

# Appeal Decision

Site visit made on 28 June 2024

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 September 2024**

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**Appeal Ref: APP/P3040/W/24/3336408**

**Land Rear of Manor Lodge, Manor Park, Ruddington NG11 6DU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Churchill Retirement Living against Rushcliffe Borough Council.
- The application Ref is 23/01456/FUL.
- The development proposed is the erection of 3 dwellings including access, car parking and landscaping.

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## Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 dwellings including access, car parking and landscaping at Land Rear of Manor Lodge, Manor Park, Ruddington, NG11 6DU in accordance with the terms of the application, Ref 23/01456/FUL, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The Council have commented that had they determined the application they would have refused planning permission for the development as they consider that the proposed development; would be harmful to the character and appearance of the area, would be harmful to the character and appearance of the Ruddington Conservation Area, would cause harm to the setting of St Peter's Church, would harm protected trees, and would fail to provide acceptable living conditions for future occupants in terms of the size of amenity space and light.
3. The first three reasons which the Council have given can be combined into one main issue, that being the effect on character and appearance.

## Main Issues

4. The main issues are 1) whether the proposed development would preserve or enhance the character and appearance of the Ruddington Conservation Area, 2) whether the proposed development would preserve or enhance the setting of the listed St Peter's Church, 3) the effect of the proposed development on protected trees, and 4) whether the proposed development would provide

acceptable living conditions for future occupants with regard to amenity space provision and light.

## **Reasons**

### *Ruddington Conservation Area*

5. The appeal site is an area of open space to the rear of Manor Lodge. It is accessed from Manor Park which is a residential street containing some traditional and modern houses with an emphasis on large houses in landscaped settings. The site is located within the Ruddington Conservation Area (RCA) which is characterised as forming an historic settlement with significant expansion during the Industrial Revolution. Among its key features are St Peter's Church, Manor Park and the village core with its village green. The appeal site forms part of an area identified as positive open space in the Conservation Area Appraisal and Management Plan (CAAMP) (2022).
6. The site is situated to the rear of Manor Lodge which is a large, recently constructed, three-storey building comprising of retirement flats. There are residential properties surrounding the site boundary and the site is also adjacent to the grounds of St Peter's Church. To the west is South Manor, the original grounds of which included the appeal site, but has since been severed. The site contains a significant number of mature trees and there are several mature trees on land outside the application site but within the ownership of the appellant.
7. The proposed development would involve the construction of three large detached two-storey dwellings with roof level accommodation, set in spacious plots. Access would be taken via the existing access point on Manor Park between Coppertop and Garden House. The appeal site is not publicly accessible and at the time of my site visit was considerably overgrown.
8. The grain of the proposed development would reflect that of the larger properties that exist in Manor Park, where such properties are surrounded by landscaping and mature trees, including those within the street-scene. The design of the dwellings draws on those features of the more traditional dwellings of Manor Park which positively contribute to the character and appearance of the RCA, such as pitched roofs with gable features, red-brick, timber framing, red tiles, and brick detailing.
9. The Council have made reference to the impact of the proposed dwellings on Vicarage Lane and Church Street, in terms of their overall size and siting. The fact is that the dwellings would not be part of either street-scene even if glimpsed views would be possible between buildings. There would be a significant degree of separation with a large amount of intervening landscaping and mature trees, and I do not consider that they would be prominent features when viewed from Vicarage Lane or Church Street, even though there is a difference in land levels. In terms of being 'inward facing' and 'turning their back' on Vicarage Lane and Church Street, given the separation and the somewhat secluded nature of the location of the appeal site, I do not find harm would be caused by the dwellings not facing towards these streets. It is clear from the design and layout that this is not the intention and I do not find that it would be essential for a successful scheme to do so.

10. The Council refer to the rear elevations being of lower design quality than the front elevations. It is not uncommon for the more prominent, street-facing elevation to be more decorated than the rear. The development would create a new street-scene of its own with the frontages of the properties forming key features. Whilst there is less detail to the rear, it is not an unacceptable approach, particularly given that I have found such elevations would not be prominent or dominant.
11. Therefore, in terms of the design of the dwellings, and their overall size, scale and siting, I find that this would be consistent with the urban grain and the positive elements of the surrounding properties. The design of the development would form a spacious and verdant environment of high-quality and it would not harm, and would thereby preserve, the character and appearance of the RCA.
12. The appeal site is an area of open space which is identified in the CAAMP as forming a positive area of open space. The reasoning behind this identification is not however expanded upon in the CAAMP. It is outlined how the appeal site historically formed part of South Manor. This association has however been severed and there is little evidence on the ground of any association. The site is not publicly accessible and there are limited views into the site from the surrounding area, although I acknowledge that the significance of heritage assets does not solely rest in terms of their accessibility or visibility. Although the site contains a number of prominent mature trees, the majority of the site at the time of my visit was highly overgrown. Despite the identification in the CAAMP, I find that the appeal site makes a limited positive contribution to the RCA, and that the main contribution rests in the presence of mature trees and less due to the fact that the site is undeveloped.
13. On my site visit I was able to view the appeal site from within St Peter's Churchyard. The proposed properties would be perceptible from the Churchyard, however there is a significant degree of landscaping. I have considered the impact on the setting of this listed building elsewhere, however in terms of the RCA there would be a minor change in the experience of the appeal site from this location. Where the view is currently open, this would encompass the proposed dwellings, the retained trees, and landscaping. The open view is, however, limited due to the presence of the Manor Lodge development which is also visible. Although there would be a minor change, given I have found that the open views provide a limited contribution to the RCA and that the dwellings are of high-quality and the most significant trees would be retained and remain to be experienced, I do not consider that the loss of a more open view that currently exists would equate to harm.
14. Section 72(1) of the Act<sup>1</sup> requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area when considering development proposals within it.
15. I find that for the reasons outlined above, the proposed development would be of high-quality design that would not cause harm to, and would thereby preserve, the character and appearance of the RCA. The proposed development would therefore comply with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies 1, 11 and 28 of the Rushcliffe

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<sup>1</sup> Planning (Listed Buildings and Conservation Areas) Act 1990

Local Plan Part 2: Land and Planning Policies (2019). These policies require, amongst other things, that new developments are designed to make a positive contribution, reinforcing valued local character, having regard to plot sizes, massing, scale, proportions, materials, architectural style and detailing; and not have an adverse impact on landscape character. They also require that there is no significant adverse effect on any historic sites and their settings including conservation areas.

16. The proposed development would also comply with the requirement of the National Planning Policy Framework (2023) (the Framework) that heritage assets are conserved in a manner appropriate to their significance, and that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

#### *Setting of St Peter's Church*

17. There are a number of listed buildings close to the appeal site. To the north, the Ice House at Coppertop is grade II listed, to the east are the grade II listed Hermitage, St Peter's Church, and War Memorial. To the south is the grade II listed Church Side and to the west is the grade II listed South Manor and attached wall.
18. Section 66(1) of the Act<sup>2</sup> requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
19. One of the reasons the Council have stated that they would have refused planning permission is the harm caused by the proposed development on the setting of the grade II listed St Peter's Church and Churchyard. The Council have not referred to the impact on any of the other listed buildings. Given their contexts and close relationship with other built development, I have no reason to form a different view.
20. The Council's statement incorrectly refers to St Peter's Church as being a grade I listed building; however, it is correctly referred to as a grade II listed building elsewhere in the evidence.
21. The building is one of the key features of the RCA with its tower and steeple being visible from many locations, including from the appeal site. It is set within its own churchyard which contains several mature trees along its boundaries. In addition to its churchyard, the building is most greatly appreciated from Church Street, including longer range views from the almost 90 degree turn in the road.
22. Although the building is set in its own grounds, it is otherwise tightly arranged with other buildings on Vicarage Lane, Church Street and Dutton's Hill. The appeal site contributes to a greater separation with the properties on Manor Park. I was able to view the appeal site from the north-west corner of the churchyard. The proposed dwellings would be visible from the churchyard, however there is significant landscaping and tree coverage between the sites and a degree of physical separation of a similar or greater amount than

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<sup>2</sup> Planning (Listed Buildings and Conservation Areas) Act 1990

currently exists with the surrounding buildings would be maintained. For these collective reasons, I do not agree that there would be a crowding effect as suggested by the Council.

23. The Council's Conservation Officer identified concerns in relation to an initially proposed 1.8m high close boarded fence being located on the boundary with the Church. This has however been removed from the proposed plans, with the boundary being unaltered from its present stone wall. This is considered to provide a more appropriate arrangement.
24. I acknowledge that the proposed development would be more visible when the trees and landscaping are not in leaf, and that my late June site visit was at a time when the trees and landscaping would be at their most dense foliage. I maintain however that given the grain of surrounding development and its overall scale and siting, that the proposed development at the separation which is proposed would not cause harm to the asset whose greatest appreciation lies elsewhere.
25. I therefore conclude that the proposed development would not cause harm, and would thereby preserve, the setting of St Peter's Church. It would comply with Policy 11 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). These policies require, amongst other things, that the settings of heritage assets are preserved and/or enhanced.
26. The proposed development would also comply with the requirement of the Framework that heritage assets are conserved in a manner appropriate to their significance, and that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This includes their setting.

### *Trees*

27. The appeal site contains a number of significant trees. Some of these trees are protected through a Tree Preservation Order (TPO) and the others are protected due to their location within the RCA. Trees on the southern boundary provide a pleasant backdrop which separates the site from Vicarage Lane and demonstrates a change in character from the more dense built environment of the village core, to the verdant less dense setting of the built environment around Manor Park. Much of the trees to the south, and a corner area to the north are outside the appeal site. There are also significant trees close to the boundary of the appeal site on third party land.
28. The appellant has undertaken an Arboricultural Impact Assessment<sup>3</sup>. This assessment was considered by the Council's Senior Design and Landscape Officer who has commented that having undertaken a site visit, they generally agree with the assessment of the trees' quality and health.
29. From the evidence and my own observations, the most significant tree on the site is a mature Copper Beech (T36) which is centrally located. Due to its size and siting, it makes a significant positive contribution to the site and to the RCA. It is proposed to be retained in the development. There are some very minor encroachments into the root protection area (RPA). The majority of the

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<sup>3</sup> Tyler Grange – Ref 15225\_R03b\_BV\_LB dated 25 July 2023

encroachment is in relation to new surfacing, with a small amount due to the location of the garage for plot 2. The report recommends that for works within the RPA of this tree, manual excavation using hand tools only to removal existing soil and rocky material from all trench and sub-base foundations, and that works to be completed under suitable arboricultural watching brief and in accordance with BS5837. This can be secured by an appropriately worded planning condition. I note the Council Officer's preference for the garage to be moved. Although this would be capable of being a non-material amendment, it is not before me. I am satisfied that subject to the conditions as set out, harm can be avoided.

30. Elsewhere, surface works are proposed within the RPAs of a number of retained trees. To ensure there would not be any negative impact which would thwart their retention, suitable excavation techniques and the use of permeable cellular surfacing methods are necessary, and this could be secured by an appropriately worded planning condition.
31. The report outlines that the development would involve the removal of a total of 18 trees. Three of these trees are identified as Category B, with the remaining trees to be removed either Category C or U. There is no objection to the loss of Category U trees, these are trees that are dead, defected, or diseased and are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.
32. In terms of the loss of Category B and C trees, these are trees of a moderate and low quality respectively. At the appeal site, due to their siting and quality, these trees are of lower amenity value to the Category A trees and those significant trees close to the site boundary. The development includes 18 new trees to be planted. Given that the most significant trees will be retained, combined with the new trees to be planted, the loss of these lesser quality trees is not considered to be unacceptable.
33. The Council's suggested reason for refusal specifically relates to the impact of the proposed access road and driveways on the roots of the existing trees. The appellant has commented how the access is in existence for its first part between Coppertop and Garden House, and that there is no need to change the levels at this part of the site. The arboricultural report recommends special construction methods to avoid damage to tree roots. To this end the Council recommended a condition requiring the submission of details of the method of construction of the main access road and driveways, including details of any works within root protection areas, details of any land level changes, and details of the rooting of any services falling within root protection areas.
34. As set out in the Council's suggested reason for refusal, I acknowledge that they consider that the submission lacks this necessary detail. It would however be reasonable, and necessary, to secure these details through the imposition of a planning condition, as I have found to be acceptable elsewhere within the site where development is proposed within RPAs.
35. Representations have referred to the loss of a Weeping Willow (T11). This is a Category U tree. The report states that the tree is in poor condition with moderate and major deadwood and multiple limb failures. The Council's Officer has concurred with the assessment and not objected to its loss.

Although the tree provides some public amenity benefit, its condition is such that the development should not be prevented due to its loss.

36. The report recommends that a full Arboricultural Method Statement (AMS) is prepared as part of the technical design stage as recommended by BS5837. This will set out a practical methodology to the protection of retained trees based on detailed construction plans. It will typically include; a schedule and specification of tree removal and pruning works; specifications for tree protection barriers and ground protection; procedures for any specialist construction techniques/any supervised excavations within RPAs; phasing of work; site monitoring (where required); and a Tree Protection Plan. In order to ensure that the trees which are to be retained are not adversely impacted by the proposed development or its construction, an AMS would be necessary, and this can be secured by an appropriately worded planning condition.
37. I therefore find that subject to the imposition of appropriate conditions, the proposed development would not cause detrimental harm to trees which are to be retained, and therefore would preserve the character and appearance of the RCA in that regard. It would comply with Policies 28 and 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). These policies require, amongst other things, that proposals should respect the heritage asset's relationship with the landscape and be compatible with the asset, and that adverse impacts on mature trees must be avoided, mitigated or, if removal of trees is justified, they should be replaced.
38. The development would also comply with the requirement of the Framework that opportunities are taken to incorporate trees into developments, and that existing trees are retained wherever possible.

#### *Living conditions*

39. The Council consider that the retention of trees in the proposed gardens would reduce the amount of useable garden space and would overshadow the amenity space and reduce light to dwellings, and thereby resulting in unacceptable living conditions for future occupants.
40. Having regard to the proposed layout, all three proposed dwellings have sizeable rear gardens. In terms of size, all three properties would have an area of garden capable for outdoor play, recreation and socialising. The fact that gardens contain mature trees does not render them unusable, and it is not uncommon for the gardens of properties to contain trees such as those at the appeal site. Even were this to be the case, the proposed layout shows that each dwelling would have an area of amenity space that would be free from trees, particularly patio areas close to the dwellinghouse that are typically most used for relaxing and socialising.
41. The evidence shows that there would be a varying range of overshadowing impacts as a result of the retained trees. This would also vary depending on the time of day/year and the amount of foliage. There would be limited overshadowing to the dwellinghouses themselves, with primarily the southern elevations being impacted. I do not consider that the trees would result in unacceptable levels of light to the dwellinghouses.

42. In terms of the amenity space, there would be clearly evident shadowing to large parts of the rear gardens. As I have identified, the impact would be variable. The evidence does show however that some of the amenity space would not be overshadowed.
43. I acknowledge that the degree of overshadowing may lead to pressure from future occupants to carry out some pruning or remove some of the trees. It would nevertheless remain within the control of the local planning authority to determine whether such works would be acceptable, having regard to the positive contribution the retained trees make to the character and appearance of the RCA.
44. I therefore find that overall, despite the overshadowing that would be caused by the retained trees to the amenity space and dwellings, taking the size of the garden and the presence of areas of unaffected amenity space, that there would not be unacceptable living conditions for future occupants. The proposed development would therefore comply with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies 1 and 11 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). Collectively, these policies require that a high standard of amenity is provided in developments and that sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space. It would also comply with the objectives of the Rushcliffe Residential Design Guide (2009) in relation to garden provision.
45. The development would also comply with the requirement of the Framework that developments achieve a high standard of amenity for future users.

### **Other Matters**

46. Representations have been made in regard to the impact on wildlife. The appellant submitted an Ecological Impact Assessment<sup>4</sup> with the application and this concludes that no impacts to any designated sites are anticipated in the construction or operational phase of the development. The Council's Ecology and Sustainability Officer considered the impact and commented that the development is unlikely to have a detrimental impact on protected species and recommended the imposing of several conditions relating to proposed mitigation measures. It is also acknowledged that the development includes a provision of biodiversity net gain. There is therefore no substantive evidence that there would be harm to biodiversity or matters of ecological interest. This would therefore not be a reason to dismiss the appeal.
47. I note representations received in terms of the impact on the living conditions of surrounding residential properties. The Council did not object to the scheme on this basis, and given the overall size, siting and window positions of the proposed dwellings and those of surrounding properties, there would not be an unacceptable impact in terms of ensuring satisfactory levels of daylight, sunlight, outlook and privacy.
48. Reference is made to the appellant not being a housebuilder. I have determined the appeal on the basis of land use planning matters. This would not be a reason to dismiss the appeal.

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<sup>4</sup> Tyler Grange – Ref TG Report N. 15225\_R04b\_TB dated 5 September 2023

49. Reference is made to the consideration of a previous planning application made by the appellant for the Manor Lodge. The merits of that development are not before me and have limited weight in the consideration of this appeal which I have considered on its own individual planning merits.
50. Interested parties have also referred to the previous clearance of the site that has taken place. I am not aware of any unauthorised works that would provide a sound planning reason to dismiss the appeal. I acknowledge, as the evidence shows, that works have taken place on the site to remove certain landscape features, however the reasons behind these works do not lead me to conclude that the proposed development is unacceptable.
51. In terms of highway safety, there is no substantive evidence that the additional vehicles associated with the future occupants would lead to an unacceptable impact on the highway network. Representations have referred to the fact that Manor Park is a private road, and future occupants would be expected to make contributions to its maintenance. This is, however, a private matter outside of the planning application.
52. Reference is made regarding access to, and maintenance of, the two areas of land outside the appeal site, identified as 'undevelopable area - biodiversity area'. I agree with the interested party that these issues require clarification to the satisfaction of the local planning authority. I will impose a planning condition requiring that details of access arrangements and future maintenance of these areas are submitted for approval.
53. I note representations have been received in relation to the impact on an historic rock garden and pleasure garden for South Manor. There is limited evidence to suggest that the development should be prevented on this basis. A condition requiring the archaeological evaluation of any features is sufficient to ensure any such features are recorded.
54. I note representations have been received in relation to the impacts of the construction phase. Given the scale of the development, the impacts from construction would be temporary and a planning condition can be imposed to mitigate the impacts. The impacts of the construction phase are seldom a reason to prevent development.
55. The proposed development would align with the Government's objective, as set out in the Framework, to support sustainable housing growth. The proposed development would result in an increase in the Council's overall housing number and would bring a number of additional residents to the area who would contribute to the local economy. It would also be in a sustainable location. Collectively, these matters weigh in favour of the proposed development.

## **Conditions**

56. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans. This is in the interests of certainty.
57. I have considered the suggested conditions against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity.

58. In the interests of the character and appearance of the RCA I have imposed conditions requiring the submission of details of external materials, hard and soft landscaping, the maintenance of the biodiversity areas and a condition to remove permitted development rights from the properties, including those relating to boundary treatments. Also in the interests of the character and appearance of the RCA, I have imposed conditions requiring the submission of details of protective fencing for retained landscape features, details of the construction of the access, and the submission of an Arboricultural Method Statement. Such details are required prior to the commencement of development to ensure that such protective measures are in place from the outset.
59. I have imposed conditions requiring the submission of a Biodiversity Management Plan and details of external lighting. This is in the interests of biodiversity. Also in the interests of biodiversity, I have imposed conditions requiring the submission of an updated ecological survey and a construction ecological management plan (CEMP) incorporating Reasonable Avoidance Measures (RAMs). These are required prior to the commencement of development to ensure that any mitigation measures or management techniques which are necessary are in place prior to commencement of development on site.
60. In the interests of the recording of any subjects of archaeological interest, I have imposed conditions requiring the implementation of a programme for evaluation to be carried out during construction or excavation work. Following this, a condition requiring the submission of a mitigation strategy detailing the excavation/preservation and a written report detailing the results and post investigation assessments of any archaeological works, are necessary. The implementation of the programme of evaluation is required to be secured prior to the commencement of development to ensure it can be undertaken without delay.
61. A condition requiring the implementation of parking, turning and servicing areas to an agreed specification is necessary in the interests of highway safety. In the interests of water quality, the submission of a foul and surface water drainage strategy is necessary.
62. In the interests of delivering sustainable development, conditions limiting water consumption and the submission of details of electric vehicle charging points are necessary.
63. In the interests of public safety, conditions relating to the reporting of any unexpected contamination and the testing of any imported topsoil are necessary. In the interests of living conditions, I have imposed a condition restricting the hours of construction.

## **Conclusion**

64. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*A M Nilsson*

INSPECTOR

### **Schedule of Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Layout – Ground Floor Plan, Drawing Number PL003 Rev B; Plot 1 – Plans and Elevations, Drawing Number PL004 Rev A; Plot 2 – Plans and Elevations, Drawing Number PL005 Rev A; Plot 3 – Plans and Elevations, Drawing Number PL006 Rev A; Garages – Plans and Elevations, Drawing Number PL008 Rev A; Trees & Dwellings Heights Site, Drawing Number PL012; Trees & Dwellings Heights Section, Drawing Number PL013.
3. The development hereby permitted shall not be constructed above damp proof course level until details of the facing and roofing materials to be used on all external elevations along with window details and architectural details have been submitted to and approved in writing by the local planning authority and the development shall only be undertaken in accordance with the materials so approved.
4. Prior to the commencement of development an updated ecological survey shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the details and mitigation measures as approved.
5. Prior to the commencement of development, all trees/hedges to be retained shall be protected with protective barriers in accordance with BS5837 in accordance with details to be first submitted to and approved in writing by the local planning authority. The approved tree protection measures 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 local planning authority. No changes of ground level shall be made within the protected area without the approval of the local planning authority.
6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction ecological management plan (CEMP) incorporating Reasonable Avoidance Measures (RAMs) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.
7. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for evaluation to be carried out during construction or excavation work on site, by suitably experienced archaeologists from a professionally accredited archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the local planning authority also prior to commencement of the development on

site. Thereafter the scheme shall be implemented in full accordance with the approved details.

8. A mitigation strategy detailing the excavation/preservation shall be submitted to and approved in writing by the local planning authority following the completion of the archaeological evaluation. The development shall be carried out in accordance with this strategy. Thereafter the scheme shall be implemented in full accordance with the approved details.
9. The development hereby permitted must not be occupied or brought into use until a written report detailing the results and post investigation assessments of any archaeological works that have been undertaken on the site has been submitted to and approved in writing by the local planning authority.
10. Prior to the commencement of development, details of the method of construction of the main access road and driveways associated with the proposed dwellings shall be submitted to and approved in writing by the local planning authority. The details shall include: • details of any works within root protection areas • details of surface treatments • details of any land level changes and • details of the rooting of any services falling within root protection areas. The development shall be carried out in accordance with the approved details.
11. Prior to the commencement of development, a full Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the local planning authority. The AMS will set out a practical methodology to the protection of retained trees based on detailed construction plans. The AMS shall include: • A schedule and specification of tree removal and pruning works • Specifications for tree protection barriers and ground protection • Procedures for any specialist construction techniques/any supervised excavations within RPAs • Phasing of work • Site monitoring (where required) and • A Tree Protection Plan. The development shall thereafter be carried out in accordance with the approved details.
12. Subject to the approval of the AMS, all works within the root protection areas of trees to be retained shall be in accordance with the protective measures as outlined in Table 6 of the Arboricultural Impact Assessment (TG Report No. 15225\_R03b\_BV\_LB dated 25 July 2023).
13. Prior to any dwelling progressing above damp proof course, a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include: • Proposed planting including species, sizes nos. densities and standard (replacement for lost trees should be of a sufficient size to have immediate impact) • Details of the boundary treatment to the western site boundary • Details of all other boundary treatments • Details of all hard surfaced areas. The hard surfaced elements and boundary treatment shall be carried out in accordance with the details as approved. The soft landscaping elements shall be implemented within the first planting season following the completion of development. 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.

14. Prior to any dwelling progressing above foundation level, a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the local planning authority. The Plan shall include details of how the development will deliver enhancement measures detailed in Section 4 of the Ecological Impact Assessment (Tyler Grange - 5 September 2023). These enhancements shall also include the installation of a minimum of two Swift bricks per dwelling. The approved ecological enhancements shall be implemented prior to the development being brought into use and shall thereafter be retained for the lifetime of the development.
15. Prior to any dwelling progressing above damp proof course, a foul and surface water drainage strategy shall be submitted to and approved in writing by the local planning authority. The foul and surface water drainage provisions shall be implemented prior to the first occupation of any dwelling and thereafter retained for the lifetime of the development.
16. No part of the development hereby permitted shall be brought into use until the access, parking, turning and servicing areas are provided in accordance with the approved plans and constructed in accordance with the specifications of the Nottinghamshire Highway Design Guide. The access shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the highway. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, and shall thereafter be retained for the life of the development.
17. Prior to installation of any external lighting/floodlighting, an external lighting scheme, shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall include a LUX levels plan and it shall be designed as a bat sensitive lighting scheme in accordance with Conservation Trust (2018) "Bats and artificial lighting in the UK". The lighting scheme shall be implemented in accordance with the approved details and retained to this specification thereafter.
18. Notwithstanding the provisions of Schedule 2, Part 1 Class A; B; C; D; E, F and G and Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings, erection of any outbuildings or boundary treatments without the prior written approval of the local planning authority.
19. In the event that any evidence of unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared and

submitted for the approval in writing by the local planning authority. Thereafter, the remediation scheme shall be implemented in full prior to the occupation of any dwellings.

20. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.
21. The dwellings shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.
22. The development shall not be brought into use until a scheme for the provision of electric vehicle charging points has been submitted to and approved by the local planning authority. The scheme shall provide details of the provision of electric vehicle charging points to serve the development on site. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.
23. Prior to any dwelling progressing above damp proof course level, details of the future management of the identified biodiversity areas and including means of access, shall be submitted to and approved in writing by the local planning authority. These areas shall thereafter be managed in accordance with the approved details at all times.
24. No site preparation or construction works shall be carried out outside the hours of 08:00 until 18:00 Mondays to Fridays; 08:00 until 13:00 on Saturdays. No site preparation or construction works shall be carried out on Sundays or Bank Holidays.

----- end of conditions schedule -----