

# 23/02298/OUT

**Applicant** Kerri Whittaker and Richard Whittaker

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

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

**Ward** Cotgrave

## THE SITE AND SURROUNDINGS

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

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

## DETAILS OF THE PROPOSAL

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

## **SITE HISTORY**

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

## **REPRESENTATIONS**

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

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

### **Statutory and Other Consultees**

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

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

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

### **Local Residents**

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

### **PLANNING POLICY**

20. The decision on any application should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG).

### **Relevant National Policies and Legislation**

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

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

24. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Chapter 2 - Achieving Sustainable Development
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 11 - Making Effective Use of Land
- Chapter 12 - Achieving Well Designed and Beautiful Places
- Chapter 13 - Protecting Green Belt Land.
- Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 - Conserving and Enhancing the Natural Environment
- Chapter 16 - Conserving and Enhancing the Historic Environment.

### **Relevant Local Plan Policies**

25. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the current proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Climate Change
- Policy 3 - Spatial Strategy
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 11 - Historic Environment
- Policy 17 – Biodiversity.

26. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) are considered to be relevant to the current proposal:

- Policy 1 - Development Requirements
- Policy 11 - Housing Development on Unallocated Sites within Settlement
- Policy 12 - Housing Standards
- Policy 18 - Surface Water Management
- Policy 28 - Conserving and Enhancing Heritage Assets
- Policy 29 - Development affecting archaeological sites
- Policy 37 - Trees and Woodlands
- Policy 38 - Non-designated Biodiversity Assets and the Wider Ecological Network.

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

### **APPRAISAL**

28. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan

should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

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

**Principle of development:**

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

## Impact on character of the area and Heritage

### Dwellings/Layout:

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

### Access:

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

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

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

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

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

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

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

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

#### **Access and Highways Matters**

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

#### **Impact on amenity of adjoining occupiers**

48. Core Strategy Policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under Policy 1 of the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
49. The comments received from local residents are noted in relation to impacts of the residential development on amenity, particularly noting the level changes. However, this application relates solely to the access to the site and the submitted layout plan is purely indicative. Details of the siting, scale of dwellings and landscaping of the site will be a matter for future reserved matters application(s) where impact on amenity will be duly considered.
50. That said, given the size of the site, it is considered that the layout for up to 5 dwellings could be designed to provide appropriate separation distances and the windows within the elevations of the new dwellings be so positioned to prevent any undue overlooking, overbearing or overshadowing impacts. This



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

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

### **Trees and Ecology**

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

### **Archaeology**

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

### **Surface Water Drainage**

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

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

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

## **Other Matters**

### Water Standards:

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

### Electric Vehicle Charging:

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

## **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

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

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

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

[To ensure the development creates a visually attractive environment and to preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed and Beautiful Places) of the National Planning Policy Framework]

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

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

[In the interest of heritage, character of the area, and neighbour amenity having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

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

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

[In the interest of heritage and archaeology, having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

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

[To ensure the long term retention and structural stability of the historic wall during and following construction works in the interest of design and the character of the area and highway safety, having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

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

[In the interest of design and the character of the area having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

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

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

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

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

[In the interests of highway safety and to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

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

[To safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development

Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed and Beautiful Places) of the National Planning Policy Framework]

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

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

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

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

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

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

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

[To ensure a suitable means of access is provided, in the interests of highway safety having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

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

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

[To reduce the possibilities of deleterious material being deposited on the public highway (loose stones etc.) and to ensure surface water from the site is not deposited on the public highway causing dangers to road users, in the interest of highway safety having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

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

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

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

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

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

[To ensure a suitable means of access is provided, in the interests of highway safety having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

Note-

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

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

## **NOTES TO APPLICANT**

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

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.



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

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

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

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

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

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

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

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

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

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