

17/03020/FUL**Applicant** Mr Guy Phoenix**Location** Land North West Of Kneeton Road East Bridgford Nottinghamshire**Proposal** New dwelling with ancillary garage (incorporating sustainable building systems and renewable technologies)**Ward** East Bridgford

THE SITE AND SURROUNDINGS

1. The application relates to land North West of East Bridgford, accessed via Oldhill Lane (East Bridgford Bridleway 15) from Kneeton Road. The easternmost portion of land comprises an informal area of car parking which has historically had issues with fly tipping. This broadly flat area of land is bordered by hedges and trees to the north east and south, with the access track descending steeply just beyond the southern edge of the informal car parking land towards the river banks and fishing areas to the west of the site.
2. The western edge of the car parking area sits atop a steep muddy escarpment where land falls towards a footpath (East Bridgford Footpath 13) and the fisheries parking on the banks of the river to the west of the site, within a mature woodland. The wider land holding includes this woodland up to the river which extends a considerable way north along the river, an area of land containing another public right of way in East Bridgford Footpath 14.
3. The site lies within the countryside in an area designated as Green Belt. Arable land lies to the north, east and south, with the wooded escarpment to the west leading to the River Trent which forms part of a designated local wildlife site. Following the submission of the application the woodlands surrounding the site are now subject of an area Tree Preservation Order. A smallholding exists directly to the south of the site. Land rises steeply to the east with a high point from where the private track leaves Oldhill Lane, meaning longer distance views of the site are more limited.

DETAILS OF THE PROPOSAL

4. This application seeks full planning permission for the erection of a single dwelling house on the informal car parking area to the easternmost part of the site. The dwelling proposed would be of individual design, partially sunk into the escarpment with a two storey appearance above ground level from the east. The dwelling is proposed as a 5 bedroom family home of bespoke design for the applicant and would have a contemporary circular form at basement level, the ground and first floors of semi-circular form, opening views from an internal courtyard towards the west and the river Trent. Material finishes include stone to the basement level, and laser cut Corten Steel to the ground and first floor levels. The flat roof would be finished in sedum, whilst a separate garage is proposed to the east of the building which would be bunded and green roofed so as to integrate into the sites landscaped boundaries.

5. The scheme has undergone revisions throughout the course of the application process, and has undergone an independent design review carried out by 'OPUN Design Review Panel'. The comments of the design review panel have since been submitted as supporting information. The scheme is also supported by a detailed Design and Access Statement which discusses the design evolution of the scheme, and details the proposed design concepts. The Design and Access Statement also details how the scheme seeks to meet the tests identified under former paragraph 55 of the NPPF (now superseded by paragraph 79 of the NPPF 2019).
6. The scheme proposes the inclusion of renewable building technologies and renewable energy systems, whilst also proposing the use of Sustainable Drainage Systems, and proposing the main power and heating system to be fed by a biomass boiler capable of being run from wood chippings from the careful management of the woodland area associated with the site. A Unilateral Undertaking has been put forward by the applicant to ensure that the woodland and dwelling land cannot be subdivided, safeguarding the implementation of woodland enhancements as outlined in the submitted outline woodland management plan.

SITE HISTORY

7. The site has no relevant planning history.

REPRESENTATIONS

Ward Councillor(s)

8. The former Ward Councillor (Cllr Lawrence) objected to the scheme, noting the requirements of section 56 (quote), of the NPPF. Officers would suggest this should read as paragraph 55 of the NPPF (Pre 2018). The former councillor identified the 4 tests which any scheme is required to meet for development seeking permission under the exceptional design exemption.
9. The former councillor went on to consider that whilst the proposed design is innovative, it is neither contemporary nor of the very highest standards, clarifying that 'textured concrete has never been regarded as being particularly desirable', and identifying that they saw no way that a plain concrete drum looking out over the flood plain could be said to enhance the immediate setting.
10. The former Councillor also identified that the proposal bears no resemblance to the defining characteristics of the area whatsoever and concluded that the scheme would not pass the test as set out by paragraph 55 of the NPPF (Pre 2018 version).

Town/Parish Council

11. East Bridgford Parish Council objects to the proposed development. The Parish Council consider the scheme does not meet the requirements of Paragraph 55 of the NPPF (Pre 2018) (Now amended as paragraph 79 of NPPF 2019) as it does not improve the landscape and the effect of the services and the approach road are not defined. The Parish Council also consider that the site development drawing lacks clarity and cannot be assessed, and a tree layout is not provided.

12. The Parish Council make a final comment that should permission be forthcoming, unrestricted access should be maintained at all times to the local rights of way network.
13. Following a revised consultation, the Parish Council reiterated their objection (April 2019) to the scheme for the prior reasons, whilst also noting the scheme would adversely impact the landscape character of the area, and would not significantly enhance the site and its setting.
14. In December 2019 the Parish Council reiterated their objection and again sought to expand. They identified that an application under Paragraph 79 (replaces paragraph 55 in the updated NPPF as of 2018), does not automatically address green belt concerns. The Parish Council identify the policy position on the importance of the green belt, that the development would indeed represent 'inappropriate development', harmful to the green belt. The Parish Council confirm they do not believe any special circumstances have been demonstrated to outweigh the harm to the green belt.
15. The Parish Council further identify they are unsure how this large isolated dwelling would raise standards of low energy design on a domestic scale locally, as the application suggests it would. They also suggest there are other means of securing the site to prevent fly tipping that would not require a dwelling on site, whilst the woodland management should be carried out also irrespective of any dwelling. Any dwelling would also be discordant and in no way sensitive to its environment.

Statutory and Other Consultees

16. Newark and Sherwood District Council as neighbouring Local Authority confirmed they had no observations to make regarding the proposed scheme.
17. Nottinghamshire County Council as Highway Authority raised no objections to the scheme, noting that visibility at the junction of Oldhill Lane and Kneeton Road was adequate.
18. Via East Midlands on behalf of Nottinghamshire County Council Rights of Way note that rights of way within the site would appear to be unaffected by the building. They request that any change to the character of the surrounding rights of way should be made clear, and comment that the width of the rights of way should not be infringed upon by the scheme.
19. They also confirm that Rights of Way should not be blocked during construction, and that the path surfaces should not be altered without authorisation from the rights of way team. Similarly, the existing access track represents a right of way and any construction traffic would be required to respect the continued pedestrian use, and make good any damage made through the use of the track for the transport of heavy goods. The details for securing temporary diversion orders are also provided where this may be required for public safety reasons, with such orders requiring at least 5 weeks' notice and the provision of an alternative route where possible.
20. In December 2019 Via EM sought to reiterate that any surfacing above that required for the access to function as a bridleway would both require the

permission of the Local Rights of Way Team, and would only be maintained by the applicant and not by the local rights of way team.

21. The Borough Council's Environmental Health Officer (EHO) raised no objections to the proposed scheme, however recommended conditions requiring the submission of a contaminated land report prior to any works commencing.
22. The Borough Council's Environmental Sustainability Officer (ESO) notes the scheme is supported by an ecological survey, protected species survey and Framework Woodland Management Plan. The Officer notes the surveys were conducted in accordance with best practice but that they are out of date, having been conducted in 2015. The Officer notes the application site includes part of the Trent Woodland Local Wildlife Site (LWS), however that the proposed dwelling lies on land outside this designated area. The Officer identifies that the site's main habitat is woodland (of moderate ecological value and suitable for enhancement), Grassland, Tall Ruderal Vegetation and Recolonising Ground; Bramble and Scrub; Hedgerow and Dry or Ephemeral Pond, all of low ecological value, but suitable for enhancement. Himalayan Balsam was identified within the landholding.
23. The Officer identifies that the land where the dwelling is proposed is of negligible value, and that overall if implemented in accordance with the recommendations of the consultant ecologists, the scheme would not be likely to have any negative impact on the favourable conservation status of protected species and is likely to have a net positive impact. The Officer makes a number of recommendations to be subject of conditions and/or informatives:
 - a) An update to the ecological survey should be carried out to ensure the findings of the supplied ecological documents are substantive. This should be carried out prior to determination of this planning application.
 - b) Further surveys may be required immediately prior to construction within the immediate area of the proposed new development, if more than 6 months has elapsed from any previous survey, this may be conditioned.
 - c) The recommendations of the consultant ecologist should be implemented (section 6 of the Ecological Appraisal).
 - d) The Framework Woodland Management Plan should be implemented and the means to do so secured. Ash (*Fraxinus excelsior*) planting is not recommended at this time due to Chalara dieback of ash, unless sourced from within the site.
 - e) All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - f) All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of

works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.

- g) The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.
 - h) Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering.
 - i) Any trees to be impacted should be surveyed by an appropriately qualified ecologist for potential bat roosts.
 - j) Where possible new trees/hedges should be planted with native species (preferably of local provenance) and existing trees/hedges should be retained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
 - k) It is recommended that consideration is given to installing bird boxes/bricks or lofts.
 - l) All Rights of Way should be maintained.
 - m) Consideration is advised on how parking for anglers can be managed.
 - n) The suggestions of sustainability features within the design and access statement are welcome and should be implemented.
24. Following revisions to the scheme in February 2019, the officer confirmed their comments remained as previous, although that an updated ecological survey could be secured by appropriate planning condition. This matter was again clarified in June 2020 where the officer confirmed updated surveys would be suitable to secure by planning condition prior to the commencement of any works on site.
25. The Borough Council's Conservation and Design Officer confirms that there are no designated heritage assets nearby, certainly not which would be affected by the proposal given its position within a wooded area which limits long range visibility.
26. The officer initially identified a shortfall in the Landscape Visual Impact Assessment (LVIA) which did not include the relevant viewpoint images. Following the submission of a revised document containing the full package of images, the officer raised concerns with some conclusions, noting that some of the images skewed views so as to try and minimise views of the development unnaturally, and some conclusions relating to viewpoints in

proximity to the dwelling seemed unjustified. The officer identified that the longer distance views were more accurate and agreed the dwelling would be screened to most views, however the officer sought clarity over the proposed felling of trees to create longer range vistas over the river from the dwelling, as these would increase visibility which seems not to have been taken into account.

27. The Officer further reviewed the design story behind the scheme and raised queries over the level of detail and the authenticity of links between the woodland and powering the building, suggesting queries such as where would timber from the coppicing be kept and seasoned for use etc. The officer also raised queries with the detail provided regarding the sustainable technologies and SUDS, in that limited detail has been provided for such an intrinsic part of the scheme.
28. The Officer also identified some inaccuracies in the Design and Access Statement regarding finishing materials and building composition and landscaping, which it was suggested should be reviewed and updated.
29. Following updates in February 2020 the officer reiterated some queries over the proposed biomass system as some references had been removed from the design and access statement, although the CHP room remained on plan. The officer also questioned the design of the log store, for which the external structure was provided very limited detail. The officer also queried whether orientation may reduce the efficiency of some of the solar panels to the building's roof.
30. In terms of design, the amendments to the garage location were considered positive, whilst the change in materials from concrete to stone was welcomed and appeared to fit more with the structure appearing as an outcrop from the escarpment. The officer concluded that whilst some questions remained, the design evolution shown was positive.
31. The Borough Council's Archaeology Advisor does not object. The officer identifies there are two entries in the Historic Environment Record located at the riverfront on the lower part of the site just to the west and include a Malthouse, and brick and malt kilns. These features appear on the 1836 'Sanderson' map, there are a number of archaeological features including an Iron Age settlement scattered over a wide area of interesting archaeological feature of various dates.
32. The Officer considers the application site is steeply sloped and has been modified in part by the importing and deposition of a large quantity of materials in recent years. As such any archaeological horizons on the site of the proposed dwelling are both of low potential and buried under spoil and regraded ground. Anything that does survive will have lost its stratigraphic context and that as such there could not be any justification for any further archaeological investigation of the site.
33. The Borough Council's Landscape Officer initially made comments noting that any reference to the planting of Ash should be removed from the Woodland management plan due Ash Dieback. The officer also raised concerns over the proposed crown lifting and thinning of trees on the escarpment to allow for views out over the Trent, noting this is not likely to offer any public amenity

benefits, and that there was little to quantify and detail the level of works proposed to create such views.

34. The Officer considered the woodland management plan to be a positive starting point, but that a detailed plan would require to be attained by condition with the current plan lacking the requisite level of detail. The officer noted that the trees on site would shade the courtyard given its orientation and that as such pressure may be put on the surrounding trees by future occupants. As such the officer recommended a Tree reservation Order be placed on the escarpment to ensure the trees are appropriately protected.
35. In terms of landscaping the officer requested that a clearer outline landscaping plan be produced to show how any loss of trees could be mitigated. The officer also questioned the position of the garage which would necessitate the removal of a mature tree on the site boundary. The officer considered the tree survey to be accurate, but reiterated the retention of as many trees as possible will be important to help any scheme integrate into the site and mitigate any possible impacts.
36. The officer identified they generally agreed with the discussions contained in the LVIA, suggesting there should be little impact on landscape character but that there will be a clear impact on users of the right of way. It was suggested that details of possible boundary treatments should be included to aid the consideration of impact on visual receptors of users of the PROW network.
37. Following revised submissions in November 2020 the Landscape Officer confirmed that the revised soft landscaping plan as submitted on the 13th November 2020 shows in principle how the development could provide an enhancement to the area. The officer also confirmed the applicant be made aware that a Tree Preservation Order now exists on the woodland.
38. The Nottinghamshire Ramblers Association note that they welcome all existing rights of way are to be retained, but query procedures for possible diversions during construction works and request any diversions are in place prior to works commencing. The Ramblers Association also note whether any new landscaping or fencing to provide screening to the property would affect views from the rights of way.
39. The Ramblers provided further comments requesting the impact on views from a number of locations and rights of way near to the site be considered as one of the Ramblers charitable objectives is "*the protection and enhancement for the enjoyment of the public of the beauty of the countryside*". The Ramblers then confirmed they objected due to the reasons previously provided (as detailed in point 38 above).

Local Residents and the General Public

40. 5 representations were received objecting to the proposals. The concerns raised can be summarised as follows:
 - a. The village is in need of affordable homes, not executive housing;
 - b. Any re-surfacing of the access would alter the character and appearance of the area and may encourage further fly tipping;

- c. The local mudstone is susceptible to collapse;
 - d. The amount of concrete require to stabilise the sight would far outweigh any eco credentials of the final build;
 - e. The creation of a river view may require the felling of trees which should be protected;
 - f. Concerns over recent site maintenance and footpath maintenance across the site;
 - g. The development site is rural and the scheme would have a significant detrimental impact on the local environment;
 - h. The development may set a dangerous precedent for new housing;
 - i. The suggestion a house is the answer to the fly tipping problem on site is flawed;
 - j. The site is located in the green belt;
 - k. Access is by a narrow unmade track;
 - l. The development will create traffic and air pollution in a rural area;
 - m. The development would be contrary the development plan for east Bridgford;
 - n. Increased heavy traffic on Kneeton Road, particularly related to construction (size, speed and timing of vehicles);
 - o. Traffic should be controlled so as to only access site from the north via the A46.
41. One neutral comment was received on behalf of the East Bridgford Wildlife and Biodiversity Group (C.I.C – Community Interest Company) who confirmed whilst they could not comment on the nature or structure of the building, and whilst unhappy about any incursion into the greenbelt, they fully supported the Ecological Appraisal and plans for protection and mitigation on wildlife, including the long term management of the woodland. The following matters were particularly highlighted as items supported:
- a. Removal of invasive species, especially Himalayan Knotweed;
 - b. Planting of hedges and trees;
 - c. Preparation and implementation of a long-term management plan for Trent Hills Wood LWS;
 - d. Tree enhancement and management, including coppicing, inside this wood;
 - e. Leaving habitat piles (of tree branches) for invertebrates;

- f. Installation of bat and bird boxes;
 - g. Provision for and safeguarding of protected and Biodiversity Action Plan species.
 - h. Similar strategies should be devised for hare and water vole.
42. The chair of the East Bridgford Wildlife and Biodiversity CIC requested that should plans proceed to a more advanced stage, that they be re-consulted.
43. One comment in support of the scheme was submitted by the applicant. The applicant identified the lengthy design process, consultations including design review panels, the reputation of their company and local benefits in terms of market values in response to comments raised by others in response to the scheme. The applicant also identified that design comes down to personal taste and identified other examples of developments where textured concrete had won awards at a national level.
44. One Comment in support of the scheme was received from the Nottingham Anglers Association who own the fishing rights along the River Trent closest (within) the site. The association consider the development will help alleviate the fly tipping and antisocial behaviour issues that currently blight the site. The association also welcome any proposed improvements to the surface of the access track which is susceptible to water erosion.
45. Two representations were received from members of the public in support of the scheme, the matters identified can be detailed as follows:
- a. The fact that all rights of way are to be retained is welcomed;
 - b. A residential use on site would deter anti-social behaviour on site and the visit of fly tippers who can make it more intimidating to walk in the area;
 - c. The design is contemporary and well thought through;
 - d. The use of Corten Steel is unusual but has been used effectively elsewhere such as Lincoln Castle which is very sensitive as represents a scheduled ancient monument;
 - e. Tree cover surrounding the site and new planting will be imperative to the success of the design;
 - f. A dwelling submitted under the provisions of P.55 of the NPPF is unlikely to set any precedent for further development;
 - g. There is a precedent for 'Country Houses' overlooking the river from other centuries such as the Manor and the Hill, further other development such as the business park are arguably more visible from across the Trent valley;
 - h. The scheme would only be intrusive along a small section of footpath;

- i. The scheme includes a woodland management plan which would significantly enhance the site which is currently neglected;
- j. Local walkers would benefit from improved access to the Trent side footpaths;
- k. The scheme will require review against East Bridgford's wildlife and environmental strategy;
- l. It is unfortunate there will be no financial benefit to the local village.

PLANNING POLICY

46. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG). Any decision should be taken in accordance with the adopted development plan documents.

Relevant National Planning Policies and Guidance

47. 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.
48. 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.
49. Achieving sustainable development means that the planning system has three overarching objectives, 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):
- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
50. In paragraph 15 the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
51. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Section 5 - Delivering a Sufficient Supply of Homes
 - Section 6 - Building a strong, competitive economy
 - Section 9 - Promoting Sustainable Transport
 - Section 12 - Achieving well-designed places
 - Section 13 - Protecting Green Belt land
 - Section 15 - Conserving and enhancing the natural environment
52. Section 5 - 'Delivering a sufficient supply of homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
53. Of specific reference to rural housing paragraph 79 of the NPPF identifies that *"planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:"* Paragraph 79 of the updated NPPF released in 2018 replaced Paragraph 55 as per the original 2012 NPPF. Criterion 'e' of the list under paragraph 79 identifies the following:
- e) *the design is of exceptional quality, in that it:*
- *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
54. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

55. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
56. Section 12 - 'Achieving well- design places' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
57. Paragraph 129 the NPPF identifies that Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development, and suggests such tools could include inter alia, 'design advice and review arrangements'. It is suggested that such processes are of greatest use early in the design process, and that in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.
58. In line with paragraph 131 of the NPPF, in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
59. Section 13 – Protecting Green Belt land states in paragraph 133 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 states that, *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* Paragraph 144 goes on to advise that, *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* Paragraph 145 makes clear that the construction of new buildings in the Green Belt is inappropriate development save for a number of

exemptions listed under paragraph 145 and 146 which may be considered 'not inappropriate'.

60. Section 15 - Conserving and Enhancing the Natural Environment states that planning decisions should, inter alia, seek to contribute to and enhance the natural and local landscape by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
61. Paragraph 175 goes on to state that when determining planning applications authorities should apply the principles set out under this paragraph, part 'a' of which states that if significant harm to biodiversity as a result of development cannot be avoided, mitigated or compensated, then permission should be refused.
62. This section of the NPPF goes on to cover Ground Conditions and Pollution and under paragraph 178 identifies that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Relevant Local Planning Policies and Guidance

63. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are relevant:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 3 - Spatial Strategy
 - Policy 4 - Nottingham – Derby Green Belt
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 17 - Biodiversity
64. Policy 1 highlights that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
65. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built-up area of Nottingham and the Key Settlements. In other settlements development should be for local needs only which will be delivered through small scale infilling and on exception sites.

66. Policy 4 (Nottingham – Derby Green Belt) establishes the principles of the Green Belt in the Borough.
67. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics; be adaptable to meet the evolving needs of climate change and reflect the need to reduce the dominance of motor vehicles. Part 5 of this policy identifies that outside of settlements, new development should conserve or where appropriate, enhance or restore landscape character. Proposals will be assessed with reference to the Greater Nottingham Landscape Character Assessment.
68. Policy 17 (Biodiversity) states that biodiversity in Rushcliffe will be increased over the core Strategy period by, inter alia, seeking to ensure all new development provides new biodiversity features and improves existing features as appropriate. It also requires decisions to support the need for appropriate management of existing and created habitats through the use of appropriate planning conditions and obligations.
69. The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policies in the LPP2 are relevant:
- Policy 1 - Development Requirements
 - Policy 12 - Housing Standards
 - Policy 13 - Self-Build and Custom Housing Provision
 - Policy 18 - Surface Water Management
 - Policy 21 - Green Belt
 - Policy 36 - Designated Nature Conservation Sites
 - Policy 37 - Tress and Woodlands
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 40 - Pollution and Land Contamination
70. Policy 1 – ‘Development Requirements’ sets out that planning permission for new development will be supported provided that where relevant, a list of criteria are met. This list includes aspects such as suitable access being provided, sufficient amenity spaces for end users, the relationship with nearby uses in terms of the amenity of future occupants and aspects such as ensuring no significant impact on wildlife or landscape character.
71. Policy 12 – ‘Housing Standards’ identifies that all new dwellings will be required to meet the higher optional technical standard for water consumption of no more than 110 litres per day.
72. Policy 13 – ‘Self Build and Custom Housing Provision’ identifies applications for such housing will be supported where a number of criteria are met, namely that the location for development be in accordance with policy requirements and designations such as green belt, landscape, heritage and environment. The policy also requires consideration of design, amenity and access.

73. Policy 18 – ‘Surface Water Management’ identifies that, at an early stage of design development must identify opportunities to deliver a range of sustainable drainage systems appropriate to the scale of the development. Surface water drainage should be delivered in accordance with the drainage hierarchy, with solutions seeking to enhance biodiversity and existing green infrastructure/drainage features.
74. Policy 21 – ‘Green Belt’ identifies that applications for development within the Green Belt be considered in accordance with the NPPF.
75. Policy 36 – ‘Designated Conservation Sites’ identifies that development likely to have a significant adverse effect on a site of local nature conservation value (such as a Local Wildlife Site), will not be permitted unless there are reasons for the proposal that could be clearly demonstrated and would outweigh the impacts of the scheme.
76. Policy 37 – ‘Trees and Woodland’ identifies that adverse impacts on mature trees must be avoided, mitigated or, if removal is justified it must be replaced.
77. Policy 38 – ‘Non-Designated Biodiversity Assets and the Wider Ecological Network’ states that where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity. It further advocates that outside of Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.

Other Legislation/Regulations

78. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
79. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
 - 1) There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of

- primary importance for the environment”;
- 2) there is no satisfactory alternative; and
 - 3) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
80. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
81. Natural Environment and Rural Communities Act 2006 at Section 40 states that “*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. Section 40(3) of the same Act also states that “*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.*”
82. The Community Infrastructure Levy Regulations 2010 (as amended) places the Government’s policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

APPRAISAL

83. 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.
84. It is considered that the main planning considerations in the determination of this application relate to:
- The principle of development having regard to its location (Spatial);
 - The principle of development within the green belt;
 - Whether the proposal truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;
 - Whether the proposal would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area;

- Green Belt - Implications of Green Belt policy, impact of the development on the openness of the Green Belt, and whether any harm would be outweighed by 'very special circumstances';
- Whether the development would result in a significant loss of amenity for residents of nearby properties; and
- Whether there would be any adverse highway safety implications.

Principle of Development having regard to its location (Spatial):

85. The application site is located outside of any reasonable settlement boundaries, within the countryside and designated green belt. The site has no near residential neighbours and is located circa 750m (as the crow flies, 1200m by road) from the edge of the settlement of East Bridgford, which lies to the south east.
86. Policy 3 (Spatial Strategy) of the Core Strategy defines how sustainable growth within Rushcliffe will be achieved over the plan period, with the policy outlining a strategy of urban concentration. The policy dictates that development be directed towards the most sustainable locations in accordance with the settlement hierarchy to ensure that development reduces the need to travel, promoting sustainable communities based on the services and facilities that are available in each settlement.
87. As the application site lies within a rural location, away from the built form of East Bridgford, the proposal, which would result in an isolated dwelling in the countryside, when assessed against the adopted Local Plan would be considered to lead to an unsustainable form of residential development where future residents would be reliant on the private car to access day-to-day services, facilities and employment opportunities, contrary to the aims of Policy 3 of the Core Strategy.
88. However, whilst Local and National policy guidance does not normally support new isolated dwellings within the countryside, an exception does apply where a proposal is of exceptional architectural quality, such that it meets the requirements of Paragraph 79 of the NPPF (2019).
89. A proposal must be able to demonstrate that the design is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture; helps to raise standards of design more generally in rural areas; significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area.
90. As such, whilst the proposal is contrary to the spatial policies of the adopted LPP1, the principle of new build residential development within the open countryside could be considered to be acceptable, subject to compliance with Paragraph 79 of the NPPF (2019), specifically criterion 'e' which states;
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
91. As part of pre-application discussions, and as identified within the submission documents, the scheme underwent 2 independent design review panel meetings and feedback sessions over a 4 year development period. The role of the design review panel is to provide support to Local Planning Authorities in the way of assessing the specific architectural design merits of the proposal in accordance with Paragraph 79 of the NPPF (2019). This process is endorsed in paragraph 129 of the Framework which emphasises that Local Planning Authorities must make use of such tools in helping to assess relevant applications, and that due regard should be given to the outcome of these processes.
92. Furthermore, during the course of this application the applicants have instructed The Design Review Panel (OPUN Design Review Panel) (TDRP) which comprises a group of independent and multi-disciplinary construction professionals to perform a written appraisal of the final amended scheme as revised through the planning process. The design review panel is a review panel of professionals who are separate from the application promoter and decision-maker to protect against conflicts of interest. The outcome of the review by the TDRP is discussed later in this report.

Green Belt

93. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 of the NPPF advises that the Green Belt serves 5 purposes:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
94. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are provided in a 'closed' list within paragraph 145 of the NPPF. Residential development, involving isolated dwellings in the countryside, does not fall within this list and, therefore, must be considered as inappropriate development.
95. As the application site is currently in the Green Belt, there is a specific policy identified in the NPPF that indicates development should be restricted. Residential development of this nature constitutes inappropriate development which is, as set out in paragraph 143 of the NPPF, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (VSCs). Paragraph 144 goes on to state that, "*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other*

considerations.” Very special circumstances (VSCs) must, therefore, be able to be clearly demonstrated to justify a support of planning permission on this site. Harm to the Green Belt should be given substantial weight in determining the application.

96. The applicant acknowledges that the proposal scheme would be inappropriate development in the Nottingham-Derby Green Belt and should not be approved except in VSCs.
97. It has previously been established by planning inspectors (for example see APP/X4725/W/19/3235581 – available on the Council’s website) that there is no reason why that ‘in principle’ meeting the tests of paragraph 79 cannot also be considered as part of a justification for VSC’s within the green belt.
98. Paragraph 22 of this appeal decision reads as follows:
- “22. Exceptional design quality per se, which could include compliance with paragraph 79 e) could well be capable of amounting to very special circumstances on the specific facts and evidence of a particular case. This is supported by the fact that irrespective of location, the Framework advises that ‘great weight’ should be given to outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The Framework is ultimately a material consideration and any findings simply need to be weighed in the balance. Despite some lengthy submissions on this the Council correctly acknowledge this is the case within their officer report and statement³ and are right to do so.”*
99. As such the next section of this report will seek to assess the scheme against the stringent criteria as set out in paragraph 79, part ‘e’.

Is the proposal truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas

100. The first criteria of Paragraph 79 of the NPPF requires that proposals should be truly outstanding or innovative. The applicant has sought to demonstrate how the scheme would meet both tests.
101. The application is accompanied by a series of supporting documentation including; Design & Access Statement, including environmental addendum and materials and finishes addendum, Design Review Panel responses, Summary Part L1A Building Regulations Assessment, Tree survey & constraints plan, Landscape and Visual Impact Assessment, Framework Woodland Management Plan and further imagery to showcase the development and to demonstrate how the proposal satisfies the requirements of Paragraph 79.
102. The dwellinghouse has been designed to optimise energy efficiency through sustainable construction techniques, use of integrated renewable energy technologies, use of sustainable drainage systems, the generation of on-site renewable energy and the use of water efficiency measures. These concepts are not uncommon in modern developments but are more rare to find the integrated technologies in a single dwellinghouse development.

103. TDRP has acknowledged this multi-stranded environmental approach for the scheme whilst noting that shading from the existing trees may impact the efficiency of the solar PV, and drawing attention to Forestry Commission guidance on timber harvesting. In response to these comments the architects provided the environmental strategy addendum to the Design and Access Statement which has also sought to holistically review the environmental strategy across the scheme.
104. As well as the Environmental Strategy addendum to the Design and Access Statement, a summary part L1A Building Regulations assessment has been submitted in support of the scheme. The building regulations assessment finds that through enhanced building fabric and the use of ground source heat pumps and mechanical ventilation and heat recovery systems, the scheme would offer a 21.3% improvement over building regulation standards, whilst also identifying that should the photovoltaic panels be included in the assessment, the improvement over Part L standards increases to 55%. The solar orientation diagrams within the environmental addendum seek to demonstrate that the PV panels would receive adequate daylight throughout the year.
105. The applicants identify that unlike many 'eco-buildings' this scheme will provide environmental innovation by seeking to create a sculptural dwelling underpinned by sustainability. The holistic approach of the scheme includes a fabric first low energy design incorporating recycled materials which remains simple to construct, allowing skills to be widely learned and utilised by tradespeople. The building design is proposed to include the following features:
- Durisol Block Construction – These blocks are constructed from 80% recycled materials with a high thermal mass, and represent a 'non – specialist' form of construction;
 - High performance glazing with automatic blinds;
 - Mechanical Ventilation and Heat Recovery Systems;
 - Automatic Cross ventilation systems; and
 - Automatic Pool cover to improve heat retention.
106. The scheme also presents that the property has received an optimized solar orientation designed to minimize risk of overheating in the summer and ensure access to appropriate summer ventilation and winds.
107. In terms of energy generation, the scheme proposes to include a 10KWe solar array to the roof which would power a 'significant proportion' of the building's electrical requirement. The scheme proposes to combine the PV array with the use of 'XStorage' batteries which would hold charge generated by the PV array for use in the property as required. In terms of heating and hot water, the property would utilize underfloor heating throughout, with hot water and heating to be sourced from a centralized 1500 litre thermal store fed by a 20kw ground source heat pump system connected to 4 boreholes. Further to this, a smaller array a thermo evacuated tubes are also proposed on the roof of the property to supplement the system.
108. In terms of water management, the proposed green roof beneath the roof-based PV array and solar tubes would absorb and store water, slowing the movement of water to the ground. Surplus water is then to be stored in a 10,000 litre capacity rain water harvesting tank which would service internal toilet

cisterns and potentially other domestic appliances requiring non-potable water such as washing machines. The water would also be used for the gardens, and should the tank overflow it would automatically feed a rainwater garden to the south side of the site. The scheme also proposes the installation of water efficient fittings, and identifies all external surfacing is to be permeable to allow for infiltration.

109. Further to the above, the scheme proposes a more direct relation to the landholding which contains some 2.5 hectares of woodland. The scheme proposes the inclusion of a biomass boiler as a backup heat and power option should the renewables not provide adequate capacity, with the biomass boiler proposed to run on wood chippings. The woodland management proposed as part of the scheme (discussed in detail later in this report) includes for the coppicing and planting of trees, whilst natural churn from fallen trees would also provide additional timber. The scheme, as revised, includes an internal wood store where timber from the management of the site woodland would be seasoned, before use in the biomass boiler system.
110. It has been suggested that in cold weather, the biomass system may burn up to 6 cubic metres of fuel per year. This is said to equate to 2 or 3 'typical trees', and it is suggested that such provision would likely result from natural churn and management processes on site. Whilst the scheme does provide servicing to allow for wood chippings to be transported in as required, the scheme proposes a fundamental and intrinsic link to the land and its environment, seeking to establish a workable relation where the power and heating can, where possible, be off-grid.
111. The applicant advises that the design of the scheme has evolved over a significant period including an extensive term of pre-application engagement where 2 separate design reviews took place. These processes honed the design into the project as now presented which represents a solid 'object building' rooted into the ground, sitting on a rocky escarpment (basement level clad in stone) with a simple material palette to the upper floors consisting a 'rusty' corten steel cladding with organic shaped tracery cut outs. This simplistic approach gives the scheme the legibility of 'a roundhouse in the woods' as suggested by the Design Review Panel (TDRP), with the corten cladding reflecting the changing woodland seasons in a subtle yet dramatic way.
112. TDRP in their independent assessment confirm that, following previous reviews in 2014 and 2015 the scheme has developed and evolved, improving its understanding of the site context and constraints whilst also evolving the scheme philosophy from that of any building which 'weaves through the trees' to that more of an 'object building' within the woodlands. TDRP acknowledge and agree that the site presents a significant opportunity for a highly distinctive new dwelling and architectural exemplar.
113. Within TDRP comments from June 2019, there remained some items of discussion for the panel. The bold and uncompromising approach to the design of the building was endorsed as a concept in response to site context, however questions were raised regarding the number and presence of secondary objects outside of the core building, which provide a potential challenge to the site design concept. Since these comments were initially made the reflection

pool and external wood store have been removed from the site frontages and replaced with further landscaping.

114. In a covering letter the agents identified that the garage was required at grade with the building entrance rather than underneath, however that the removal of the reflection pool and additional landscaping and weaving footway would emphasise the entrance to the building through a woodland, rather than a more urban setting and layout. TDRP acknowledge that these changes represented an improvement and provided a simpler entrance, moving away from the urban looking reflection pool and patio. It was suggested that the planting to the building could be improved to provide additional woodland glade type vegetation, but that in general the suggested use of wildflower turf would complement the natural setting of the building, so long as its longevity was secured and it was not returned to any mown grass or manicured lawn style feature.
115. With regards to the garage and bin store retentions, TDRP emphasised that if these structures were to remain, there was great importance in ensuring these structures are carefully considered and detailed to ensure they would not appear incongruous and would appropriately integrate into the environment.
116. In considering this matter holistically, officers consider that the proposal to bund the garage and bin store structures with green roofs so that they nestle into the landscaped frontage would aid the structures assimilate into the site as viewed from the north and east, with the buildings able to capably form part of the landscaped glade edge.
117. Following the amendments officers would suggest that from the southern aspects, boundary hedgerows, shrub and tree planting would break down the main building structure and massing without screening the building, allowing filtered views through and along the drive. Stone boundaries and corten steel gates and garage doors would provide a consistency of design through these secondary features associated with the scheme, and whilst these structures would be additional to the site beyond the core structure, it is considered that these smaller secondary features would be well designed and integrated into the site so as not to detract from the overall design concept of the scheme, achieving the goals advocated in TDRP's comments.
118. The internal site landscaping scheme remains in outline form at this stage, however it is acknowledged that additional planting could be secured through any detailed landscaping condition. The landscaping scheme as currently presented is however considered by the Borough landscape officer to demonstrate how the site development could enhance the sites immediate setting and does in principle show that additional planting will be provided to all elevations of the building. The landscaping includes subtle elements such as holly to the building base to help integrate the building into the landscape whilst also providing for security given the surrounding public access.
119. TDRP identified how the scheme could nestle into the woodland location as shown on the site sections, aided by the landscaping such as the holly, but highlighted the importance of the management of the trees in proximity to the building. Officers advise of the Tree preservation Order now covering the woodlands, whilst the architects have removed any reference to the thinning of trees to create glimpsed views to the west, with a view to potentially re-visiting

such a matter following completion of the scheme should permission be forthcoming. This would provide the security noted by TDRP over control of the creation of any glimpsed views and any impact this may have on the woodland.

120. TDRP concluded (prior to the revisions and additional information regarding the reflection pools, environmental strategy etc.) that; *“This is an ambitious and interesting scheme, promising a high quality and highly distinctive building, in what is a very attractive setting. If the vision is to be realised, it will be vital that the design detailing and construction reflects the stated ambitions of the project, in order to deliver on the promise of a building which has the potential to reflect the highest standards in architecture.*
121. *The Panel believe that, with further consideration given to ensuring a truly integrated environmental approach, as well as the ‘peripheral’ elements (garage, etc.) and matters of landscape and setting, the development has the potential to meet the requirements of Paragraph 79.”*
122. Officers would agree that the scheme represents an articulate and authentic approach to the site context, with the form, massing and scale of the scheme presenting a clear contemporary vision that would be responsive to the sites opportunities and constraints. The simple and singular form of the building would appear to sit on a rocky out crop creating a solid and significant base form that would complement the characteristics of the area. The ground and first floors would then be more open, revealing a central courtyard with forms remaining cylindrical but with slightly offset footprints to add interest and reduce visual weightings. When combined with the corten steel cladding that would have organic patterned tracery cut outs, the visual weight of the building would reduce. The reduced visual weight and rusty appearance of the cladding would react positively with the changing seasons of the forest canopies and is endorsed by TDRP.
123. The garaging to the east of the site takes a differing design approach with the structure to be bunded and covered with a green roof that would integrate as part of the site boundary landscaping scheme along the periphery of the glade edge. This differing approach would be considered appropriate for this smaller secondary feature and would also ensure the structure would not directly compete with or detract from the strong singular form of the main building.
124. The agent has identified that the scheme would act as both a prototype for construction training as well as a demonstration project for craftsmanship, with building skills gained transferable to other schemes in the local area. Whilst only a single site, should a programme of training and skills workshops be secured throughout the scheme delivery, then it could be reasonably considered that the skills gained from this project, integrating a significant number of environmental gains, could help raise standards of design and construction across the area. Such outcomes could be secured through a condition requiring the submission and agreement of an employment skills strategy.
125. Having regard to the advice in paragraphs 128 and 129 of the NPPF, the expectation is that significant weight will be attributed to the endorsement of the quality of the design by TDRP in the light of the provisions in paragraph 79 ‘e’ which supports new isolated dwellings in the countryside where they are of exceptional quality.

126. Given the above considerations including the comments of TDRP, officers consider that the amended scheme would achieve the highest standards in architecture with a design that is considered to be both outstanding and innovative in its integration of environmental improvements and sustainable technologies with design of such architectural merit. As such, the scheme is considered to satisfy the requirements of paragraph 79 'e', justifying the approval of an isolated dwelling in the countryside.

Would the proposal significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

127. The area falls within the national landscape character area of the Trent and Belvoir Vales. On a local level the site sits within the local landscape character area of the South Nottinghamshire Farmlands: East Bridgford Escarpment, characterised by the steep wooded escarpments down to the river Trent and large areas of arable land subdivided by boundary hedgerows and only very limited areas of woodland beyond the river boundaries.
128. The application site comprises degraded land of an informal car parking area on the edge of a wooded glade, with the car parking area the centre of several environmental concerns due to fly tipping. A high plateau sits to the east of the site, with a track sloping down towards the car park which demarks the edge of the wooded escarpment with boundary trees and hedging meeting the boundary with arable land. The track passes the car parking area on the southern side, sloping steeply down towards the river banks and anglers club parking area.
129. A steep muddy escarpment demarks the western edge of the parking area, with a public footpath running part way down the escarpment in a north south direction. The bare unmade ground of the informal car parking area provides appropriate opportunity for development that could significantly enhance its immediate setting. The boundary vegetation to the car park provides an opportunity for the delivery of a scheme which could sit within the woodland context without any undue removal of trees. Discussions have removed any reference to wider tree thinning works within the wider woodland setting where they were originally proposed for aesthetic value to the property.
130. The construction works as revised propose the removal of 1 early mature sycamore tree (T8), whilst also proposing the removal of part of two self-set young/early mature tree groups in G3 and G4. These specimens lie to the south and north sections of the site closest the proposed dwelling structure. All the above specimens were classified within the arboricultural report as category 'C' trees/groups, defined as of 'low quality'. The landscape and Visual Impact Assessment (LVIA) identifies this loss to be of neutral effect in the site context.
131. The LVIA considers that overall, the scheme would have no significant impact on landscape character subject to securing the quality of the design, appropriate landscaping and the implementation of the woodland management plan. The LVIA confirms that the scheme would not change the key landscape characteristics of the local or wider landscape, and that where perceptible, the scheme would be largely contained within a well-vegetated and enclosed landscape that would be further enhanced through additional planting and

management. The Borough landscape officer has not raised any concerns with these conclusions of the LVIA, agreeing there would be little impact on landscape character, and as such it is considered that in principle the scheme would be sensitive to the defining characteristics of the local area.

132. In terms of significantly enhancing the sites immediate setting, the LVIA considers a range of local views from the numerous footpaths and bridleways within and adjacent the site, noting there are no significant views from nearby roads or at longer distances. Whilst Public Right of Way (PROW) users are of medium to high susceptibility to changes, particularly where in close proximity to the site, it has also been identified that visual effects will be felt on a localised level only. From the 6 viewpoints assessed around the site the scheme has found no views would experience adverse impacts, with the closest views noting the most significant change, but also identified beneficial changes when considering the current site context, a low quality and degraded parking area.
133. The scale of the building would be in keeping with the existing and surrounding trees allowing the structure to effectively nestle into the existing canopies in any views from elevated ground to the east. The green roofing system would assist in aiding the structure to assimilate more harmoniously with the woodland canopies, particularly in views from the east. As users of the bridleway move closer from the east the existing landscaping to the site boundaries would filter views of the building. The Corten clad ground and first floors would however be visible as users get closer to and pass the site, and it was a conscious decision that the scheme not be hidden, or completely screened from view with any proposed landscaping. New hedge planting and further tree and shrub planting is proposed to these eastern and south eastern side boundaries which would enhance the approach to the site, increasing the amount of woodland understory in what is currently a significant area of hard standing, breaking up the significant width of the currently open but contained area.
134. When approaching from the north of the building and transitioning through the site of FP13 the development would appear as a two storey building with the corten steel cladding, with additional enhanced landscaping and planting to both the structure and the PROW route through the site. The structure would provide enhancements to the existing bare ground and poorly maintained area and whilst generating a perceptible change, the landscape led approach not including hard boundaries and proposed high quality design, layout and identified material finishes would provide a notable and permanent change that is identified as 'beneficial' to the landscape character, and may therefore offer improvements of aspects contributing to landscape character.
135. From the south and west the scheme would be 3 storey, with the stone clad basement level appearing and providing a rocky outcrop like grounding to the scheme that would be surrounded by native planting. The upper floors would open up, on what otherwise would be significant elevations, to reveal the internal courtyard and domestic hub of the scheme. This orientation would break the visual massing of the structure to these sensitive elevations visible from lower land to the west and prevent the scheme generating any overtly dominant or closed relationships with these key rights of way and public vantage points.

136. It has been confirmed that all existing rights of way through the site and adjacent the site will be retained in situ and that no permanent diversions would be required. The scheme proposes the use of defensive planting such as holly for security where required and does not propose any hard site boundaries, save for to the south of the site where retaining stone walls are proposed for the basement access. Similarly, the main drive is proposed to utilise small stone kerbing edges to match the house with a low Corten Steel gate across the drive. As such the scheme proposes the use of natural boundaries appropriate to the location, and so long as rights for any new boundaries are removed the scheme as presented shows an appropriate sensitive relationship with surrounding public vantage points, addressing comments raised by both the Ramblers Association and the Landscape Officer.
137. Following the submission of revised landscaping proposals, the Borough Landscape officer has confirmed they are content that the outline landscaping schemes demonstrate how a detailed landscaping scheme in combination with the development could deliver enhancements to the immediate setting of the site. The landscape officer and environmental sustainability officer, as well as the local East Bridgford Biodiversity group have all welcomed the proposals of the outline woodland management plans and have accordingly suggested this document would showcase how any scheme could deliver further benefits to the immediate site setting.
138. The woodland management plan is in outline or framework at this stage, and a detailed and long term management plan would be secured by condition, with the subdivision of the land protected by the Unilateral Undertaking offered by the applicant. The Management Plan however works from ecology surveys undertaken and identifies that the main feature of ecological interest supported by the management area is the broadleaved semi-natural woodland itself, and therefore the existing woodland habitat will form the focus of the management plan. Additional habitats are identified to include an existing hedgerow, an overgrown dry pond and an area recorded to support the invasive plant species Himalayan Balsam.
139. In summary, new woodland planting is proposed within parts of the site currently devoid of trees whilst invasive species are to be treated, and sections of the woodland are to be thinned to allow the growth of the woodland understory. Further to this the scheme proposes the creation of deadwood habitats such as log piles, the re-watering and enhancement of the pond and faunal enhancements including bat and bird boxes.
140. The development scheme incorporating these improvement and showcasing the integral links of the dwelling to the landholding is considered to demonstrate appropriate sensitivity for the sites context as outlined above, whilst also providing significant enhancements to the immediate site setting as visible from local rights of way. As such, subject to conditions attaining the agreement and implementation and management of landscaping and woodland improvements, and securing the design quality of the design as submitted, the scheme is considered to achieve the test outlined under this part of paragraph 79 part 'e' of the NPPF.
141. In addition to these considerations, given the sites location within the green belt it is necessary to consider whether there would be additional harm to the Green Belt by reason of loss of openness, visual impact and any other harm

with regard to the purposes of the Green Belt, together with any other planning harm. Any additional harm must also be clearly outweighed by other considerations.

Effect on openness of the Green Belt

142. It is considered that the proposed development would have an adverse impact on the openness and permanence of the Green Belt at this location, introducing a permanent structure into an otherwise open, natural environment.
143. The NPPF states that 'substantial weight' should be given to any harm to the Green Belt. However, in this case the limited quantum of built development, the semi subterranean design and location within a wooded glade as part of the design considerations, as set out above, would contribute to drawing a conclusion that the scheme would not have any impressionable impact on the extent of open land, with these factors also contributing to help minimise the visual impact of the scheme on openness.
144. The proposed development must also be tested against the purposes of the Green Belt as set out in paragraph 134 of the NPPF, whilst is discussed further in the following paragraphs.
145. To check the unrestricted sprawl of large built up areas - In this instance, the application site is separated from the main built up area of Greater Nottingham and the surrounding villages, and the proposal would represent an isolated dwelling in the countryside. For this reason, it is considered that the proposed development would not represent or contribute to urban sprawl.
146. To prevent neighbouring towns merging into one another - As stated above, the application site is separated from the main built up area of Greater Nottingham by a number of miles and is a notable distance from the nearest villages of East Bridgford and Kneeton, with no visual relationship. For this reason, it is considered that the proposed development would not result in Greater Nottingham merging with these villages.
147. To assist in safeguarding the countryside from encroachment - The application site currently comprises woodland. As noted above, built development would fill part of the site and thus encroach on the countryside.
148. Preserving the setting and character of historic towns - It is not considered that the development would harm the setting and character of any historic town and would not therefore conflict with this aim of Green Belt policy.
149. Assist in urban regeneration, by encouraging the recycling of derelict and other urban land - The proposed development would not encourage the recycling of derelict and other urban land, so it would not assist in urban regeneration. However, as has been noted, the exact site of the dwelling currently comprises degraded land with associated environmental problems due to fly tipping. The scheme would however not assist in encouraging urban regeneration.

Summary of Green Belt Considerations

150. The scheme is inappropriate development in the Green Belt. It would encroach on the countryside, reducing the openness of the Green Belt, albeit to a limited

extent. Therefore, the scheme must be regarded as causing harm to the Green Belt, both by definition and physical harm. This harm must be given 'substantial weight' in the determination of the application and permission should only be granted where very special circumstances exist, and the harm is clearly outweighed by other considerations. In this respect, the scheme is considered to be of exceptional quality and go beyond the requirements of 'the country house policy' under paragraph 79 part 'e' of the NPPF in that the scheme would be both truly outstanding and innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

151. In such circumstance paragraph 131 of the NPPF identifies that 'great weight' should be given to such outstanding or innovative designs. As such Officers are satisfied that, in principle, subject to a detailed balancing exercise, the benefits of the scheme design may be considered as very special circumstances, sufficient to outweigh the harm to the green belt, justifying a departure from the normal rule that strictly controls and restricts inappropriate development within the green belt.

Heritage and Archaeology

152. The Borough Conservation and Design Officer has confirmed that there are no designated heritage assets in the vicinity of the site and therefore concludes that the scheme would have no impact on any designated heritage assets.
153. In their role as archaeological advisor the officer noted that there were two Historic Environment Records close to the site, both of which are located along the river banks to the lower parts of the wider site and relating to a malthouse and brick and malt kilns visible on the 1836 Sanderson Maps.
154. The officer however noted the application site was steeply sloped with the areas of possible excavation for the dwelling design subject to the dumping of imported material in recent times. As such the officer considers that any archaeological horizons that may have existed would be buried beneath spoil and regraded land. Notwithstanding these issues, the Officer highlights that this area of the site would be of low archaeological potential, and overall concludes that there be no requirement for any further archaeological investigations to the site.

Trees/Woodland and Landscaping

155. The proposed development as revised is supported by an aboricultural impact assessment, Framework Woodland Management Plan and an outline landscaping proposal.
156. The scheme would result in the loss of tree T8, an early mature Sycamore Tree of category 'C' quality, whilst also proposing the removal of two self-set young/early mature tree groups in G3 (partial - up to 2m pruning required in places for building footprint) and G4, also of category 'C' quality. Revisions to the garage location have seen tree T2 retained to the sites eastern periphery along with G2 to the same site boundary. The landscape Officer has raised no objection to the removal of this limited selection of established planting. The scheme also originally discussed limited crown reduction through parts of the

woodland to open up views from the proposed dwelling over the Trent valley. This was, however removed from the scheme following discussions, and the woodland is now covered by an area Tree Preservation Order (TPO).

157. The landscape officer has also reviewed the latest indicatory landscaping scheme for the development site which seeks to demonstrate how a range of soft landscaping treatments, including wildflower planting to the sites periphery transitional areas, new selective tree planting, native hedging, bulb planting as well as feature shrub planting areas will seek to develop the character of the site. Smaller areas of amenity turf and ornamental shrubs are also identified to the sites core. Stone boundary walls and cobblestone strips are proposed to the most public facing elevations of the site, with the driveway surfacing to be a permeable recycled tyre material. These hardscape materials would tie into the proposed building construct with a stone clad basement level and contemporary glazing protected by laser cut corten steel above.
158. The Borough Landscape Officer found that in light of the sites current derelict state as an open informal parking area, the scheme and levels of landscaping indicated showcase how any development could bring about and achieve a significant enhancement to the landscape character of the immediate site and setting. A condition requiring the submission and agreement of a detailed landscaping scheme would however be necessary in order to secure such outcomes.
159. A revised framework woodland management plan has also been provided relating to the wider woodland area alongside the river stretching west and north of the site. This area of woodland is used by anglers and contains a number of public rights of way. The woodland is not currently actively managed and is under threat from invasive species. The applicant for the site has submitted a unilateral undertaking (legal agreement) preventing the woodland area from being separated or sold off from the proposed dwelling site.
160. The framework plan sets out how the woodlands would be carefully managed and enhanced. It sets a series of management objectives that are proposed:
 - i) Prevent deterioration of the area of woodland habitat through halting the spread of non-native species, fly-tipping and informal woodland clearance.
 - ii) Provide compensation for losses of habitat through new tree planting.
 - iii) Provide enhancements to woodland structure and floral diversity where possible, with the aim of creating an area of high quality woodland.
 - iv) Provide new opportunities for faunal species.
 - v) Create and maintain visual vistas from the proposed dwelling through selective tree thinning.
 - vi) Maintain and improve fishing access.
161. Whilst any detailed management plan would be required to remove reference to selective thinning to create views and vistas for the proposed dwelling, which would not be supported in principle, the framework plan does seek to demonstrate how the woodland habitat areas could be placed under regular management and maintenance to enhance its ecological and amenity value with new tree planting to incorporate Oak, Hazel, Field Maple and Willow, as well as other management practices and enhancements to re-water the dried

pond within the woodland, and bring about faunal enhancements through bat and bird box provisions, and the creation of deadwood habitats.

162. The Borough Landscape Officer has confirmed that the framework plans sets a positive outline for the scope of works, however that it would require refinement and further detail and that as such a condition would be appropriate to secure the submission, agreement and long term implementation of an appropriate detailed woodland management plan. This would be considered reasonable and necessary in relation to the scope of development sought.
163. A condition securing appropriate tree protection prior to any commencement would also be considered necessary in the interest of the amenities of the area.

Landscape and Views

164. A detailed discussion of impacts on landscape character and views can be found under the section 'Would the proposal significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area' in paragraphs 125 through 139.

Ecology

165. The application has been supported with various ecological surveys and appraisals. The application site has no statutory designations, however does form part of the Trent Hills Woods Local Wildlife Site (LWS), with two additional LWS's in proximity in the 'River Trent (Gunthorpe to Fiskerton)' to the west of the site, and the 'East Bridgford Banks Pasture' to the north west. The proposed site for development (location of the proposed house) falls outside the defined LWS boundaries.
166. The trees on site are identified to form a 'lowland mix deciduous woodland' habitat area, however as the scheme identifies minimal tree removal is necessary, and proposes new landscaping to the immediate development site as well as the long term management, maintenance and improvements to the wider woodland, it is concluded the scheme would likely bring about improvements to the woodland habitats.
167. There is an existing hedgerow around the car park area to be re-developed which is identified as a priority habitat and should be retained. The plans identify the boundary hedgerows to be largely retained and enhanced save for an area to the south adjacent the bridleway where more notable removal may be required to facilitate development. The Borough Environmental Sustainability Officer has raised no objections to this matter and subject to replacement hedgerows and additional landscaping being secured by condition, this limited removal would not be considered overtly detrimental in context of the wider scheme.
168. The woodlands contains a pond which represents a priority habitat. This pond is, however currently dried and overgrown and is of low value. The scheme proposes the management of the site including the dredging, re-profiling and re-watering of the pond, a matter which can be secured by condition as part of the ongoing woodland management plan, and would represent an ecological enhancement.

169. The woodland area was also found to contain a number of examples of Himalayan Balsam, an invasive species. The Woodland Management Plan would ensure this threat is treated appropriately and removed from site.
170. The Ecological Appraisal found that, subject to the implementation of recommended measures (set out in section 6 of the ecological report), it is considered that adverse effects on the both Trent Hills Wood, East Bridgford LWS, River Trent (Gunthorpe to Fiskerton) LWS and East Bridgford Bank Pasture LWS from construction activities and effects as a result of the completed development will be minimised, whilst following development works, the favourable conservation status of the Trent Hills Wood, East Bridgford LWS will be secured and enhanced in the long-term, thereby providing an overall benefit to the designation.
171. The submission and agreement of a Construction Environmental Management Plan prior to works commencing would seem an appropriate and necessary way of securing construction and pollution prevention safeguards for the site in order to protect the adjacent local wildlife sites and their habitats from any significant impacts.
172. The woodland area contains an outlier badger set, however the bare ground of the development site is not identified as of any foraging benefit to any badgers and as such, given the sett remains away from this development site, subject to basic mitigation measure secured by condition the scheme would not raise any undue concerns relating to possible impacts on this protected species.
173. With regards to Bats, there are some low value trees noted within the surveys, however the most important feature of the site represents the riverside corridor which would not be impacted. It was considered that, subject to safeguards including a new bat survey prior to any commencement of any tree works, and sensitive lighting schemes being approved, the scheme would not result in any harm to the conservation status of any protected bat species on site.
174. With regards to other species, the site has negligible potential for reptiles or mammals, with no evidence of invertebrates and the site was assessed as unlikely to support Great Crested Newts. A condition regarding any site clearance being completed outside of bird nesting season would be considered pertinent.
175. In principle however, subject to the controls outlined above, the scheme identifies how works could be completed without any impact on the conservation status of any protected species, whilst also providing opportunities for site wide enhancement and ecological gain which could be secured through appropriately worded landscape conditions and woodland management plans.
176. The Borough ESO has supported these conclusions within their comments. They also, however identify that the surveys are now out of date, and that as such whilst they provide a baseline position appropriate to issue a decision on, that new surveys be carried out prior to development commencing to confirm the results of the previous surveys remain valid, and suggest any further mitigation or surveys as may be deemed necessary dependent on the findings

of any update. This is considered reasonable, and as such a condition requiring updated surveys prior to any commencement is recommended.

Flood Risk and Drainage

177. The site of the proposed dwelling lies within flood zone 1, raised above the river and therefore represents land at the lowest risk of flooding. Flood risk therefore, does not present any inherent constraint to development.
178. In terms of drainage, the site surface water is to be treated as part of the site wide environmental strategy. The dwelling would have a green roof around the photovoltaics, which would drain to a rainwater harvesting tank of circa 10,000 litres in size. Should this tank be exceeded then any overflow would feed into a rain garden to the southern side of the property, whilst water from the harvesting tanks would be utilised for the gardens and to feed internal header tanks serving the toilet cisterns and feed appliances such as washing machines. The scheme also proposes the use of water efficient fittings.
179. In principal this SUDS first approach would be compliant with the drainage hierarchy advocated within the local plan. A condition requiring detailed design and calculations to be submitted and approved, and following that implemented is recommended to ensure the scheme works as part of the sites wider environmental strategy which forms part of the schemes suggested VSCs.
180. In terms of foul water, the site is a significant distance from the nearest public sewer and as such the scheme proposes the use of a bio treatment plant located on site. Such technology treats liquids to an appropriate quality standard before discharge, and requires emptying on average once or twice each year for the retained solids. A condition securing full details is recommended in order to ensure the final system complies with the appropriate foul water drainage assessment criteria, and to ensure any final system forms part of the sites integrated environmental strategy.

Environmental Health

181. The Borough EHO has required a contaminated land report be submission prior to any commencement. Given the site's history of associated pollution incidents from fly tipping, and the site's use as a car park, this would be considered reasonable and necessary in the interests of the amenities of future occupants and site workers.

Land Stability

182. The land represents made ground in an area known regular land slips due to water soluble gypsum veins within the mudstone cliffs. Given the dwelling is proposed to be built into the escarpment it is considered prudent in the interests of amenity that land stability surveys be conducted and submitted prior to works commencing to evidence a viable build design that protects both the structure proposed and the users of PROW's in the vicinity of the site. This aligns with paragraph 178 a) of the NPPF, stating risks from land instability can be considered.

Public Rights of Way

183. Following revisions to the plans it has been confirmed that none of the existing rights of way, either within or adjacent the site will be moved or diverted as a result of the development proposals.
184. The initial scheme sought to re-surface the entire length of the access drive, however following concerns raised by Via East Midlands on behalf of Nottinghamshire County Council Rights of Way team over the suitability of the new surfacing for equestrian users of the bridleway (BW15), which also runs the length of the access road, this element of the scheme was withdrawn, and as assessed the scheme seeks no changes to the surfacing of the access ways.
185. A condition requiring the submission and approval of details of any upgrades to the site access prior to such works commencing would be recommended to ensure that any new surface is considered with regards to landscape and the usability for both future occupants and PROW users. Similarly, a condition preventing the construction of any new gates along this access is also recommended.

Access and Servicing

186. The County Council as Local Highways Authority have raised no objection to the proposed access which includes appropriate visibility splays on its Kneeton Road junction. The site access would remain in its current format and layout. The dwelling itself would have appropriate off street parking and turning areas to ensure access and egress can be made in a forward gear, whilst serving vehicles to the basement are shown to have sufficient turning, either utilising the turning head, or using the fisherman's car park at the bottom of the access which is within the applicants ownership.
187. In terms of waste collection, the property access would be unsuitable for the Borough Council's Waste Collection vehicles. As such, collections would be made from the access point to Kneeton Road where a wooden bin store would be located. The applicant has identified they would remove wastes from site and transfer them to the bins at the end of the drive for collection. Whilst this represents a unusual situation, it is not considered to amount to any significant site constraint that would be a constraint to development.
188. It is noted that a bin store has already been erected to demonstrate the scheme could be viable, however that it has been subject to damage. This permission does not authorise any such structures. A condition is recommended to require the submission of a refuse strategy for approval prior to occupation.

Sustainability and Environmental Credentials

189. The sustainability and environmental credentials of the scheme have been discussed and identified in more detail under paragraphs 101 to 109 of this report.
190. It is recommended that conditions be imposed to secure the detailed designs for the renewables schemes and for confirmation of compliance and installation statements to be provided to ensure the full identified extent of the schemes

environmental plan is brought to fruition, another element of the schemes identified VSCs.

191. Similarly final technical workings and assessments demonstrating the schemes compliance with the design and build specifications on ventilation, glazing, air tightness and thermal mass amongst other matters will be imperative to ensure any scheme reaches and achieves its identified vision of setting environmental standards for buildings of such architectural merit, again part of the developments identified VSCs.

Amenity

192. The scheme does not have any direct residential neighbours, and would provide future occupants with appropriate internal and external spaces so as not to raise any amenity concerns.

Conclusions

193. Having reviewed the scheme as now presented, there remain no outstanding technical matters of concern, with all matters as reviewed capable of being appropriately controlled by condition where necessary.
194. It therefore remains for the scheme to be considered in the planning balance. Fundamentally the scheme for the development of a new dwelling represents inappropriate development in the green belt which must not be approved, save for where very special circumstances have been demonstrated and other factors outweigh any harm, as identified in paragraphs 93 to 97 of this report. It is necessary to consider whether there would be additional harm to the Green Belt by reason of loss of openness, visual impact and any other harm with regard to the purposes of the Green Belt, together with any other planning harm. Any such harm must be given substantial weight.
195. The scheme would result in encroachment into the countryside and would not help fulfil the roll of green belt in seeking to support urban regeneration with the scheme not conflicting with 3 of the 5 purposes of the green belt, as discussed in paragraphs 140 to 147 of this report. The scheme would therefore cause a limited level of additional harm through impact on the openness of the green belt. This matter is considered under para's 140 and 141 of this report. The scheme would also provide additional residential accommodation in an isolated location in the countryside, devoid of access to services and amenities, save for by private transport. The scheme would therefore be contrary to policy 3 of the LPP1 (Spatial Strategy), and as such the scheme would also bring about harm, in a limited form due to the scale of development, to the spatial objectives of the Council's local plan policies for the sustainable distribution of new housing. These additional harms must also be clearly outweighed by other considerations.
196. The scheme meets all other technical requirements. The scheme as discussed through paragraphs 98 to 139 is, however considered to go beyond the basic requirement of paragraph 79 of the NPPF under subsection 'e' in providing a scheme that would be both truly outstanding and innovative, reflecting the highest standards in architecture and helping to raise the standards of design more generally in rural areas. Paragraph 79 has historically been known as the 'Country House' policy, and dictates that isolated new homes in the countryside

not be built save for in a few defined scenarios. The scheme as assessed in this report is considered to go beyond the basic requirement of the country house policy set out under 79 'e' of the NPPF.

197. The scheme has been through 3 design review panel processes across its evolution, and has each time progressed. Whilst it cannot be ignored that there remained some minor critiques, even within the latest comments provided by TDRP as part of this application (for example TDRP questioned whether the separate garage could be incorporated within the basement), the main matters raised are matters that can be subject of suitable conditions, including matters of ensuring the integrated environmental approach is truly implemented, and ensuring that the detailed landscaping approach builds upon the promises of the current strategies.
198. As such the scheme promises to combine the latest environmental technologies and strategies from multiple sectors (heating, power, water, building structure, automated technologies), with the highest standards in architecture, whilst also showcasing an intrinsic link to the management of its surrounding land through the fuelling of the backup biomass boiler from coppiced wood dried on site and harvested as part of ongoing management practices to improve the woodland. It is this truly multi-faceted and integrated environmental approach which provides the scheme with ability to, in officers opinion, meet and exceed the stringent requirements of paragraph 79'e' of the NPPF. Such high standards of integrated design can help to raise the standards of design more generally in rural areas as advocated in para 79 of the NPPF, and the recommendation includes a condition to secure training and craftsmanship workshops during construction to showcase the schemes commitment to improving knowledge and skills in implementing such integrated technologies and design approaches.
199. Paragraph 129 of the NPPF identifies that, amongst other things, in assessing applications, local planning authorities should have regard to the outcome from these processes (Design Review Processes), including any recommendations made by design review panels. As identified earlier in this report the garage design is one which does not raise any concern with officers in the context of the schemes design approach and the design review panel were generally excited by the scheme concept and supportive of the scheme and the benefits it would bring. These conclusions and considerations must be given due weight. In this regard paragraph 131 of the NPPF identifies that 'great weight' should be given to such outstanding or innovative designs.
200. The scheme is also considered to meet the requirements of paragraph 79'e' of the NPPF in relation to landscaping which requires under part 2 that such schemes significantly enhance their immediate setting, and be sensitive to the defining characteristics of the local area. This assessment is made in paragraphs 125 to 139 of this report and represents a benefit of the scheme.
201. As well as landscape improvements, the scheme would bring about the re-use and remediation of this informal car park which has a history of environmental concerns due to fly tipping and waste disposal. This represents an environmental gain. The scheme also proposes the long term management of the currently unmanaged woodlands, which as discussed in para's 163 through 174 of this report, would secure tangible long term ecological gains and biodiversity enhancements to areas of land which also have public access,

which also both represent benefits of the scheme.

202. For the reasons set out above, there is harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the countryside, with the scheme also contrary the Borough's Spatial Strategy, and such harm must be given 'substantial weight' as per NPPF paragraph 144. However, other considerations as identified in the report and summarised above comprise a set of very special circumstances which are considered substantial in weight and benefit to outweigh the identified harm. In undertaking the balancing to determine whether Very Special Circumstances exist, the benefits must clearly outweigh the policy harm by way of inappropriateness and any other harm. For the reasons set out in this report, it is concluded that this requirement is satisfied.
203. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst the scheme would be contrary development plan policies relating to green belt and the spatial strategy, when giving consideration to the balancing exercise of the material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee grant planning permission, subject to the submitted S106/Unilateral Undertaking.
204. This application has been subject to pre-application advice. Further discussions have taken place during the consideration of the application in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Location Plan – '160-200-001A' – Received 08/01/2018;
 - Proposed Wider Site Plan – '160-200-003B' - Received 28/09/2020;
 - Proposed North Elevation – '160-200-041B' – Received 26/07/2019;
 - Proposed East Elevation – '160-200-042B' – Received 26/07/2019;
 - Proposed South Elevation – '160-200-043C' – Received 28/09/2020;
 - Proposed West Elevation – '160-200-044B' – Received 26/07/2019;
 - Proposed Lower Ground Floor Plan – '160-200-010D' – Received 13/11/2020;
 - Proposed Ground Floor Plan – '160-200-011D' – Received 28/09/2020;
 - Proposed First Floor Plan – '160-200-012D' – Received 28/09/2020;
 - Proposed Roof Plan – '160-200-013D' – Received 28/09/2020;

- Proposed Section A-A – ‘160-200-030C’ – Received 28/09/2020;
- Proposed Section B-B – ‘160-200-031B’ – Received 26/07/2019;
- Proposed Section Through Basement Gradient – ‘160-200-032B’ – Received 28/09/2020;
- Proposed Section through Basement Wall – ‘160-200-048B’ Received 26/07/2019;
- Proposed Section through Retaining Wall – ‘160-200-049B’ – Received 26/07/2019;
- Proposed Garage Plan – ‘160-200-050C’ Received 26/07/2019;
- Proposed Hard Landscape Plan – ‘160-200-047C’ – Received 28/09/2020;
- Proposed Soft Landscape Plan – ‘160-200-046C’ – Received 28/09/2020;
- Proposed Landscape Plan – ‘160-200-002D’ – Received 28/09/2020;
- Proposed Refuse Storage Location Plan – ‘160-200-060A’ – Received 17/09/2019;
- Proposed Refuse Storage Plan, Elevations and Details – ‘160-200-061A’ – Received 17/09/2019.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies

3. No operations shall commence on site until a construction method statement detailing techniques for the control of noise, dust and vibration during construction, along with a construction access improvement/protection strategy and site materials storage strategy has been submitted to and approved by the Local Planning Authority. Thereafter the works shall only be carried out in accordance with the approved method statement.

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting in order to protect the amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. 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 approved in writing by the Borough Council and that 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.

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting, in the interests of amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan part 1: Core Strategy and policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No operations shall commence on site until finished site levels including cross sections and levels for the landscaped areas shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall only be implemented in accordance with the finished site levels so agreed.

[This condition is pre-commencement given the agreement of finished levels will be need to be resolved prior to any excavation taking place. The condition is required to ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. No operations shall commence on site until a report on land stability relating to the site shall be produced by a competent person such as a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) and submitted to and approved in writing by the local planning authority.

The report shall include a scheme of mitigation and/or recommendations regarding the potential impacts of the scheme on the structural integrity of the site and surrounding banks. In the event of a scheme of mitigation or remedial measures being necessary these shall be supervised throughout their duration by a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) whose appointment has been confirmed in writing to the local planning authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the mitigation or remedial works are completed all works on site will cease until a replacement Chartered Engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the local planning authority.

[This is a pre-commencement condition to ensure acceptable details of construction methods have been agreed prior to works commencing to avoid any potential public safety concerns arising and to protect the amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No operations shall commence on site until an updated ecological appraisal supported by appropriate protected species surveys has been undertaken for the site, and submitted to and approved by the Borough Council. Any mitigation measures identified and required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

In the event that the planning permission is not implemented within 2 years of the date of the updated surveys being submitted and approved, further updated surveys will be required for submission and approval prior any commencement of works.

[This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage and 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 Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy, and policies 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. No operations shall commence on site until a construction ecological management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations

of the submitted Ecological Appraisal and Badger Survey Report, along with their associated update documents as required by condition 7 of this recommendation. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage and 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 Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy, and policies 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. No operations shall commence on site until an Employment and Skills Strategy for the construction phase of the approved development has been produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[This condition is pre-commencement to ensure the secured measures are implemented during the construction phase of development; in order to promote local employment opportunities and ensure the development helps raise and influence standards of construction in the locality in accordance with paragraph 79 part e of the NPPF and Policies 1; 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy].

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 written report of the findings of a Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has been submitted to and approved in writing by the Local Planning Authority. The PRA must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM). As a minimum the PRA must include the following:
- i. a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;
 - ii. the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;
 - iii. the development of an initial 'conceptual site model' (CSM) which identifies and qualitatively assesses any potential source – pathway – receptor (contaminant) linkages;
 - iv. basic hazard assessment identifying the potential risks from any contaminants on:

- Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Ground and surface waters;
 - Ecological systems;
 - Archaeological sites and ancient monuments.
- v. Recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.

Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority.

Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
- the proposed remediation objectives and criteria; and,
- a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[This is a pre-commencement condition to ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 179 of the National Planning Policy Framework (February 2019)].

11. No operations shall commence on site until a detailed environmental strategy and building assessment has been submitted to and approved by the Borough Council. This detailed assessment must be based upon working drawings and feasibility surveys and build upon the commitments made in the pre-assessment report by Etude Consulting Limited, and meet with the commitments also made within the integrated Environmental Strategy (Addendum 1 – Design and Access Statement).

The scheme must demonstrate how the following details and technologies (or appropriately justified enhancements or alternatives) have been incorporated as a minimum:

- Use of Photovoltaic Arrays;
- Use of storage Batteries in association with PV Arrays;
- Use of Solar evacuated Tubes for heating;
- Use of Ground Source Heat Pumps;
- Use of Thermal Stores;
- Use of Durisol Block Construction;
- Use of High Performance Glazing (Triple Glazed Minimum with thermal bridging enhancements) ;
- Use of Automatic Blinds;
- Use of Mechanical Ventilation & Heat Recovery (MVHR)
- Use of Automatic Pool Cover;
- Use of Biomass Boiler;

Any scheme must also demonstrate, following these detailed assessments, a minimum 55% improvement over Part L Building Regulations requirements for carbon emissions from the building envelope and services and the house will achieve a target of 0.6 ACH (Air Changes per Hour) - equivalent to the German Passivhaus standard.

The development must subsequently be constructed in full accordance with the details and requirements of the approved documents and thereafter maintained to this specification for the life of the development unless permission is given in writing for any variation.

[This condition is pre-commencement as the agreed details will impact the construction design of the scheme; In order to promote sustainable development process and ensure the development achieves its commitments relating to environmental innovation and helps raise and influence standards of construction in the rural locality in accordance with paragraph 79 part e of the NPPF and Policies 1 of the Rushcliffe Local Plan Part 1: Core Strategy].

12. No operations shall commence on site until a detailed foul and surface water drainage scheme building upon the drainage strategies identified within the integrated environmental strategy have been submitted to and approved in writing by the Borough Council. The scheme must include the following systems:

- Rain Gardens;
- Green Roofs;
- Rain water Harvesting Tank (10,000 litres Minimum);
- Internal Header Tanks for appropriate systems serviced by the Rainwater Harvesting Tank;

- Permeable paving;
- Foul Water treatment plant design and details;

The development shall only be carried out in accordance with the approved schemes, which shall thereafter be maintained throughout the life of the development.

[This is pre-commencement to ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy, and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. There shall be no works to any trees on site until a bat survey of any impacted trees has been undertaken for the site, and submitted to and approved by the Borough Council. Any mitigation measures identified and required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[To ensure that ecological matters are adequately considered at an early stage and 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 Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy, and policies 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The development hereby permitted shall not proceed beyond foundation level (including construction of the basement walls) until details (including samples) of all materials to be used on all elevations including any boundaries and details of any architectural details have been submitted to and approved in writing by the Borough Council. The details must comply with the concepts and commitments made within the Design and Access Statement and the details must include the final design and detail of the tracery cut-outs for the Corten Steel cladding. The development shall only be undertaken in accordance with the materials and details so approved.

[To ensure the appearance of the development is exemplary and to comply with paragraph 79 'e' of the NPPF, policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan part 1: Core Strategy; Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. The development hereby permitted shall not proceed beyond foundation level (including construction of the basement walls) until a detailed hard and soft landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The submitted scheme must include the following details:

- Detailed planting plans;
- The treatments proposed for all ground finishes, including hard and soft landscaped areas;
- Details of all boundary treatments;
- Planting schedules, noting the species, sizes, numbers and densities of plants.

- Details of the planting schedules and maintenance regimes for the green roofs for the dwelling and garage;
- Details of the planting schedules and maintenance regimes for the wildflower meadow planting areas;
- Details of proposed biodiversity enhancements including bat and bird boxes within the housing site area (not within the wider site covered by the woodland management plan)

The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development and managed thereafter in accordance with the approved maintenance schedules. 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, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy; Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2].

16. The development shall not proceed beyond foundation level until (including construction of the basement walls) a detailed woodland management plan has been submitted to and approved in writing by the Borough Council. The detailed management plan shall build upon the following key objectives as discussed in the submitted framework management plan:

- Prevent deterioration of the area of woodland habitat through halting the spread non-native species, fly-tipping and informal woodland clearance.
- Provide compensation for losses of habitat through new tree planting.
- Provide enhancements to woodland structure and floral diversity where possible, with the aim of creating an area of high quality woodland.
- Provide new opportunities for faunal species.
- Maintain and improve access.

The approved plan shall include identified timescales for works across the objectives to be undertaken and annual monitoring reports (to be submitted to the Local Planning Authority for the first 15 years) to confirm compliance and/or progress in line with the schemes overall objectives.

Any scheme will also work closely with the dwellings environmental strategy in allowing for appropriate management to ensure provision of enough fuel for the biomass boiler at the dwelling.

The approved plan shall be implemented in perpetuity and in accordance with the approved timetables and details contained within.

[To ensure the development will conserve and enhance biodiversity and to comply with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and policies 1 (Development Requirements); 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: land and Planning Policies].

17. The construction of the dwelling hereby permitted must not proceed beyond foundation level (including construction of the basement walls) until a scheme for the provision of Electric Vehicle Charging Points (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type and location of the proposed EVCP apparatus. The dwelling hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details. Thereafter the approved EVCP must be retained on the site in perpetuity.

[To promote a reduction of carbon emissions within the Borough and ensure that the development does not exacerbate poor air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

18. The construction of the dwelling hereby permitted must not proceed beyond foundation level (including construction of the basement walls) until a scheme for final improvements to the site access surfacing (from Kneeton Road to the dwelling site and Fisheries car park) has been submitted to and approved by the Borough Council in consultation with the County Rights of Way Team. Any proposed access improvements must be suitable for the site's rural location, the access' use by vehicles in relation to the dwelling and fisheries, and also for use by members of the public as a bridleway which includes equine users. Any improvements shall only be made in accordance with the details so approved, and the access shall be thereafter maintained in accordance with these details for the lifetime of the development.

[In the interests of amenity and highway safety and to comply with Policies 1 (Development Requirements) of the Local Plan Part 2: land and Planning Policies].

19. The dwelling shall not be occupied until such time as it has been serviced with the appropriate parking, turning and servicing areas as detailed on the approved plans. These parking, turning and servicing areas shall thereafter be maintained for the lifetime of the development.

[In the interests of amenity and highway safety and to comply with Policies 1 (Development Requirements) of the Local Plan Part 2: land and Planning Policies].

20. The dwelling shall not be occupied until such time as details of the location and design of an appropriate refuse collection point for the collection of wastes associated with all units shall be submitted to and approved in writing by the Borough Council. The refuse collection point shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

[To protect the amenities of the area and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

21. The dwelling shall not be occupied until such time as it has been verified that the measures contained within the detailed environmental strategy and building assessment secured under Condition 11 of this permission have been

implemented and are fully operational. This verification shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling.

[In order to promote sustainable development process and ensure the development achieves its commitments relating to environmental innovation and helps raise and influence standards of construction in the rural locality in accordance with paragraph 79 part e of the NPPF and Policies 1 of the Rushcliffe Local Plan Part 1: Core Strategy].

22. Prior to the installation of any external lighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any submission must have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed only in accordance with the approved details and maintained thereafter.

[To protect the amenities of the area and to comply with Policies 1 (Development Requirements); 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

23. The dwelling 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].

24. No removal of hedgerows, trees or shrubs shall take place between the beginning of March and the end of September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any written confirmation should be submitted to the local planning authority.

[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 paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

25. Notwithstanding the provisions of Schedule 2, Part 1 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 dwelling, or erection of any outbuildings without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements), and Policy 21 (Green Belt) of the Local Plan Part 2: Land and Planning Policies]

26. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, or other built form seen as a means of enclosure other than those shown on the approved plans and approved under condition 14 shall be erected on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements), and Policy 21 (Green Belt) of the Local Plan Part 2: land and Planning Policies]

Notes to Applicant

This is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to the prevention of the housing site and the surrounding land being subdivided in terms of ownership.

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, and the amount payable will be calculated following approval of any subsequent Reserved Matters application. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring

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

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath which crosses the land to which this application relates. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures. (Tel 01159 9148215)

This decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given planning permission.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

Condition 23 requires the dwellings 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 as a condition of their 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.

All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works.

If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible, a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found, work should not commence until a suitably qualified ecologist has been consulted.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations and a wildlife sensitive lighting scheme should be developed and implemented.

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal. Night working should be avoided.

Where possible, new trees/hedges should be planted with native species (preferably of local provenance and including fruiting species) and existing trees/hedgerows should be maintained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within the zones.

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done: <http://swift-conservation.org/Nestboxes%26Attraction.htm> Advice and information locally can be obtained by emailing : carol.w.collins@talk21.com

The applicant is encouraged to incorporate bird and bat boxes into the fabric of buildings where practicable.

The existing trees on the site are the subject of a Tree Preservation Order and consent is needed for any works to uproot, cut down, top or lop the protected tree(s). Unauthorised works to a protected tree are a criminal offence.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.