dwelling. The proposal also includes the introduction of a new vehicular access and the erection of access gates.
7. It is recommended that planning permission is refused for the reasons at the end of the report.

SITE HISTORY

8. 24/00253/FUL - Remodel of existing dwelling, includes raising of main roof, two storey side and single storey rear extensions, rear balcony, alteration to doors and fenestration. Refused 18.06.2024
9. 22/01462/PAA - Proposed addition of second storey extension to dwelling. Approved 04.10.22
10. 21/03219/FUL - Demolition of existing dormer bungalow, garage and out buildings and erection of a replacement dwelling and detached garage. Landscaping and associated external works including boundary treatments and alterations to access. Refused 20.4.2022
11. 20/00772/FUL - Demolition of existing two-storey dwelling and double garage. Erection of replacement two-storey dwelling and separate double garage, with landscaping. Withdrawn 05.08.2020
12. 19/02298/FUL - Demolition of existing dwelling and erection of 1 new dwelling with double garage, associated access, parking and boundary treatment Withdrawn 28.10.2019
13. 81/08717/HIST - Extension of dormer Granted 21.12.1981
14. 81/08715/HIST - Demolish garage and erect new brick garage Granted 04.11.1981

SITE CONSTRAINTS

15. The site is located within the Nottingham/ Derby Green Belt.

REPRESENTATIONS

Ward Member

16. One Ward Councillor (Cllr M. Gaunt) supports the application as it is a proposal of a family home and the plans seem in keeping with the surrounding properties and character of Flawforth Lane.

Parish Meeting and Adjacent Parish Councils/Meetings

17. Ruddington Parish Council objects to the application due to it being over intensive in the greenbelt. They also comment that they are unhappy that the application is retrospective and concerned as to what the final finish of the building will be in terms of materials as there are limited details confirming this.

Statutory and Other Consultees

Rushcliffe Borough Council

18. **Environmental Health** – No objections but request informatives are placed on any forthcoming permission reminding the application of reasonable

construction hours, mitigation of dust during demolition, and procedures for asbestos materials.

19. **Ecology** – Notes that a Provisional Roost Assessment has been supplied, supported by survey undertaken on 27 March 2024. Also notes that the consultant ecologist has stated "No species of bat were discovered ever having used the property". For planning application 21/03219/FUL an ecological survey was carried out which concluded "A day roost of a maximum of three common pipistrelles, one whiskered or Brandt's bat and one unidentified bat was confirmed by survey". Therefore there are disputed results for this property, this should be resolved prior to the determination of this application. Natural England's "Guidance - Protected species and development: advice for local planning authorities" states "...you need to consider the full impact of the proposal on protected species before you can grant planning permission". It is unknown if this development will have a detrimental impact on populations of protected species at this time.

Nottinghamshire County Council

20. **Highway Authority** (NCC Highways) – Has placed a holding objection and requested that further information be submitted.

Considers that the proposed car parking spaces in the garage do not meet minimum standards and are therefore insufficient to be counted as parking spaces.

Raises concerns that the two parking spaces on the driveway are insufficient as they are difficult to manoeuvre in and out of due to restricted space and the boundary treatment.

Considers that the relocation of vehicle access would not cause highway safety concerns but request that the redundant access is reinstated to verge with full height kerb.

They raise no objection to the proposed gates but comment that they should open inwards.

They also comment that the driveway should be surfaced in bound materials to prevent the discharge of surface water onto the highway.

The full comments from NCC Highways can be viewed on the file [here](#).

Local Residents and the General Public

21. A total of no. 24 letters have been received in support of the application. The reasons for support can be summarised as follows:
- a. It will be a huge improvement compared to existing bungalow
 - b. Existing building is in need of renovation
 - c. Will create family home
 - d. Will improve the look of the area
 - e. All properties along Flawforth Lane are different

- f. Would see the restoration of unusable housing stock
- g. Modern contemporary design in keeping with the area
- h. Will make the area more appealing to the traffic and neighbours using the area
- i. Other properties along Flawforth Lane have undergone extensive refurbishment
- j. Introduction of modern systems such as rainwater harvesting and waste water treatment should be supported

PLANNING POLICY

- 22. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.
- 23. The full text of the Council's policies are available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

Relevant National Planning Policies and Guidance

- 24. 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.
- 25. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
 - Chapter 2 - Achieving sustainable development
 - Chapter 12 - Achieving Well Designed Places
 - Chapter 13 - Protecting Green Belt land
 - Chapter 15 - Conserving and enhancing the natural environment

A copy of the National Planning Policy Framework 2024 can be found [here](#).
A copy of the Planning Practice Guidance can be found [here](#).

Relevant Local Planning Policies and Guidance

- 26. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are of particular relevance:
 - Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 2 – Climate Change
 - Policy 3 – Spatial Strategy
 - Policy 4 – Nottingham-Derby Green Belt
 - Policy 10 – Design and Enhancing Local Identity

- Policy 17 – Biodiversity

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

27. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:

- Policy 1 - Development Requirements
- Policy 12 - Housing Standards
- Policy 13 – Self-Build and Custom Housing Provision
- Policy 21- Green Belt
- Policy 37 – Trees and Woodlands
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
- Policy 41 - Air Quality

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

28. The Nottinghamshire County Council Highways Design Guide is also a material consideration and can be found [here](#).

29. The Ruddington Neighbourhood Plan (2021)

- Policy 4: Custom and self-build
- Policy 9: Parking
- Policy 19: Biodiversity in new developments
- Part 2: Design Codes for Minor Developments
 - Design Code A1, A2, A3, A5, C1, D1, D2, E1, E2, E3G1, G2

A copy of The Ruddington Neighbourhood Plan can be found [here](#).

APPRAISAL

30. 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.

31. The main material planning considerations in the determination of this planning application are:

- Greenbelt
 - Whether the building would be 'materially larger' than the one it replaces (exception d) of para 154)
 - Whether it would be limited infilling in villages (exception e) of para 154)
 - Whether it would be considered limited infilling or the partial or complete redevelopment of previously developed land (exception g) of para 154)

- Whether the new access would be an ‘engineering operation’ as outlined in exception h)(ii) of para 154)
- Grey belt and other tests (Framework paragraph 155(a)-(d))
- Conclusion on inappropriate development
- Very Special Circumstances
- Other potential harm arising
 - Design and Character of the Area
 - Residential Amenity
 - Ecology and Biodiversity
 - Highways Safety and Parking
- Other matters
- Conclusion

Green Belt

32. The application site is set within the Nottingham-Derby Green Belt. Policy 21 of the LPP2 sets out that applications for development in the Green Belt will be determined in accordance with the NPPF.
33. Paragraph 142 of the NPPF advises *‘The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.’*
34. Paragraph 143 advises that *‘Green Belt serves five purposes:*
a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.’
35. Paragraph 153 of the NPPF states that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.* Paragraph 153 sets out that when considering any planning application, *‘local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*
36. Paragraph 154 sets out development that should be regarded as exceptions to inappropriate development.

Exceptions to this include:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result*

- in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - e) limited infilling in villages;*
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
 - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
 - h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order*

Whether the building would be 'materially larger' than the one it replaces (exception d) of para 154)

- 37. In considering the exceptions listed in paragraph 154 the Planning Statement submitted in support of this application suggests that the replacement dwelling should be considered against criteria d). The NPPF does not define materially larger, and appeal decisions can be found that state even 1% increase in volume can be regarded as materially larger and therefore inappropriate development. In these cases judgement will need to be made on the scale, massing and volume of each individual case.
- 38. The original dwelling, until recently demolished, was a single storey, detached bungalow, albeit with accommodation in the roof space through the addition of dormer windows to the rear. The bungalow has since been demolished and a replacement dwelling has partially been constructed to first floor level which therefore demonstrates it is not the intention of the applicant to abandon the site. Therefore, notwithstanding the fact that there is no longer a dwelling on the site, consideration is given in respect of the proposed dwelling as a replacement dwelling as per exception d) of paragraph 154 of the NPPF.
- 39. As per the Planning Statement provided with the application, the bungalow had a volume of 626.67m³. This volume calculation includes the garage, lean to additions and outbuildings to the rear of the bungalow which have also since been demolished, although the garage remains in situ. The proposed replacement dwelling would have a volume of 950.28m³. According to the

submitted Planning Statement, the proposed dwelling would therefore be circa 51.64% increase of the original bungalow in volume terms.

40. The Planning Statement points to number of outbuildings which have already been demolished and have included these within the volumetric calculations for the existing dwelling. The Council does not have any policy regarding what distance an outbuilding must be from the existing building to enable it to be considered as part of the original building for the purposes of determining what size a replacement dwelling could be. It is generally considered that outbuildings within 5m of the main dwelling could count towards the size of the existing building, although in the absence of specific policy on this matter it is a matter of fact and degree to consider on a case-by-case basis.
41. One of the outbuildings which has been included within the existing volumetric calculations is located approx. 19 metres to the south of the dwelling (when it was in situ). The outbuildings located to the east and south-east of the building are both located over 5 metres away from the bungalow (when it was in situ). No information has been provided as to when the buildings were erected and as such their relationship with the existing building cannot be established at this time. Therefore, it is considered that the outbuildings identified should not count towards the volume of the existing dwelling of the purposes of establishing whether or not the proposed dwelling would be materially larger. It is however, considered that the existing garage building which has not been demolished can be included within the volumetric calculations, as it is located within 5 metres of the bungalow (when it was in situ) and has a clear visual and spatial relationship with the dwelling.
42. Taking this into account, based on officers volumetric calculations of the existing building (including extensions) and the garage, the bungalow was 478 m³. As the proposed replacement dwelling would have a volume of 950.28m³, the proposed dwelling would be circa. 98.8% increase of the original bungalow in volume terms, resulting in a new dwelling that is significantly larger than the demolished bungalow.
43. Notwithstanding the above, 'materially larger' is not defined within the NPPF and such a determination should not be made on a purely volumetric basis, but by taking in a range of considerations such as scale, bulk, massing and footprint of the new dwelling. The existing bungalow was a 1.5 storey dwelling with the limited maximum height of circa 5.6 metres, with much of the built form being at a lower level. In contrast the proposed dwelling would be 2 storeys, with a maximum height of 8.2m. The existing bungalow had a modest footprint, with a width of approx. 10.5 metres and length of approx. 10.1 metres. The proposed dwelling would have much greater footprint, with a width of 15.7 metres and a length 11 metres, albeit some of the additional length would be single storey. It is considered that the proposed addition of a second storey to the existing bungalow, along with the addition of massing to the eastern side of the building (which would also be two-storeys) would further enhance the presence of the proposed building in terms of its scale and massing.
44. Whilst it is considered that the outbuildings identified should not count towards the volume of the existing dwelling, even if they were to do so the outbuildings are small, single storey structures that are spread throughout the application site. It is therefore considered that the demolition of these buildings, along with

the existing 1.5 storey dwelling, would not be comparable to the added massing and scale of the new dwelling proposed as part of this application.

45. Given the matters as outlined above, the scheme is not considered to be an exception to inappropriate development in accordance with paragraph 154 d) of the NPPF on the basis that the replacement dwelling would be materially larger than the building it would replace.

Whether it would be limited infilling in villages (exception e) of para 154)

46. The Planning Statement submitted with the application makes reference to 'limited infilling in villages', which is considered an exemption to inappropriate development within the Green Belt under limb e) of para 154 of the NPPF.
47. There is no definition of 'infilling within the NPPF. However, Rushcliffe's Local Plan Part 2: Land and Planning Policies defines infill as 'Small scale infilling is considered to be the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.'
48. The site is located along a small cluster of ribbon development to the eastern side of Flawforth Lane and is separated from Ruddington Village from the built-up part of Ruddington Village by approx. 650 meters of agricultural fields. Further, the application site is the last plot of the cluster of properties and is bounded on the western and southern edge by fields. The application site would therefore not constitute the development of small gaps within the existing built fabric.
49. For these reasons, it is considered that the proposal would not represent limited infilling within a village, and therefore it is considered that the proposal would not meet exception e) of para 154.

Whether it would be considered limited infilling or the partial or complete redevelopment of previously developed land (exception g) of para 154)

50. The Planning Statement submitted with the application also makes reference to exception g) which permits limited infill or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt.
51. The definition of previously developed land is outlined within Annex 2: Glossary of the NPPF and is defined as:

'Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by

landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape’.

52. The current situation of the site is that the previous bungalow has been demolished and a new building has been partially constructed to first floor level. An enforcement notice and stop notice has been issued on the site and works have since ceased. It is considered that the applicant has failed to demonstrate that the works on the site are lawful, and therefore it is considered that the site would not constitute previously developed land as it only related to ‘*land which has been lawfully developed*’.
53. Despite the above, the submitted Planning Statement argues that the site would constitute previously developed land, albeit this was submitted prior to the updated NPPF which added the criteria that the land had to be ‘*lawfully developed*’. Even if the site were to be considered ‘*previously developed land*’, the proposal would still need to comply with the other test in that it cannot cause substantial harm to the openness of the Green Belt in order to comply with this exception.
54. The site is located on the edge of a ribbon of development and is largely visible from Flawforth Lane. To the west and south of the site is open fields. The previous bungalow has been demolished and the ground floor of a replacement dwelling has been constructed. The existing development in this case is a partially built dwelling and the proposed dwelling would be much greater in footprint, massing and scale than the existing situation. It is therefore considered that the proposal would cause substantial harm to the openness of the Green Belt.
55. Further, even when comparing the proposal to the previously demolished bungalow, the proposal would have a significantly increased footprint, scale and massing than the previous bungalow and is therefore still considered that the proposal would cause substantial harm to the openness of the greenbelt spatially and visually.
56. It is therefore considered that in either scenario, the proposal would not comply with exception g) of para 154 of the NPPF as the proposal would cause substantial harm to the openness of the Green Belt.

Whether the new access would be an ‘engineering operation’ as outlined in exception h)(ii) of para 154

57. In terms of the proposed new vehicular access, this can be considered as an engineering operation, which is listed as an exception to inappropriate development under limb h)(ii) of para 154 of the NPPF, provided that it preserves the openness of the green belt and does not conflict with the purposes of including land within it. The site currently has an existing vehicular access from Flawforth Lane. No justification has been provided as part of the application to confirm why the proposed new access would be required. Notwithstanding this, it appears from the submitted plans that the existing access would be removed. It is considered that the removal of the existing hard

surfaced access and the relocation of the access point would preserve the openness of the greenbelt, as the removal of the previous hard surfacing would offset the proposed hard surfacing require to accommodate the new access. It is also considered that it would not conflict with the purposes of including the land within the greenbelt and therefore is considered to accord with exemption h)(ii) of para 154 of the NPPF.

Grey belt and other tests (Framework paragraph 155(a)-(d))

58. The Framework defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143, and excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
59. The proposed development would be contained within the existing boundaries of the dwelling plot and would not result in the unrestricted sprawl of large built-up areas, the merging of towns, nor affect the setting and special character of historic towns. It is therefore concluded that the site does not strongly contribute to purposes (a), (b) and (d) of paragraph 143 of the Framework. In addition, the proposal would not affect areas or assets in footnote 7 of the Framework (other than Green Belt). It is therefore considered that, in this case, the development would utilise grey belt land.
60. Paragraph 155 of the NPPF states that '*the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:*
 - a) *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - b) *There is a demonstrable unmet need for the type of development proposed*
 - c) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
 - d) *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.'*
61. It is considered that the proposed replacement dwelling would fall within 'other development' within Paragraph 155 of the NPPF.
62. In terms of limb a) of Para 155, it is considered that the proposal would utilise grey belt land as previously outlined. It is considered that the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan and therefore would comply with limb a).
63. In considering limb b) of Para 155 of the NPPF, footnote 56 of the NPPF further clarifies that '*In the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.'* As the

proposal includes the provision of housing, this test would apply. The Council has more than a 5 year housing land supply and it is therefore considered that the proposal would not meet a demonstrable unmet need for the type of development proposed. As the proposal is for a replacement dwelling, the provision of housing stock within the Borough would not be increased. It is therefore considered that the proposal would be contrary to this requirement.

64. In considering limb c), the application site is located approx. 950 meters to the east of the A60 (Loughborough Road). The site is segregated from the nearest residential dwelling to the west by approx. 650 meters of agricultural fields. The site is not within close walking distance of the centre of Ruddington and is not near public transportation links and it is therefore considered that the future occupants of the site would be heavily reliant on cars for transportation. For these reasons, it is considered that the site is not located within a sustainable location. It is therefore considered that the proposal would be contrary to this requirement.
65. In considering limb d), the proposal is not for major development and therefore the 'Golden rules' do not apply in this instance.
66. Therefore when considering paragraph 155 it is considered that the proposal does not meet the exceptions to inappropriate development.

Conclusion on inappropriate development

67. Given the matters as outlined above, the proposed dwelling is not considered to be an exception to inappropriate development in accordance with paragraph 154 d) of the NPPF on the basis that the replacement dwelling would be materially larger than the building it is to replace. There are no other exceptions within paragraph 154 or 155 that the proposal would comply with. The introduction of substantial built form would result in encroachment into the countryside, contrary to one of the purposes of the Green Belt as defined by paragraph 143 c) of the NPPF.

Very Special Circumstances

68. As advised above the NPPF states at paragraph 153 that *'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*
69. Whilst no very special circumstances have been explicitly put forward in this case, the Planning Statement submitted makes reference to the previously approved prior approval scheme and considers the extensions being built under permissive rights are a material consideration of the application.
70. The current proposal would see erection of a dwelling which would go above and beyond what could have been achieved under the approved prior approval scheme and permissive rights prior to the demolition of the building. As the building has been demolished, the prior approval scheme can no longer be implemented, as this proposed a second storey extension to an existing building which no longer exists. Further, now that the dwelling has been

demolished, there is no dwelling on the site that would benefit from permitted development rights.

71. Regardless of this, the proposed plans clearly go above and beyond what could have previously been achieved under permissive rights, by virtue of a further two-storey side addition and the linking of rear extensions and side extensions. It is therefore not considered that the circumstances put forward would represent 'very special circumstances' that would clearly outweigh the harm caused to the greenbelt by virtue of its inappropriateness and harm the openness. This element is considered therefore to be afforded very limited weight in the planning balance.
72. It is also noted that the design and access statement submitted asserts that the design of the proposal would outweigh the increase in volume of the dwelling from what would be permissible under permitted development rights. It is considered that the proposed design of the building is not exceptional, nor is it high quality design. Design is very rarely considered a very special circumstance and for these reasons this argument is afforded very limited weight in the planning balance.
73. The applicant has also made reference to the accidental collapse of the walls of the building and that this should form a material consideration of the application. Whilst no evidence regarding this matter has been supplied with the application, the fact of the matter remains that the building has been demolished and an assessment of the application is based on what is currently on site. The application has been considered as a replacement dwelling, despite there being no building to replace. This does not alter the assessment of the application in Green Belt terms and it is considered it does not constitute 'very special circumstances' in this case that would outweigh the harm caused to the Green Belt.
74. The submitted Planning Statement also makes reference to the Biodiversity Net Gain, hedge planting and meadow planting proposed. Whilst these benefits are welcomed, the inclusion of these elements would not alter the assessment that the proposal would cause harm to the Green Belt by virtue of its inappropriateness and harm to the openness. Some of the planting shown may also not be achievable as it would be located on land outside of the applicant's control (such as the front boundary hedge). It is therefore considered that these elements would not represent 'very special circumstances' to outweigh the harm identified.

Other potential harm arising:

Design and Character of the Area

75. Core Strategy policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions, materials, architectural style and detailing. This is reinforced under policy 1 of the Local Plan Part 2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.

76. The surrounding area is characterised generally by detached houses in generous plots. The site is bounded with open fields to the west and south, which gives the immediate surroundings a predominantly rural character. The Design and Access Statement submitted showcases the variety of dwellings along Flawforth Lane, all with varying massing, scale and design.
77. The application site is highly visible from Flawforth Lane. The original dwelling comprised a small, detached bungalow with a detached garage located to the east. The property was small when compared to properties in the vicinity. Relatively large additions have been permitted historically to many of the nearby dwellings in this ribbon development. This is in recognition of the range of house types. The current application would see the erection of a large, detached dwelling that would be significantly larger in scale. Whilst large dwellings are prevalent along Flawforth Lane, so the large massing of the resulting dwelling itself would not be out of character for the area, as outlined above in this case it is considered to be excessive.
78. Additionally, concerns are raised with the design quality of the scheme, particularly with the design of the front elevation of the proposed dwelling. The proposal would result in a long, flat elevation with very little architectural interest to break up this massing. The windows on the front elevation are placed sporadically with little uniformity. There is a two-storey glazed front doorway proposed which helps to break the massing up slightly, but its impact is limited. Due to the prominent position of the dwelling, the front elevation would be highly visible from Flawforth Lane and concerns are raised that the low-quality design proposed would cause harm to the character of the area.
79. Overall, whilst the area predominantly consists of large dwellings which are unique in design, it is considered that the proposed replacement dwelling would be low quality design and would therefore cause harm to the character of the area due to the prominence of the dwelling within the street scene. The proposal would therefore be contrary to the NPPF which states '*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*'

Residential Amenity

80. In terms of residential amenity, the proposed dwelling would be located approx. 12 metres to the west of the nearest residential dwelling known as Flawforth House. Whilst the proposed replacement dwelling would be of increased massing and height compared to the previous bungalow, it is considered that the dwelling would still be located sufficient distance from the neighbouring property to not cause undue overbearing impacts. It is also considered that due to the orientation of the dwellings, the proposal would not cause undue overshadowing impacts to this neighbour.
81. The eastern side elevation of the proposed two-storey additions to the dwelling would have one window opening at first floor level which would serve an ensuite (non-habitable room). As such, the proposal is not considered to cause undue overlooking impacts to this neighbour.

82. There are no other residential dwellings within the immediate vicinity that would be unduly impacted by the proposal.

Ecology and Biodiversity

83. It is noted that the Borough Ecologist has raised concerns that the previously submitted Ecology Report under planning application 21/03219/FUL and the report under this application contradict one another in terms of their findings. However, whilst the reports appear to have different findings, it is noted that the demolition of the dwelling has already taken place. It is therefore considered that the contradiction between the ecology reports would not warrant a reason for refusing the application. Destroying the habitats of protected species is a criminal offence and as the building has already been demolished, this is no longer a planning matter. It is also considered that mitigation enhancement measures such as installation of bat boxes could be adequately dealt with via planning conditions.
84. 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.
85. Under Regulation 8 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:
- a) consists of no more than 9 dwellings
 - b) is carried out on a site which has an area no larger than 0.5 hectares; and
 - c) consists exclusively of dwellings which are self-build or custom housebuilding.
- “Self-build or custom housebuilding” has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended).
86. 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. A planning condition could be utilised to secure the development as a self-build property.

Highways Safety and Parking

87. The County Council Highways Officer has provided a holding objection due to the lack of parking provision provided. The proposed site plan indicates that 4 off street parking spaces would be provided, two within a double garage and two on a driveway. However, the Highways officer has confirmed that the car parking spaces within the double garage do not meet minimum size requirements and therefore cannot be counted as parking provision for the proposal.

88. Further to this, the officer raised concerns that the two off street parking spaces proposed on the driveway appear difficult to manoeuvre in an out of, and in the case of P2, impossible to manoeuvre in an out of due to the restricted spaces and adjacent proposed hedgerow.
89. Whilst the officer comments make reference to 5 parking spaces being required the Nottinghamshire County Council Highways Design Guide states that 4 or more bedroomed dwellings require a minimum parking provision of 3 no. off-street parking spaces and this requirement has been confirmed with the officer. However, as the parking spaces proposed are inadequate, it is considered that the applicant has failed to demonstrate that sufficient parking provision can be achieved to accommodate the parking needs of the proposed dwelling. Further, the site is located on a relatively busy classified C road subject to national speed limit, and the Highways officer has stipulated that turning space is required to enable vehicles to egress onto the public highway in a forward gear. This has not been provided as part of the proposal.
90. The site is located along Flawforth Lane which is not within close walking distance of the centre of Ruddington and is not near public transportation links. It is therefore considered that the future occupants of the site would be heavily reliant on cars for transportation, and the proposed scheme does not adequately accommodate the parking provision required for a dwelling of this size and scale.
91. In terms of the proposed relocation of the existing vehicular access point, the Highways Officer has confirmed that this is not considered to have any significant impact on visibility and general highway safety. They have requested that the redundant existing access is reinstated to verge alongside full height kerb, which could be resolved via use of a planning condition.
92. In terms of the proposed gates, the Highways Officer has not raised concerns regarding this but have stipulated that the gates should open inwards only, in line with the Highways Design Guide. Again, this could be resolved via the use of a planning condition. They have also stipulated that the driveway should be surfaced in a bound material within 5.5 metres of the highway with the provision to prevent the discharge of surface water from the driveway to the public highway, which could also be resolved via condition.
93. Overall, whilst some of the concerns raised by the Highway Authority can be mitigated via the use of planning conditions, it is considered that the current scheme does not provide adequate provision for parking and turning and would not conform with the minimum requirements within the Nottinghamshire County Council Highways Design Guide.
94. The applicant was made aware of the highway concerns at the earliest opportunity and was notified that if amendments were not made to the application prior to its determination, then this would warrant another reason for refusal. The applicant has since submitted a revised landscaping plan to address the concerns previously raised which included a change in location of the access (which also altered the red line of the application site), changed the location of the proposed parking and removed the front boundary hedge. However, officers consider that this plan does not address the concerns raised and has therefore not accepted to consider this plan. This revision has not been

consulted on as part of the application as this would have further delayed the application determination. This plan is therefore not part of the consideration of the current application.

Other matters

Water Standards:

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

Electric Vehicle Charging:

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

Conclusion

97. For the reasons set out above it is considered that the proposed development would represent inappropriate development in the Green Belt with no very special circumstances demonstrated to justifying considering the proposal otherwise. The application would therefore be contrary to Policy 21 of the Rushcliffe Local Plan Part 2, and Chapter 13 of the NPPF.
98. The proposed development is also not considered to be of high-quality design and it is considered that the design and form of the proposed dwelling would cause harm to the character for the reasons previously outlined and would therefore be contrary to Policy 1 of Local Plan Part 2.
99. The proposed development is also not considered to provide sufficient parking and turning provision and would therefore be contrary to Policy 1 of Local Plan Part 2.
100. Whilst concerns are not raised in respect of impact on neighbouring amenity, ecology and biodiversity these are considered to be neutral factors that would not outweigh the harm resulting from the proposed development. It is therefore recommended that planning permission is refused.
101. The proposal was the subject of pre-application discussions and the applicant and agent were made aware of the policy objections which identified unacceptable impacts of the proposed development. The applicant was advised to submit an application for the erection of a like for like replacement bungalow. The applicant and agent chose to submit the application without making any

amendments to the proposal and without taking into consideration the pre-application advice given. In order to avoid further abortive costs to the applicant, the application has been considered without further negotiation and it is recommended to refuse planning permission.

RECOMMENDATION

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

- 1. The proposed dwelling would be materially larger than the existing dwelling, it would not constitute infill within a village, nor would it constitute development on previously developed land which would not have a substantial impact on the openness of the Green Belt. The proposed development would therefore not fall within any of the exceptions to inappropriate development in the Green Belt listed under paragraph 154 of the NPPF. The proposed development would utilise Grey Belt land but would fail to meet criteria (b) and (c) of paragraph 155 of the NPPF. The proposal would constitute an inappropriate and therefore harmful form of development for which 'very special circumstances' have not been demonstrated to clearly outweigh the harm arising. A decision to refuse planning permission would accord with paragraph 152 of the NPPF which states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". The application is therefore contrary to Policy 21 of the Rushcliffe Local Plan Part 2 (2019) and the National Planning Policy Framework Section 13, particularly paragraphs 142, and 152 through to 155.**
- 2. The proposed replacement dwelling by reason of design and form would not represent high quality design and would have a negative impact on the character of the area. The proposal would therefore be harmful to character and visual amenities of the area, contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and the guidance contained within the National Planning Policy Framework, specifically Chapter 12 - Achieving Well Designed Places.**
- 3. The proposed dwelling would result in a property of a greater size than the existing bungalow which would likely increase the amount of vehicles serving the property and the application has failed to demonstrate any consideration of this. The Nottinghamshire County Council Highways Design Guide, part 4.1.1 Residential Car Parking Standard, outlines recommended parking standards of 3 or more car parking spaces for a property of 4 or more bedrooms and the applicant has failed to demonstrate that adequate on-site parking provision can be achieved.**

The proposal would therefore not be in accordance with Policy 1 (Development Requirements) of the Local Plan Part 2 which states 'Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met' ... 'a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or

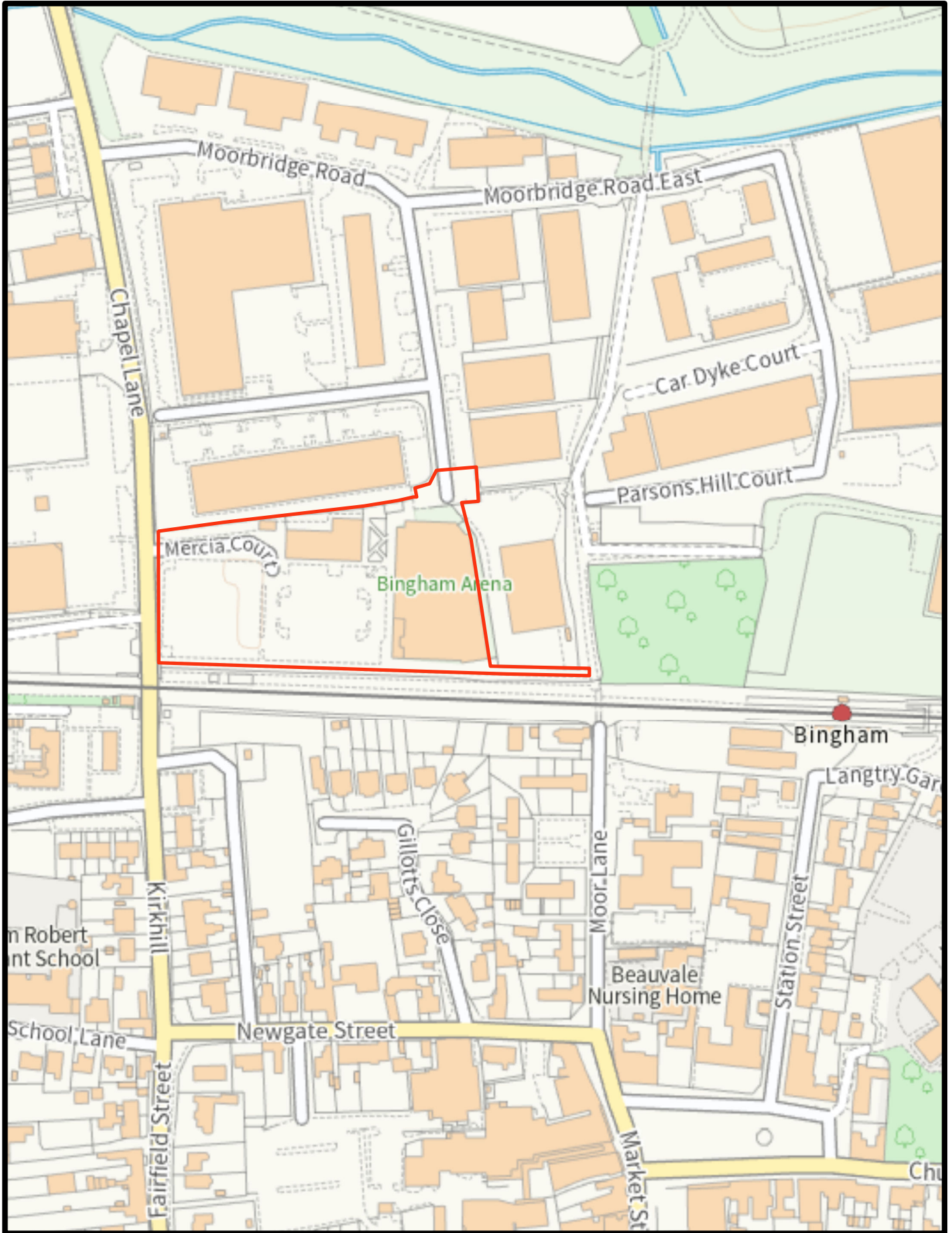
highway safety and the provision of parking is in accordance with advice provided by the Highways Authority.'

The proposal would also be contrary to Paragraph 116 of the NPPF which states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'.

- 4. The site is located on a classified C road that is the subject of the national speed limit and, as such, turning space is required within the site to enable vehicles to egress onto the public highway in a forward gear for highway safety purposes. The applicant has failed to demonstrate that adequate turning facilities would be provided as part of the proposal. The proposal would therefore not be in accordance with Policy 1 (Development Requirements) of the Local Plan Part 2 which states 'Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met' ... 'a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority.'**

The proposal would also be contrary to Paragraph 116 of the NPPF which states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'.

This page is intentionally left blank



Application Number: 24/01905/REG3
Bingham Arena, Mercia Court, Bingham



scale 1:2000

This page is intentionally left blank

24/01905/REG3

Applicant Rushcliffe Borough Council

Location Bingham Arena, Mercia Court, Bingham

Proposal Variation of Condition 29 (Hours of use) for planning application 19/02914/FUL to amend opening time Monday to Friday from 6.30am to 6.00am

Ward Bingham North

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. This application relates to the Bingham Arena leisure centre and community hall located on the eastern side of Chapel Lane and to the north of the railway line within a built-up area of the settlement of Bingham.
3. The site as a whole comprises the Arena which includes the leisure centre and community hall, the Bingham Enterprise Centre (a detached building located to the northern boundary) and a large car park.
4. Sites to the north and east are occupied by industrial units. Further east beyond the industrial units is a residential development. On the opposite side of Chapel Lane is a Lidl retail store and a car washing operation. To the south of the site, on the opposite side of the railway line, are residential properties. A level crossing over the railway line is adjacent to the south west corner of the site.

DETAILS OF THE PROPOSAL

5. This application seeks to vary condition 29 of the original planning permission (ref 19/02914/FUL) in relation to increasing the hours of opening by 30 minutes on Monday to Friday mornings.

6. The original wording of condition 29 reads

The leisure centre and community building hereby approved shall only be open for use by members of the public between the hours of 6.30am to 11pm Monday to Thurs, 6.30 am to 12 midnight Friday, 7am to 12 midnight Saturday and 7am to 9pm on Sundays and Bank Holidays.

7. The proposed revised wording would read:-

*The leisure centre and community building hereby approved shall only be open for use by members of the public between the hours of **6.00am** to 11pm Monday*

to Thurs, 6.00am to 12 midnight Friday, 7am to 12 midnight Saturday and 7am to 9pm on Sundays and Bank Holidays.

SITE HISTORY

8. 19/02914/FUL – Planning permission was granted in April 2020 for the construction of new leisure centre with swimming pool and fitness suite, new community hall sharing entrance and common facilities with the leisure building, new separate office building, and new car park to serve these buildings. This was subject to a S106 agreement to secure funding for surface improvements to the unmanned level crossing.
9. A number of Discharge of Condition and non-material amendment applications have been determined on the site and the full site history can be found [here](#).

REPRESENTATIONS

Ward Councillor(s)

10. No comments have been received from Ward Councillors.

Town/Parish Council

11. Bingham Town Council – no objections are raised.

Statutory and Other Consultees

12. The Borough Council's Environmental Health Officer raises no objections on environmental health grounds.

Local Residents and the General Public

13. No comments received.

PLANNING POLICY

14. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (December 2024) and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

15. The relevant policy considerations in the NPPF are:
 - Chapter 2 (Achieving sustainable development)
 - Chapter 8 (Promoting healthy and safe communities)

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

Relevant Local Planning Policies and Guidance

16. The relevant policies in the Local Plan Part 1: Core Strategy:-
 - Policy 1 (Presumption in Favour of Sustainable Development)
 - Policy 12 (Local Services and Healthy Lifestyles)
 - Policy 13 (Culture, Tourism and Sport)
17. Policies in the Local Plan Part 2: Land and Planning Policies:-
 - Policy 1 (Development Requirements)
 - Policy 31 (Sustainable Tourism and Leisure)
 - Policy 39 (Health Impacts of Development)
18. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and the Residential Design Guide can be found in the Local Plan documents on the Council's website at: Planning Policy - Rushcliffe Borough Council [here](#).

APPRAISAL

19. 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.
20. Section 73 of the Town and Country Planning Act 1990 enables variations or removal of conditions to planning permissions already approved and is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. Section 73 provides a different procedure for such applications for planning permission and requires the decision maker to consider only the question of the conditions subject to which planning permission is requested. As such, the principle of the Bingham Arena and associated facilities approved in 2020 under planning permission 19/02194/FUL cannot be revisited as part of this application. The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged. Taking this into account whilst the application has defined which condition is sought to be varied, the Local Planning Authority has the power to vary or remove other conditions if minded to grant a new planning consent.
21. The main issues in the considerations of the application are the principle of the proposed revised opening hours and whether there would be any impact upon the amenity of neighbouring properties and the wider area.

Principle of development

22. The overarching Policy 1 of 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. Policy 12 of LPP1 sub paragraph e) sets out that new community facilities should be in locations accessible by a range of sustainable transport modes.

23. Chapter 8, Paragraph 96 of the NPPF (2024) sets out that planning policies decisions should aim to achieve healthy, inclusive and safe places which.... c) enable and support healthy lifestyles..."
24. Policies 12 and 13 of the LPP1 provide support the provision of improved community facilities and sporting facilities.
25. Policy of LPP2 seeks to maximise the potential of leisure within the Borough and increase opportunities through.... b) the enhancement of existing leisure facilities
26. The Bingham Arena is in a sustainable location providing a popular leisure facility promoting a healthy lifestyle within the Borough The proposed increase in opening hours on a Monday to Friday by 30 minutes in the morning although modest would enhance the existing leisure facility and customer access to the leisure centre facilities by providing earlier opening hours for visitors wishing to use the facilities early in the morning.
27. Taking the above into account, it is considered that the principle of the proposal meets the criteria set out in the Chapter 8 of the NPPF (2024) and Policies 12 and 13 of LPP1 and Policies 31 and 39 of the LPP2 and is therefore is acceptable subject to the following material considerations:-

Amenity

28. Policy 10 of LPP1 and Policy 1 of LPP2 requires that new development proposals be assessed in terms of their impact on the amenity of occupiers of proposed development and nearby residents. Policy 31 of LPP2 requires that the enhancement of leisure facilities should not be detrimental to the surrounding area.
29. Taking account of the location of the Arena within an area of adjacent commercial units, adjacent to the railway line and a busy main road leading into Bingham Town Centre, together with the separation distances from the nearest residential properties to the south and north west, it is considered that the proposed increase in the opening hours of the Arena from 6.30am to 6.00am on Monday to Friday mornings would be considered to be so modest such that it would not result in any significantly increased levels of activity to result in adverse harm to the amenities of the neighbouring units and the nearest residential property.
30. Although the building has glazed elevations it is not considered that the lighting for the building required from the earlier opening hours would have any significantly greater impact on the surrounding units and predominantly commercial area than currently exists during hours of darkness.
31. For the reasons set out above it is not considered that the proposal would result

in significant harm to the amenity of neighbouring properties or the wider area The proposal therefore accords with and Policy 10 of the LPP1 and Policy 1 and Policy 31 of the LPP2.

Other Matters

Highway safety and parking

32. The large car park serving the Arena site is managed by the operator and the proposed increased opening hours would not be considered to result in any impact on the availability of parking at the earlier of time of 6.00am.

Character and appearance

33. No external alterations are proposed to the building. As such the proposal would not result in any impact on the character and appearance of the building.

Biodiversity Net Gain

34. Based on the information on the date of the original planning permission to which this section 73 planning permission relates, the Planning Authority considers that biodiversity net gain does not apply (original permission pre-dates 12 February 2024).

CONCLUSION

35. It should be noted that only the very narrow scope of the matters of varying the conditions imposed are open for consideration.
36. In respect of the matters specifically under consideration the variation of condition 29 of planning permission 19/02914/FUL to amend the opening hours of the Arena from 6.30 am to 6.00am Mondays to Friday is considered acceptable for the reasons set out above. Previously imposed conditions have been updated to reflect the details submitted in approved discharge of condition applications and subsequent non-material amendment applications and to reflect changes in planning legislation.
37. It is not considered that the proposed variation would result in any adverse harm to the amenity of the occupiers of neighbouring or nearby properties.
38. It is therefore considered that the granting of the planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, LPP1 and LPP2. It is therefore recommended that planning permission is granted for the proposal subject to the conditions set out below:-

RECOMMENDATION

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

1. The development hereby permitted shall be undertaken in accordance with following approved plans:-

Site Location Plan (Revised) J4285-08-01-P3

Design and Access Statement J4285(08) 001

**Schedule of Planning drawings and documents as set out Rev C06 March 2020
Revised elevations N and E elevation 23/00097/NMA**

[For the avoidance of doubt and to ensure a satisfactory development in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

2. The development shall be retained in accordance with the details submitted in relation to the following approved on the 8th February 2021 under 21/00174/DISCON

- details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land

- details of materials to the external elevations of the building – revised elevation plans for 23/00097/NMA

- bin storage facilities;

- details of the proposed substation and its screening

- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;

- Details of connectivity to the public bridleway no.26 at the unmanned railway crossing to include detail and design.

- Details of all external plant and associated screening to accord with the information submitted in the Environoise noise Assessment V2

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This condition is pre commencement to ensure details are acceptable prior to work commencing on site].

3. The scheme for the provision of electric vehicle charging points to serve the site as shown on drg. no J2458-YMD-00-DR-A-1001 Rev C2 deposited on the 12th August 2021 and approved under 21/02343/NMA shall be retained for the lifetime of the development.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Local Plan Part 1 Rushcliffe Core Strategy. This is a pre commencement condition to ensure that the car parking area is designed and constructed to allow for the provision of such infrastructure].

4. The development shall be retained in accordance with the Biodiversity Enhancement Plan approved under 24/02049/DISCON on the 17th September 2021.

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

- 5. The development shall be retained in with the accordance hard and soft landscaping schemes shown on drawing numbers Hosta 200-HOSTA-XX-GF-DR-L-004-S4-P03.00 and 200-HOSTA-XX-GF-DR-L-0003 REV B and 200=HOSTA-XX-GF-DR-L-002 REV E and details approved under 22/00149/DISCON on the 22nd June 2022 and 18th July 2022. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1 Core Strategy].

- 6. The parking/turning/servicing areas implemented in accordance with the approved plans shall be maintained for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.**

[To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, in the interests of highway safety and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

- 7. The approved Car Park Management Plan Revised Document F approved under 22/00149/DISCON on the 18th June 22 shall be adhered to for the lifetime of the development.**

[To ensure the car parking provision is managed appropriately and is adequate for the needs of the development in the interests of highway safety to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

- 8. Within 3 months of this permission the owner or the occupier(s) of the buildings on the site shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.**

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

- 9. The travel plan coordinator for that building shall, within 6 months of engagement produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan**

shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy]

10. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved by the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

11. The lighting approved under 22/00149/DISCON on the 16th June 2022 shall thereafter be retained in accordance with the approved details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy]

12. All sound attenuation measures detailed in the noise assessment supplied (Environoise Consulting Ltd noise assessment ref 21331R01aSWmdw dated 27/2/20) and approved under 22/01049/DISCON on the 24th March 2022, with the exception of the acoustic fencing to the Chapel Lane frontage, be permanently retained.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy]

13. In relation to the use of the community hall element of the scheme, the noise management plan submitted on the 25th January 2022 and approved under 22/00149/DISCON shall be retained in accordance with the approved details and mitigation measures for the lifetime of the development.

[To protect the amenity of the occupiers of the residential properties adjacent to the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. When live or amplified music is being played in the community building all external doors and windows shall remain closed and shall only be opened in an emergency or for access and egress.

[To protect the amenity of the occupiers of the residential properties adjacent to the site and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. The proposed extract ventilation system for the cooking area approved on the 24th March under 22/00149/DISCON shall be maintained and operated in accordance with the approved details for the lifetime of the development.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

16. The proposed pedestrian/cycle link from Chapel Lane to the public right of way to the east of the site adjacent to the unmanned level crossing which has been surfaced and lit in accordance with details approved under 21/00174/DISCON shall remain available for such purposes.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

17. The leisure centre and community building hereby approved shall only be open for use by members of the public between the hours of 6.00am to 11pm Monday to Thurs, 6.00 am to 12 midnight Friday, 7am to 12 midnight Saturday and 7am to 9pm on Sundays and Bank Holidays.

[In the interests of residential amenity and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

18. The proposed office building shall only be used for purposes falling within Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose within Class E.

[For the avoidance of any doubt and to ensure accordance with Policy 15 of Local Plan Part 2 Land and Planning Policies].

Note:-

The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

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

Biodiversity Net- Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74- 003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>. As this application relates to a S73 application relating to an application originally determined before the regulations came into force the mandatory biodiversity gain requirement does not apply.

This page is intentionally left blank

Planning Appeals from 27 December 2024 to 31 January 2025

Planning Reference	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference	Comments/ Decision Date
24/00969/FUL	23 Pankhurst Close East Leake	Erection of boundary fencing to rear garden	Allowed	Delegated	APP/P3040/D/24/3350031	27/12/2024
23/02325/FUL	2 Willoughby Road, West Bridgford	Two storey side extension	Dismissed	Delegated	APP/P3040/D/24/3352377	15/01/2025

This page is intentionally left blank