

21/03219/FUL

Applicant Mr S Millett

Location Christmas Cottage Flawforth Lane Ruddington Nottingham
Nottinghamshire

Proposal Demolition of existing dormer bungalow, garage and out buildings and erection of a replacement dwelling and detached garage. Landscaping and associated external works including boundary treatments and alterations to access.

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The site is located at the western edge of a small cluster of properties located to the east of Ruddington and the south of Flawforth Lane. The existing one and a half storey dormer bungalow detached property is located close to the highway and there are no further neighbouring properties to the west. To the east there are a mix of properties of mixed styles.
2. The existing bungalow is not currently lived in but has not fallen into a significant state of disrepair or dereliction. It has a reasonably large garden and open aspect to the south and west. There are open fields surrounding the cluster of properties and the site is located in the Green Belt.

DETAILS OF THE PROPOSAL

3. The proposal is for the demolition of the existing dormer bungalow, garage and out-buildings and the erection of a replacement dwelling and detached garage. Landscaping and associated external works including boundary treatments and alterations to access are also included in the application.
4. The existing property has a regular footprint of approximately 10.5m in width, 7m in length, 5.5m in peak height and 2.5m to eaves. It has a small rear central outrigger which is approximately 4m in width and 2m in length, with a bay window and moderately sloped single pitched roof. It also has a full width rear dormer. There is a detached garage of approximately 5.3m in width and length, 4.4m to peak height, 2.3m to eaves to the front of the property and some small outbuildings (one a timber shed and the other a single pitched outbuilding) to the rear.
5. The proposed new dwelling has a semi regular near rectangular footprint with rear offset on the first floor. It is approximately 19m in width, 10.04m in length on the ground floor elevation, 8.76m in length on the first-floor elevation and 5.85m in peak height. It is approximately sited in the same location as the existing dwelling (notwithstanding the increase in footprint).
6. The proposed new dwelling would be of a contemporary flat roof design predominantly of two-storey with some single storey projections. The main

roof of the dwelling will have solar PV panels in two areas. The ground floor is proposed to be brick with an overhanging first floor clad in timber and with a strong vertical emphasis to the windows. There is a first floor eastern rear corner balcony / terrace which is accessed from floor to ceiling sliding glazed doors from the master bedroom, whilst the four rear windows of the bedrooms have floor to ceiling sliding glazed doors and glass balustrades used to form Juliet balconies at the rear. This predominance of glazing is added to at the ground floor level, with large rear patio doors and large windows serving the dining area and lounge respectively. At the front of the proposal, hit and miss timber glazing is used in the first-floor section of the inset entranceway, which has glazing from ground to first floor.

7. The proposed garage would be flat roof and constructed from brick with wooden doors. It is located to the front of the property in approximately the same position as the existing garage and is approximately 2.7m in height.
8. The proposed access lies to the west of the existing access, between the two existing tress and providing more of a centre access to the proposed dwelling house. It is approximately 9.68m long and 4.8m wide and crosses the public highway boundary before entering the road. It will be tarmac from the road to just before the gates, where the surface will become a permeable block paving driveway.
9. In terms of boundary treatments, the proposed approximate 1.8m high timber fence on the western boundary will run approximately flush with the rear elevation to the post and rail fence at the front. The proposed approximate 1.4m high timber triple post and rail fence will run along the length of the front boundary and be sited behind the proposed new native hedging. The gates will be inward opening and be approximately 1.8m high and be metal framed with timber infill panels.
10. The submitted Landscaping Plan includes 3 new trees (species not specified), 5 bat boxes, a small water feature and area of new wildflower meadow to the west, a gravel border in the enclosed space between the proposal and Flawforth House and a small patio to the rear which leads to the grassed area, which is similar to the existing. Also, the existing hedgerow boundary is preserved.

SITE HISTORY

11. 20/00772/FUL - Demolition of existing two-storey dwelling and double garage. Erection of replacement two-storey dwelling and separate double garage, with landscaping. WITHDRAWN 05.08.2020
12. 19/02298/FUL - Demolition of existing dwelling and erection of 1 new dwelling with double garage, associated access, parking and boundary treatment WITHDRAWN 28.10.2019
13. 81/08717/HIST - Extension of dormer GRANTED 21.12.1981
14. 81/08715/HIST Demolish garage and erect new brick garage GRANTED 04.11.1981

REPRESENTATIONS

Ward Councillor(s)

15. One Ward Councillor (Councillor G Dickman) supports the development

Town/Parish Council

16. Ruddington Parish Council do not object to the application

Statutory and Other Consultees

17. The Borough Council's Environmental Health Officer has no objections to the scheme subject to inclusion of advisory notes for construction hours, dust and asbestos management.
18. The Nottinghamshire County Council as Highways Authority have no objection to the proposal and confirm the application falls to be considered against their standing advice
19. The Borough Council's Ecology and Sustainability Officer has no objection to the proposal subject to conditions and advisory notes

Local Residents and the General Public

20. Two representations have been received in support of the application on the following grounds, which are material planning considerations:
 - a) Visual appearance and Design

PLANNING POLICY

21. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) (December 2014), the Local Plan Part 2: Land and Planning Policies (LPP2) (October 2019) and, in this case, the Ruddington Neighbourhood Plan (RNP) (June 2012). Other material considerations include the National Planning Policy Framework (NPPF) the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

22. The following NPPF (March 2021) sections and national planning guidance is considered relevant:
 - Chapter 12 – Achieving well-designed places
 - Chapter 13 – Protecting Green Belt land
 - Chapter 15 – Conserving and enhancing the natural environment

Relevant Local Planning Policies and Guidance

23. The following policies are considered relevant:
 - Local Plan Part 1 (LPP1) Policy 10 – Design and Enhancing Local Identity
 - Local Plan Part 1 (LPP1) Policy 17 – Biodiversity
 - Local Plan Part 2 (LPP2) Policy 1 – Development Requirements
 - Local Plan Part 2 (LPP2) Policy 21 – Green Belt

24. The following parts of the Ruddington Neighbourhood Plan (RNP) are particularly relevant:
- Part 1 Introduction and Character Assessment
 - Policy 16 – Ruddington Design Guide
 - Policy 17 – Sustainable Design
 - Part 2 Design codes for minor development, in particular:
 - Design Codes B1 (Flat Roofs), D (Detailing and Materials), E1 (Landscaping), G (Accommodation Requirements)
25. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
26. The following parts of the Rushcliffe Residential Design Guide are considered particularly relevant:
- Section C2 Design and Innovation
 - Section C2 Layout, Form and Space

APPRAISAL

27. The main planning issues relevant to this application are:
- Principle of Development / Impact on the Green Belt
 - Visual Appearance and Design
 - Residential Amenity
 - Ecology
 - Highway Safety
 - Sustainability / Climate Change

Principle of Development / Impact on the Green Belt

28. The proposal lies within the Green Belt as defined by the boundaries in the LPP2 Policies Map. LPP2 Policy 21 considers development in the Green Belt shall be considered in accordance with the NPPF, particularly Chapter 13. The NPPF considers that the fundamental characteristic of the Green Belt is its openness and permanence. It considers inappropriate development harmful to the Green Belt and that this harm should be given substantial weight in considering planning applications. However, very special circumstances can be used, to clearly show how the harm is outweighed by other considerations.
29. The NPPF sets out some exceptions to inappropriate development, paragraph 149 (d) applies to this proposal and considers the construction of new buildings as inappropriate in the Green Belt except for *'The replacement of a building, provided the new building is in the same use and not materially find and replace larger than the one it replaces;'*
30. As the proposal would be in the same residential use this exception can apply provided the new building is not materially larger than that which is replaces. With regards to materially larger, this is considered by the Local Planning Authority in terms of volumetric expansion and impact on openness.

As a key characteristic of the Green Belt is permanence, the building that is to be replaced is taken as the 'original building' in Green Belt terms (i.e. a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally). This is because without this fixed point, cumulative replacement buildings would not be limited by the planning process and permanence would be removed.

31. The proposal has been extended in the past with a rear dormer and replacement garage, as per planning records. The site inspection indicates two other outbuildings, a rear central projection and a front extension have also been constructed. These have potentially not been regularised through the planning process. The rear projection, front projection and other outbuilding do not appear to be original; the shed is not. The uncertainty over the originality of the projection, front extension and outbuilding is taken into account when considering the volumetric calculations.
32. Given the above, the rear dormer, garage and shed are not determined to be original. Further site inspection and investigation of historical planning records will be required to determine if the central projection, front projection and other outbuilding are not considered 'original' in Green Belt volumetric calculations, which will only be conducted if these three built elements are critical to the final recommendation.
33. Volumetric calculations have been submitted, which have been accepted but not verified and which do not distinguish original volumes from existing volumes. Notwithstanding the uncertainties above, the original property has the potential minimum (i.e. not including the front and rear outrigger and the small outbuilding) of approximately 295m³. The replacement garage could be added to this if it is of the same volume as an original garage. The submitted volumes state this is 104m³ (which is accepted but not verified), thus making a potential minimum original volume of approximately 399m³. The submitted proposed volume is 989m³, which is approximately 249% above the potential minimum original.
34. However, volumetric expansion is a guide only and the principle concern is the overall impact on openness, both in visual and spatial terms (with visual impacts being assessed from immediate public highways and rights of way). Consideration must therefore be given to the design, form/siting and scale of the proposal.
35. The proposed change from the original one and half storey dormer bungalow property to a two-storey flat roofed geometric shaped house will substantially increase the first-floor element of the proposal in length and breadth. This has a greater impact on the openness of the Green Belt than the ground floor, due to its elevated position and the vertical faces of the geometric design. There is some attempt to mitigate this visual intrusion with a corner balcony on the western and rear elevation, but this does not do so to a large degree, particularly when viewed at a distance. As it is at the western edge of the small cluster of properties, these first-floor vertical faces will be visually prominent from Flawforth Lane, particularly when viewed straight on and from the western approach. The hedgerows of this western approach are not protected in height in planning terms, so offer limited guarantee of screening and do not normally screen first floor elements. However, it is taken into consideration that the existing original bungalow front elevation is viewed

next to the larger height and mass of the adjacent two-storey Flawforth House, which reduces the impact of the vertical faces compared to open or smaller properties. To conclude, the proposal has significant visual impacts on the openness of the Green Belt.

36. The spatial impacts will still occur regardless of visibility. The substantial expansion of the built limits to the east combines with Flawforth house to create a semi-continuous form. This eastern expansion combines with the first floor 'squared off' geometric expansion, which is weighted far more than any expansion at ground-floor level.
37. The boundary treatments would include an approximate 1.8m high fence on the western elevation, which will approximately run flush with the rear elevation to the triple post and rail fence at the front. This will form a visual barrier, but one that is common within the landscape and will be viewed in the context of the immediate side elevation then wider front elevation and the proposal as a whole. As such, it will not significantly impact openness. The post and rail fence will be approximately 1.4m high and run the width of the front elevation (not including the gates). This will be fronted with native hedging (species not specified) and combine with the approximate 1.8m high metal framed timber infill gates to present an acceptable barrier that will develop over time into a hedgerow and therefore will not significantly impact the openness of the Green Belt. The proposed engineering operations of the rear patio and gravel border will have negligible impacts on the openness of the Green Belt.
38. The proposed development would, therefore, be materially larger than the one which it would replace and would not, therefore, be considered to fall within the exception to inappropriate development as identified above. As such, Very Special Circumstances would need to be demonstrated.
39. As part of the application a "fallback position" has been submitted which would utilise Permitted Development Rights, in addition the submission includes other cases for consideration that the applicant/agent consider are comparable and should be given weight.
40. The permitted development fallback position has not been detailed against legislation and any comments within this report are not indicative of approval or refusal of any potential permitted development applications. Notwithstanding this, and using historical mapping records, it is considered here. The building does appear to be built after 1st July 1948 and was built before 28th October 2018, and although there are some misrepresentations in the fallback position indicated in Diagram B of the submitted Design and Access Statement; the potential for first floor extensions (minus the dormer) and ground floor side and rear extensions are likely. Although some leeway could be given to the proposed rear first floor expansion (of approximately 1.76m above the existing length) these extensions cannot realistically be transferred to the first-floor eastward expansion (of approximately 8.5m above the existing width). As such, it is not considered that the fallback position can be given any weight when considering 'Very Special Circumstances'
41. In support of the application, the application was accompanied by a number of similar properties in the area and details of these can be found in the

information submitted as part of the application.

42. Given the submitted permitted development fallback position and related cases, no very special circumstances have been demonstrated.
43. Therefore, assessing the issues surrounding the principle of development and the impact of the Green Belt, the proposal would constitute inappropriate development which would be contrary to national and local policy.

Visual Appearance and Design

Local Plan Development Context

44. LPP2 Policy 1 considers development acceptable if the visual appearance and design aspects of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. This considers high quality design solutions acceptable, if they respect and enhance the character of the property and area. Similarly, as part of the Local Plan and on a smaller scale, the Ruddington Neighbourhood Plan outlines how development should consider and respond to the relevant Ruddington Character Area.

Material Considerations – NPPF and National Guidance

45. Nationally, the NPPF Chapter 12 ‘Achieving well designed places’ pp134 considers that significant 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.

Ruddington Neighbourhood Plan – Design Guide (Character Area) and Design Codes

46. RNP Part1 Section ‘Introduction - What are design guides and design codes?’ pg3 outlines that design guides provide detailed analysis of an area’s character and then set out design codes (which should be technical and precise guidelines) for different types of development expected in different areas. Following this, although the Design Guide and Design Codes work in tandem, for simplicity’s sake, the proposal is assessed against the character of the area first, and the design codes second.

Innovative Design

47. With regards to innovative design, the Ruddington Neighbourhood Plan Policy 16 ‘Ruddington Design Guide’, only states *‘The Ruddington Design Guide does not seek to stifle innovative or contemporary design, which will be supported where delivered to a high standard. Development proposals of all sizes should ensure that they respect the local character in terms of density, scale, and mass, materials and landscape, and boundary treatments.’*
48. Further guidance to assess the significant weight given to acceptable innovative designs in the NPPF, is provided in the Rushcliffe Design Guide ‘Design and Innovation’ section. The Design Guide considers innovative

design should respect and respond to its context in a way that positively contributes to the character of the property and surrounding area. It does not have to be a repetition of what went before if it can integrate with and enrich a place. The imaginative use of design, details and materials can positively assimilate a new building into an area and provide individuality and variety. As design approaches, building technology and residents aspirations continually evolve, the aim is to guide, rather than constrain, this process.

49. Taken together, it can be seen that innovative design is within the vision of the Ruddington Neighbourhood Plan and the vision and assessment framework of the Local Plan. As such, how the proposal reflects and responds to its design context can now be assessed.
50. A design can mistakenly be considered in terms of 'standing by itself' (i.e. without context), but to assess whether it is sympathetic (and therefore acceptable), consideration needs to be given to how it reflects and responds to the character and appearance of the site, the immediate street-scene and the surrounding area. Thus, the assessment works roughly in a scalar fashion. The immediate street-scene is a combination of the neighbouring buildings and the landscape features visible from and to the site. The surrounding area is slightly harder to delimit and unfortunately the Ruddington Neighbourhood Plan, despite covering it, does not provide a character assessment for this area.

Design Context.

51. The proposal is a contrasting, contemporary design which fundamentally alters the character of the existing dwelling. This is not, in itself unacceptable, as it is clearly the aim of the proposal to create a geometric design, with open aspects to view the surrounding countryside and timber vertical cladding to balance horizontal brick work below. Designs such as these have been approved elsewhere in the Local Authority, where the design context suited the contrasting and contemporary nature of the proposal. Considering this, the design context for this proposal is determined by several inter-linked factors. Firstly, there is the relatively consistent topography and open views of the surrounding landscape. Secondly, the surrounding properties have relative consistent front elevations and front building lines, which use pitched roof lines and avoid vertical blank faces at first floor level. Thirdly, these properties are close to the proposal and therefore they would be viewed more as a whole rather than distinct separate components. Finally, the materials used in these properties are generally brick or render, creating a more traditional appearance.
52. This means that the contrast that is being sought would have to use a design that joins it in view to these properties, or create a contrast that stand out as both responding, and benefitting, the appearance of the neighbouring buildings and the surrounding character.
53. As the property is at the edge of the small cluster of properties in a relatively flat landscape with open fields to the west, it is prominent when viewed from the western approach and particularly when viewed directly from the front elevation. There is no significant setback from the 2 Flawforth Cottage main road afforded by a discrete access track and the neighbouring property of Flawforth house has an historic character, whilst nearby 2 Flawforth Cottage

is a modest one and a half storey dormer property. However, the properties opposite have recently been developed and have a more substantial two storey mass and modern features such as projecting front gables and large glazed areas, yet these are set back further from the road and have larger driveways. Given this, the proposal will primarily be viewed in the context of Flawforth House and although the design is of a high quality and suitable for the plot, it is not considered suitable for the design context of the immediate street-scene (the neighbouring buildings). This is because the bulk and squared form of the property will sit flush and at odds with the form of Flawforth House. This proposed form combines with the use of contemporary materials to mean it does not join in view to Flawforth House, but dominates the immediate context in a way that is not reflective of the historic character of Flawforth House and No.2 Flawforth Cottage and contrasts to Hillcrest opposite with no features that link the two. As such, it is not considered sympathetic to the character and appearance of the immediate street-scene (the neighbouring buildings).

54. With regards to the impact on the character of the area, as described above, on the one hand, it will impact the traditional rural character of the area by introducing a highly contemporary, innovative design into the surroundings, which will have visibility due to the factors mentioned above. Furthermore, this will be introduced next to a small cluster of properties (potentially a hamlet) which sits within open countryside (although not in planning terms). Both of these factors mean that the proposal will have a significant impact, although this is only negative as it does not respond to the neighbouring buildings and immediate street-scene. However, the proposal does fit in with the area's character of a large variety of relatively recently developed individual style properties.
55. To summarise, the proposal is not considered to comply with Rushcliffe LPP2 Policy 1 Pp 4 as although the proposal's visual appearance and design will have a positive impact on the character of the property and not have a significantly negative impact on the surrounding Flawforth Lane Character Area, it will have a significantly negative impact on the character and appearance of the immediate street-scene. As per NPPF pp134, although the proposal raises the standard of design, it does not fit the form of surrounding properties. As per the Rushcliffe Design Guide 'Design and Innovation' section pg33, the proposal respects and enhances the character of the property but not the area. As per the Ruddington Neighbourhood Plan, the proposal does consider and responds to the Flawforth Lane Character Area (but this has only been defined and described within this assessment) and is an innovative and highly contemporary design that is delivered to a high standard.

Ruddington Neighbourhood Plan Design Codes

56. Ruddington Neighbourhood Plan Design Codes relating to Building Height (A2), Detailing and Materials (D), Landscaping (E1) and Accommodation Requirements (G) apply to this proposal. In terms of the proposed flat roof it is recognised that Design Code B of the Neighbourhood Plan relates to extensions and as such does not apply to a replacement dwelling.
57. Design Code A2 considers the height of a building in comparison to its immediate context. The proposal is lower than the immediate neighbour, Flawforth

House so is considered acceptable.

58. Design Code D considers that materials for new developments should correspond to the character of the area and that they should have a quality, durability and maintenance that will continue to contribute positively to the character in the long term. Code D also considers that the number and mix of materials should be kept simple and that there is a consistency with architectural details such as fenestrations. The materials proposed are of a high durable quality and have a simple mix. The proposal uses consistent fenestrations, however as an innovative whole scale remodelling, takes a different approach to materials than that consistently used in Ruddington. Given this, the proposal is in compliance with the quality, simplicity and consistency aspects of Code D, but deviates from the correspondence with materials in the surrounding character area. However, this part deviation is a positive aspect of the innovative design and as such, is acceptable.
59. As per Design Code E1, an indicative landscaping plan has been submitted which shows appropriate border treatments, driveway and surrounding landscaping. This can be secured through planning condition and as such is acceptable.
60. Design Code G states proposals with additional bedrooms must meet certain requirements. The proposal has 4 bedrooms and there is sufficient space for accommodating cars, bicycles and bins on the site. As such, in terms of Design Code G, the proposal is acceptable.
61. As such, the proposal is considered to comply with the Ruddington Neighbourhood Plan Design Codes. However, it is not considered to comply with Rushcliffe LPP1 Policy 10 and LPP2 Policy 1 Pp 4 as although the proposal's visual appearance and design will have a positive impact on the character of the property and not have a negative impact on the surrounding Flawforth Lane Character Area, it will have a significantly negative impact on the character and appearance of the immediate street-scene.

Residential Amenity

62. LPP2 Policy 1 Pp 4 considers development acceptable if it does not lead to an overdevelopment, overbearing, overshadowing or overlooking impacts.
63. The proposal is two-storey with an obscure glazed en-suite first floor window on the western side and rear elevation, which will be secured through planning condition. The front and rear elevations are similar to existing building lines and there are no substantial level changes. Adjacent Flawforth House has no side facing windows that serve primary habitable rooms (although there is a small roof light next to the proposal). Although there are additional first floor windows at the front and rear, sufficient separation distances remain and there are not significant orientation changes with neighbouring properties. Given this, no significant residential amenity impacts will occur on Willowbrook Farm, Hillcrest, The Orchard, Flawforth House or Southview Stables
64. Sufficient residential amenity space is preserved in the back garden.
65. Therefore, the proposal is considered to comply with Rushcliffe LPP2 Policy

1 Pp 4 as no significant residential amenity impacts will occur on neighbouring properties.

Highway Safety

66. Local Plan Part 2 Policy 1 Pp 2 considers that a suitable means of access should be provided for a development without detriment to highway safety.
67. The proposal is subject to highways standing advice dated 01.01.2017. The proposed access lies to the west of the existing access, between the two existing trees and providing more of a centre access to the proposed dwelling house. It is approximately 9.68m long and 4.8m wide and crosses the public highway boundary before entering the road. The verges of the highway are already maintained for the existing access and the location of the trees do not impair visibility splays in any additional way beyond the existing access. Planning conditions can be used to secure the highway requirements for the access, which include a bonded driveway for a minimum distance of 5m from the highway, adequate drainage measures, provision of visibility splays and construction according to Highways specifications. Given that there is an existing access a few meters to the west, and that requirements can be secured through planning condition, the proposed access is considered to be safe and suitable and to comply with highways standing advice.
68. Given the above, the proposal is considered to comply with Rushcliffe Local Plan Part 2 Policy 1 Pp 2 as a safe and suitable access can be demonstrated.

Ecology

69. LPP Pt 1 Policy 17 Biodiversity supports the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements. Local Plan Part 2 Policy 1 Pp 6 considers development acceptable if there are no significant negative impacts on wildlife and, where possible, biodiversity net gain is achieved.
70. The Borough Council's Ecology and Sustainability Officer commented that the Extended Phase 1 Habitat Survey Report was in date and had been carried out in accordance with good practice. Due to the confirmation of a bat roost, further bat activity surveys and a mitigation plan will be required, which will be secured through planning condition.
71. With respect to ecology, the Borough Council has a legal duty when determining the planning application for the development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994, contain three tests which natural England must apply when determining a license application. This license is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so will be in breach of regulation 3(4) of the 1994 Regulations. The three tests are:
 - a) The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;

- b) There must be no satisfactory alternative; and
c) favourable conservation status of the species must be maintained.
72. The proposal demonstrates overriding public interest as it will bring back into use a family home, upgrade the building fabric and offer opportunities for energy conservation. It is not considered there would be a satisfactory alternative for this site given the size of the existing cottage and cost of upgrading it would be unlikely to be viable and worthwhile to a homeowner, and even in the case of works required to upgrade the Cottage rather than replace, these would still be likely to disrupt/disturb the protected species. Furthermore, the proposal demonstrates that the favourable conservation status of the species will be maintained as the submitted landscaping plan will provide four bat boxes as alternative habitats. As such, the proposal is considered to comply with tests (a) and (c) of the Conservation (Natural Habitats etc) Regulations 1994 3(4).
73. Given that above, the proposal is considered to comply with Conservation (Natural Habitats etc) Regulations 1994 3(4) and Rushcliffe Local Plan Pt 1 Policy 17 and Local Plan Part 2 Policy 1 Pp 6 as suitable ecological mitigation measures can be secured through planning condition.

Sustainability / Climate Change

74. LPP2 Policy 1 Pp 6 describes that a development is acceptable if there is a net gain in biodiversity. In addition to this RNP Policy 17 states:
'All new development (excepting householder applications) should demonstrate how it has met, and where possible exceeded, the minimum standards for energy efficiency and construction quality. Applicants should demonstrate how they have embraced and where possible delivered, the following features as part of their applications:
- *The use of innovative design techniques that reduce the demand for energy, including, but not limited to, the incorporation of passive solar gain, passive cooling and ventilation, heat pumps and neutral design.*
 - *The use of on-site energy generation technologies to reduce the demand for energy*
 - *Where appropriate, the inclusion of electric vehicle charging points.*
 - *Technologies which minimise the use of water*
 - *The end of life plan for the building including the ability to recycle materials used.'*
75. NPPF Chapter 12 Achieving well-designed places pp 134 (b) states significant 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.'*
76. It is clear that the proposal seeks to incorporate biodiversity and sustainability measures and those controlled through the planning regime and labelled on the submitted plans are assessed here. The sedum green roof of the ground floor kitchen/dining projection is beneficial to biodiversity and energy efficiency, whilst the solar gain afforded by south facing floor to ceiling windows will reduce heating requirements. The south facing solar panels will generate renewable energy, which is a clear benefit. The landscaping plan

includes 3 new trees (species not specified), 5 bat boxes, a small water feature and area of new wildflower meadow to the west. It preserves the existing hedgerow and mostly maintains the existing grassed area. As such, and considered as a whole, the proposal has demonstrated innovative design techniques to reduce the demand for energy, on-site generation and suitable biodiversity measures.

77. Given the above, the proposal is considered to comply with Rushcliffe LPP2 Policy 1 Pp 6 as suitable biodiversity measures have been indicated and can be secured through planning condition to produce a net gain in biodiversity. Similarly, the proposal is considered to comply with RNP Policy 17 and NPPF Chapter 12 Achieving well-designed places pp134 as suitable sustainability measures have been indicated and can be secured through planning condition.

PLANNING BALANCE AND CONCLUSION

78. There are fundamental policy objections to the proposal, and it is considered that these cannot be overcome. The applicant has been made aware of the situation in writing and in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions which cannot resolve the reasons for refusal and the application has been referred to committee in a timely fashion.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be refused for the following reason(s)

1. The proposed development would result in a building materially larger than the one which it replaces and has significant impacts on the openness of the Green Belt. This would represent inappropriate development in the Green Belt. The Borough Council has considered the Very Special Circumstances submitted by the applicant and affords them no weight. As such, the proposal is contrary to Local Plan Part 2 Policy 21 – Green Belt and Chapter 13 – Protecting Green Belt land and paragraph 147 of the NPPF 2021.
2. The proposed development would, by nature of its design and appearance, have a significantly negative impact on the character and appearance of the immediate street-scene. It would not, therefore, comply with Local Plan Part 1 Policy 10 – Design and Enhancing Local Identity and Local Plan Part 2 - Development Requirements and NPPF Chapter 12 - Achieving well-designed places