

# 26/00689/REG3

**Applicant** Mr Edward Leddy-Owen

**Location** Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottinghamshire

**Proposal** Safety rails on roof and stair access between roof elevations

**Ward** Compton Acres

## 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 relates to Rushcliffe Arena, a relatively modern single & two storey building which accommodates a leisure/sports centre and council offices, with associated parking and outdoor space.
3. The David Lloyd leisure complex is adjacent to the north east, and there are late 20th and early 21st century residential areas to the north west, east and west of the site.

## DETAILS OF THE PROPOSAL

4. The proposed development comprises safety rails on the roof and stair access between roof elevations.
5. The railings, which were erected on a temporary basis under permitted development, are proposed to be retained permanently. The applicant has stated that this is required for safety reasons for the maintenance of the solar system permitted under prior-approval application ref. 26/00496/PA14J. They are expected to be retained for the 25-year lifespan of the solar system.
6. During the course of the application the applicant provided additional information by way of an elevational mock-up.

## RELEVANT SITE HISTORY

7. 26/00496/PA14J - Prior approval for installation of a 477kWp solar photovoltaic system on the roof of Rushcliffe arena, including supply and fit of solar panels, safety access equipment, inverters, switching gear and associated cabling - Prior approval not required.

## RELEVANT CONSTRAINTS

8. None.

## REPRESENTATIONS

### Ward Councillor(s)

9. One Ward Councillor (Cllr Phillips) originally queried how the stairs would be secured against ASB from anyone wanting to reach the roof of the arena. Subsequently, comments and a mock-up was provided by the applicant and Cllr Phillips confirmed his support of the application.

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

### Other Consultation

10. No other comments received.

## PLANNING POLICY

11. 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 as are the National Planning Practice Guidance (NPPG) and the Rushcliffe Design Code (RDC).

### Relevant National Policies and Legislation

12. The following sections in the NPPF are relevant to this planning application:
  - Chapter 2 - Achieving Sustainable Development
  - Chapter 8 - Promoting healthy and safe communities
  - Chapter 12 - Achieving Well Designed Places

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

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

### Relevant Local Planning Policies and Guidance

13. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the current proposal:
  - Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 10 - Design and Enhancing Local Identity
  - Policy 12 - Local Services and Healthy Lifestyles
  - Policy 13 - Culture, Tourism and Sport
14. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) are considered to be relevant to the current proposal:
  - Policy 1 - Development Requirements
  - Policy 38 - Non Designated Biodiversity Assets and the wider Ecological Network
  - Policy 30 - Protection of Community Facilities
15. The Rushcliffe Design Code (2025) sets out code and guidance for design and assessment of amenity impacts.

16. The policies in the Core Strategy and Local Plan Part 2 are available in full along with any supporting text [here](#).

## **APPRAISAL**

17. 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.
18. The main considerations of this proposal are:
- Principle of development
  - Design and impact on streetscene
  - Impact on neighbouring residential amenity
  - BNG

### Principle of Development

19. The overarching Policy 1 in the LPP1 reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.
20. In this instance the proposed development comprises alterations to an existing building within the main settlement area of West Bridgford. As such it is considered to be a sustainable development and therefore is acceptable in principle subject to other material considerations being acceptable.

### Design and impact on streetscene and neighbouring residential amenity

21. Policy 10 of LPP1 and Policy 1 of LPP2 require matters such as the scale, height, massing, design and layout of a proposed development to be carefully considered to ensure that a) it respects the appearance of the existing building and b) remains subservient to it. It also requires the impact on the amenity of nearby residents to be considered and that new development does not harm the character of the wider area.
22. Due to the grey/metallic appearance of the existing property, the addition of modestly sized railings would not be considered particularly visually prominent. As such the railings scale, design and layout are considered sympathetic to the character and appearance of the existing building and wider area.
23. The railings, due to their size and scale and siting, are located sufficiently far away from any neighbouring properties and would not result in any significant impact on their amenity. The stairs are completely inaccessible to the public as they are situated between the roofs that can only be accessed from the Council Offices which are subject to restricted/secure access. As such, the stairs are not considered to result in any adverse impact upon the streetscene or be visually unacceptable, nor result in any adverse impact upon residential amenity.

## BNG

24. 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.

## **Conclusion**

25. 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.
26. 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 hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:**
- **EGE-RALC-HEP 3 Elevation plan (15.04.2026)**
  - **EGE-RALC-HRP 4 Roof plan (15.04.2026)**
  - **Site location plan (17.04.2026)**
  - **KC63517 Rev 1 KATT Vertical Parapet Ladder (15.04.2026)**
  - **KC63515 Rev 1 KATT Vertical Parapet Ladder (15.04.2026)**

**[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]**

## **NOTES TO APPLICANT**

### **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.

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

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

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.