

29534/MOT

3 March 2022
Contract No. 11343

Rushcliffe Borough Council
Planning & Development
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG

FAO Greg Sharman

Dear Greg

21/00037/DISCON - 20/02258/VAR - 19/00209/FUL – APPLICATION FOR CERTIFICATE OF LAWFULNESS, IN RELATION TO COLSTON LODGE LANGAR LANE COLSTON BASSETT NOTTINGHAMSHIRE NG13 9HA

Thank you for your recent advice of the 2 March 2022.

We wish to have confirmed that the start on site that has been made relative to Condition 3 confirms and secures the Planning Consent Approved for this development.

We have corresponded with RBC and have received an opinion from you, shown below, that confirms this is the case, but with a recommendation that this is verified by applying for a Certificate of Lawfulness.

Nevertheless, my [informal opinion](#) would be that the given the description of development which includes demolition and the conditional requirements relating to demolition, then should the conditions have been complied with and the demolition have taken place, then it is likely that the requirements of condition 1 (commencement of development) have been met. You will however appreciate that this represents an informal opinion only offered without prejudice.

In carrying out the demolition to start the works, Covid created a delay in the next stages. However, we had applied for and had Approved the Conditions relative to this to enable a start to have been made

Condition 3 states - *Prior to the commencement of any development (including demolition) an updated badger survey of the site shall be carried out by a licenced ecologist and submitted to and approved in writing by the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with the approved details.*

[This is a pre commencement condition which is considered necessary to ensure the protection of priority species, in accordance with policy 38 (Non- Designated Biodiversity Assets and the wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Condition 4 states - *Prior to the commencement of any development (including demolition) during the period of 1st March to 31st August an inspection of the site by a licensed barn owl ecologist shall first be carried out to ascertain current use and check for evidence of barn owl nesting. Details of the inspection report shall be submitted to and approved in writing by the Local Planning Authority*

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prior to the commencement of development. Any mitigation measures required shall be implemented in accordance with the approved details.

Conditions 3 and 4 have been complied with.

21/00037/DISCON was Approved (and you have recognized this fact) and enabled a start on site to be made, the house has been demolished in accordance with the limitations imposed and the site is cleared.

In any other circumstance like this we have only ever been required to carry out a minimal start to secure the Planning Permission such as 2.0m strip of foundations or as this site, start works such as demolition.

Please can you therefore confirm formally that the Planning Permission is secure for the long term and no further action is required apart from the remaining Conditions that are to be implemented once a start date for construction is confirmed.

If you should require further information or wish to discuss any aspect of this Application, please contact this office.

Yours sincerely

Martin Tucker

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