

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.