

## PLANNING COMMITTEE - 15 MARCH 2022

<b>Application No:</b>	<b>21/02533/FUL</b>	
<b>Proposal:</b>	<b>Erection of a replacement dwelling and associated works and landscape enhancements</b>	
<b>Location:</b>	<b>Hill House, Chapel Lane, Epperstone, NG14 6AE</b>	
<b>Applicant:</b>	<b>Mr and Mrs Mould</b>	
<b>Agent:</b>	<b>Hughes Town Planning Consultancy Ltd - Mr Rob Hughes</b>	
<b>Registered:</b>	<b>03.12.2021</b>	<b>Target Date: 28.01.2022</b> <b>Extension Agreed to: 18.02.2022</b>
<b>Link to Application:</b>	<a href="#">21/02533/FUL   Erection of a replacement dwelling and associated works and landscape enhancements   Hill House Chapel Lane Epperstone NG14 6AE (newark-sherwooddc.gov.uk)</a>	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation and it has been called to Committee by Cllr R Jackson on behalf of Epperstone Parish Council.

### Background

The application was deferred at the February Planning Committee to enable a site visit to be undertaken. Members will recall that Officer's also referred the application to the Secretary of State (SoS) for consideration of call-in due to the amount of floorspace being created within the Green Belt. The SoS confirmed on 02.03.2022 that they do not wish to call-in this application and has confirmed that the application can be determined by the Local Planning Authority.

### The Site

This application site relates to an approx. 0.9 ha parcel of land situated on the western side of Chapel Lane in the northern extremities of the village of Epperstone. The plot includes Hill House, which is a large detached dwelling (estimated at 239.75m<sup>2</sup> footprint) in addition to a garage and shed (at 45m<sup>2</sup>), a disused tennis court which lies to the south-east of the dwelling and a large formal garden area. Access is taken from the north-east corner of the site off Chapel Lane past the dwelling known as 'The Elms'. Hill House is set back in excess of 100 m within the site and is not immediately visible from the entrance into the site. The dwelling sits on an elevated position in the landscape where the topography increases from Chapel Lane west further into the application site, however, given existing boundary vegetation the property can only be seen in glimpsed views from the surrounding area.

The existing dwelling is of buff brick and concrete tile construction and is not considered to be of any architectural or historic merit. There are a number of mature trees within the site and along its boundaries, particularly along the north, east and south, which assist in screening the built form. The site lies within the Epperstone Conservation Area and the Nottingham-Derby Green Belt but

does not lie within an area at risk of flooding. A Public Right of Way (PRoW) passes along the eastern boundary of the site in a broadly north-south direction.

### Relevant Planning History

No relevant site history.

### The Proposal

Permission is sought for the demolition of the existing dwelling on site and erection of a replacement dwelling with associated landscaping. The replacement dwelling would be of a radically different and contemporary design, set within an integrated landscape.

The plans show a substantial sized property positioned broadly centrally on a NW-SE alignment towards the northern part of the site. The dwelling is shown as a series of linear blocks that would cut into the landscape as it raises to the west. The plans show the site would become re-landscaped around the dwelling with a pond in the SE corner adjacent to the existing tree belt, a pavilion, sculpture and seating area, stepped bank and outdoor dining area all shown within the grounds. The core of the site would be cleared for construction of the new dwelling and garden, however the existing trees and shrubs around the perimeter would be retained and supported and extended with new trees around the western end of the site. The west side of the house would be partly embedded in the sloping ground allowing the landscape to integrate onto the roof of the dwelling.

The dwelling would be contemporary in appearance with a predominant flat roof form, set into the landscape and around significant vegetation. The Engineering Concepts and Sustainability Strategy details that the dwelling would incorporate a robust SUDS strategy (including mitigation through green roofs and retention ponds, both of which would have a net positive effect on the biodiversity of the site), a water efficiency strategy (including the recycling of water) and an energy reduction strategy (to reduce the overall energy consumption and carbon emissions of the dwelling, by prioritising passive design approaches).

The replacement dwelling would overlay the position of the existing house and would have a linear form orientated so that the main living space faces the sun and the larger part of the garden. Access would remain via the existing drive and garaging is proposed under the house.

The below table shows a comparison of the existing vs proposed built form on the site:

	<b>Existing Dwelling</b>	<b>Replacement Dwelling</b>	<b>% Increase</b>
Footprint	157m <sup>2</sup>	800m <sup>2</sup>	410%
Floor Area	283m <sup>2</sup> (House Total: 239.75m <sup>2</sup> (GF: 132.16m <sup>2</sup> FF: 107.59m <sup>2</sup> ) Garage: 36.12m <sup>2</sup> Shed: 8.37m <sup>2</sup> )	1230m <sup>2</sup> (GF: 709.4m <sup>2</sup> FF: 131.1m <sup>2</sup> Basement: 388.9m <sup>2</sup> )	335%
Volume	911m <sup>3</sup>	5913m <sup>3</sup> (House above ground: 3600 m <sup>3</sup> House basement level: 290 m <sup>3</sup> Uninsulated garage area: 1120 m <sup>3</sup> )	549% (295% above ground)

*All calculations are approximate*

The proposal also includes extensive landscaping – the scheme largely ensures the retention and incorporation of the vast majority of trees across the site alongside new tree planting and management of the existing tree stock as part of the wider landscape strategy. However, the Proposed Development will require the removal of eight individual trees and two groups of trees. Landscaping proposals also include the removal of four individual trees, the partial removal of mainly understory trees through selective thinning and the removal of a mature beech hedgerow.

Access would remain as existing and parking would be provided within the site.

#### Departure/Public Advertisement Procedure

Occupiers of 10 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press.

Earliest Decision: 20.01.2022

#### **Planning Policy Framework**

##### **The Development Plan**

*Epperstone Neighbourhood Plan, adopted December 2019*

EP 7: Trees and Hedgerows

EP 8: Biodiversity

EP 9: Distinctive Views and Vistas

EP 11: Design Principles

EP 16: Epperstone Conservation Area

EP 17: Epperstone Historic Character

*NSDC Amended Core Strategy Adopted 2019*

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 4B– Green Belt Development

Spatial Policy 7 - Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 - Historic Environment

*Newark and Sherwood Allocation and Development Management DPD, adopted 2013*

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 - Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

#### **Other Material Planning Considerations**

- Planning Practice Guidance
- National Planning Policy Framework Adopted (NPPF) (2021)
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Landscape Character Assessment Supplementary Planning Document Dec 2013

## Consultations

*NB: A summary of consultee comments is set out below, comments can be found in full here: [21/02533/FUL | Erection of a replacement dwelling and associated works and landscape enhancements | Hill House Chapel Lane Epperstone NG14 6AE \(newark-sherwooddc.gov.uk\)](https://newark-sherwooddc.gov.uk/21/02533/FUL)*

**Epperstone Parish Council** – Object – “Following our Epperstone Parish Council meeting on 18 January 2022, we write to inform you that after lengthy discussions and presentations by the proposers and objectors, the Parish Council voted as follows; 5 Objected and 2 Supported with construction issue and light pollution conditions. As such the Parish Council objects to this planning proposal for a replacement dwelling, for the following reasons:

1. The design, size and visual impact of the proposed house which sits in our conservation village, within the Green Belt.
2. The design is contrary to The Epperstone Neighbourhood Plan 2016-2033 and in particular para.4.4.1 which provides the basis for acceptable design.
3. The scale and size of the proposed house is huge and disproportionately large compared to other large houses in Epperstone. The proposed house is of the order of five times larger than the existing house it seek to relace, albeit no higher.
4. The construction access related issues for the village, Chapel Lane in particular and local residents will be enormous and exacerbated by the disproportionate size of the proposed house.
5. Light pollution and intrusion for neighbouring properties is a concern, due to the proposed length of the proposed house, which will sit on and into the hill.”

**NSDC Conservation** – No objection subject to conditions – “The development will not cause any significant material harm to the special character and appearance of the Conservation Area (CA). [...] There are no listed buildings within the immediate vicinity. Any wider impact is limited to considering whether the proposal interrupts or distracts from the wider setting and experience of key listed buildings like the Grade I Church. I am satisfied in that context, however, that no harm is caused to any listed buildings.”

**NCC Rights of Way** – No objection subject to informative notes to the applicant.

**Ramblers Association** – No objection – “Epperstone Footpath No. 1 runs along the first part of the access drive to this application site. Nottinghamshire Area Ramblers are pleased to see that the route of this right of way is acknowledged in the Design & Access Statement. However there is concern that traffic resulting from the considerable demolition and construction work could cause a hazard to walkers on this narrow section of the access drive. It is suggested that if approval is given that a condition is attached requiring adequate safety procedures to be followed to protect walkers from construction traffic on the right of way through this corner of the application site.”

**NCC Flood Risk** – Flood Risk Standing advice applies.

**NSDC Tree Consultant** – No objection subject to conditions relating to: submission of an arboricultural method statement, prohibited activities on site and a replacement planting scheme.

**Cadent Gas** - No objection subject to informative notes to the applicant.

**Comments have been received from THREE interested parties that can be summarised as follows:**

- Concerns that the development will increase flood risk locally to third parties as a result of

- the new pond and recontouring the ground.
- Access to the site for delivery of building materials will pose a highways safety issue as vehicles will block Chapel Lane. The structure of the lane also cannot cope with heavy traffic and emergency vehicle access will be compromised.
  - The plans are very detailed and not easy to read in small print.
  - Vermin will be disturbed by the work which will impact neighbouring properties.
  - The increase in size of the new dwelling will have a substantial impact on neighbouring residents as it will dominate views from surrounding properties.
  - The new building will have a significant impact on the green belt and conservation area, particularly when viewed from public footpaths.
  - The replacement dwelling will stand proud of its surroundings and offer a stark, dramatic contrast.
  - The multiple slot windows proposed will overlook neighbouring properties and result in an increase in light pollution with the whole upper floor lit from dusk onwards, dominating views.
  - The design fails to reflect the character of the village and would be contrary to the Epperstone Neighbourhood Plans Village Design Statement.
  - Whilst sustainability and performance of building is admirable, building a property 6 times larger than the existing, for two people, is not environmentally sensitive.
  - There have been numerous replacement dwellings along Chapel Lane and many have undergone substantial redevelopment but were limited in size to minimise the impact on the green belt and conservation area.
  - The design is of an aggressive style, completely out of character with its surroundings in terms of scale and mass and has a flat roof which is uncharacteristic of the Conservation Area.
  - There will be a significant loss of outlook for walkers that use the footpaths which will dominate the village outlook.
  - A six fold increase in built form with greatly increase surface water run-off locally.
  - The LVIA notes inappropriate change of character affecting the CA as a result of the development.

### Comments of the Business Manager

#### *Principle of Development*

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services.

The site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. The NPPF advises that 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. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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. There is no definite list for what will constitute very special circumstances, but the threshold can be high and will turn on the facts and circumstances of the individual application.

In assessing this application, the main issues are:

1. Whether the proposal would represent inappropriate development in the Green Belt;
2. The effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
3. If the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Point 1: The NPPF informs local planning authorities that they should regard the construction of new buildings as inappropriate in Green Belt although there are exceptions. One such exception is *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*. It is under this exception point that the appropriateness of this proposal is assessed. The NPPF establishes two tests, firstly relating to the use, and then an objective assessment of the relative size of the existing and replacement building. The application proposal would be the same use, passing the first test. The second test is a matter of judgement based on the evidence of each case, as neither the NPPF of the Development Plan defines *‘materially larger’* or offers any definitive guidance in this regard.

A comparison of the exact figures between the existing and proposed dwelling can be found in the description of the proposal section above however in short there would be a 410% increase in built footprint across the site, 335% increase in floor area and a 549% increase in volume (albeit a 295% increase in volume above ground). The new dwelling would significantly exceed the existing footprint, floor space and volume of the existing dwelling and would therefore result in a building that would be materially larger than the one to be replaced. The development would therefore not fall within exception d) of Paragraph 149 of the NPPF. To this extent, and in principle, the proposal would therefore be inappropriate development within the Green Belt in conflict with the aims of the NPPF.

Point 2: An essential characteristic of the Green Belts is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.

In simple spatial terms, this proposal would have a clear and demonstrable effect on the openness of the Green Belt by introducing considerably more built development (in scale and mass) into land which is currently predominately open around the existing dwelling house. The replacement with such a large dwelling, spread over a greater proportion of this site would therefore bring about more built development where there is presently none. Whilst the development would be visually contained within the existing boundaries of the site, thus not encroaching into the agricultural land that surrounds it, and the design of the dwelling is such that it tapers to become integral to the landscape with the ground flowing over it, it would nevertheless have an adverse impact on the spaciousness and openness within the site.

In visual terms, I accept that when considering the massing and bulk the dwelling is proposed to be set into the landscape which assists in reducing its above ground impact. It also follows a very lateral, layered design to sink the design into the surrounding plot, is limited to two storeys above ground and set under a flat roof to reduce the overall height profile of the building and therefore I accept that the sculpting into the landscape may reduce the immediate impact of sheer scale of the

proposed dwelling in visual terms. However, the existing dwelling's ridge height is c.7.8m, compared with a proposed maximum height of c8m for the replacement dwelling and the volume of built development above ground level would still increase by 295% (at 3600m<sup>3</sup> compared with existing 911m<sup>3</sup>). The expanse of built development would exceed the existing dwelling significantly, the effect of which would be a significant reduction in openness of the Green Belt.

Having considered the submitted Landscape and Visual Impact Assessment (LVIA), I accept the conclusion that the proposal, given intervening boundary screening to the north, east and south would only be visible from certain viewpoints. However, regardless of whether or not the proposal would be conspicuous from a public vantage point the fact remains that the development would have an adverse effect on the openness of the Green Belt, particularly in spatial terms. This would fail to serve the related Green Belt purpose, would constitute an inappropriate form of development and therefore it would clearly conflict with the fundamental aim of national Green Belt policy.

Point 3: The application advances that the outstanding design quality and sustainability of this dwelling should be regarded as a very special circumstances that are sufficient to outweigh any harm identified by this proposal in accordance with para. 134(b) of the NPPF. The application also argues that there will be other economic, social and environmental benefits that would result from this proposal that too would contribute to the very special circumstances. I will now go on to assess these other material considerations of the development before undertaking the green belt and overall planning balance.

#### *Assessment of the Design & Sustainability*

Both national and local planning policies state that good design is a key aspect of sustainable development and new development should be visually attractive, achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments (CP9, CP13, DM5 and EP11 of the ENP in addition to the NPPF). Policy EP11 further states that whilst developments must respond positively to the character and historic context of existing development within Epperstone, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context. Proposals should respect or enhance (but not necessarily replicate) the local character.

Of particular importance to this application is Chapter 12 of the NPPF which provides guidance in respect of achieving well-designed places and states at paragraph 134 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." The NPPF is clear that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting, and that decisions should not prevent or discourage appropriate innovation or change.

#### *Design*

The supporting documents that accompany this application explain that the design for this replacement dwelling has evolved as part of an iterative design process and has principally taken reference from the landscape and built characteristics of Epperstone, with its distinctive boundary and retaining walls and structures (brick and stone), landscape patterns, ridge and furrow landscape and surrounding countryside to ensure the development references the character of its built and

natural surroundings. The intention is for this development to be a sustainable, legacy project with a strong relationship to the landscape and every room feeling as part of the garden.

The design concept proposes a series of parallel brick walls which 'slide' into the sloping site, spaced to replicate the pattern of the surrounding ridge and furrow landscape and creating a hierarchy of spaces within the dwelling. The volumes created by the walls are enveloped by a green roof and topped in part by a lightweight timber pavilion which draws reference to timber agricultural structures seen in the surrounding countryside. Architectural planes and interaction with topography and planting have been designed to break the mass and scale of the built structure so that in views from within and outside the garden the building merges with a landscape that flows over and around it. The landscape proposals are also informed by the site context with the landscaping around the dwelling aiding the transition between the countryside and the village, including the pattern and textures of the landscape, specifically the ridge and furrow fields, and the enclosure and screening of the site and trees which is a positive characteristic of the village. In addition to the built and natural features of the village influencing the design, the Design and Access Statement (D&A) also explains that the Applicant's family business has been a design influence with the elevations proposing to include textures from fabric weaving, and circulation/movement patterns.

To assist in the assessment of the design of this dwelling the Applicant has engaged with the Design: Midlands Review Panel (DRP) who are an independent, impartial panel that provide expert design support in the assessment of development proposals. Para. 133 of the NPPF advises LPAs and applicants to make appropriate use of processes for assessing and improving the design of developments such as the DRP and specifically states that in assessing applications, LPAs "*should have regard to the outcome of these processes, including any recommendations made by design review panels*". As such the Applicant's engagement with this process is commended and the advice of the panel should be an important consideration in the overall assessment of the scheme's design. In this case the design panel was formed by four experts in built and landscape architecture and a heritage specialist, their advice can be found in full on the online planning file and is summarised as follows.

The Panel commended the collaborative design approach put forward, combining ambitious landscape design and architecture, with a strong client desire to create a high performance, low energy, exemplary dwelling. They considered the proposal was a result of a well-researched and rigorous design approach and a comprehensive site analysis of Epperstone. They noted the analysis demonstrates an in-depth and robust understanding of the site and its relationship with the surrounding context which assists in ensuring that the proposal is responsive to this site context. The DRP commended the overall design concept and noted it had a clear and logical design narrative, advising it represented a sensitive and well-considered response to the character of the site, its setting and the Conservation Area. They further noted that the scheme embodied a strong local philosophy and was sensitive to the immediate and wider site context.

The House: With regard to scale, form and massing the DRP comment that "*Although the form of the proposed building is not traditional, in that it has a flat/green roof, the Panel commended the quality of the design and contribution that the building will make to the site and the village. The architectural 'language' and overall form of the design were considered to be effective in referencing the characteristics of the built and landscape character of Epperstone. The Panel in particular praised the relationship of the building with the landscape, and the way the house provides a strong sense of arrival and disappears into the landscape/topography as you move through the site from east to west.*"



The DRP considered the series of parallel, staggered, hierarchal, brick walls which 'slot' into the landscape to be the principal component of the scheme and the materiality, treatment and detail design of these as fundamental to the success of the project. The proposal to construct the building from brick was considered to be appropriate and in keeping with the character of Epperstone however the Panel noted that the choice of brick, including colour, texture, grain, bond, the choice of mortar, how the walls will be capped, e.g. where they meet the green roof etc. would be critical to the project to ensure the high design standard is not compromised. To this I note that as per para. 135 of the NPPF ensuring the quality of the proposal is not be diminished at a later stage by watering down the quality of materials or design features would be fundamental to the success of this scheme and would require control through conditions. Further to this the Panel noted that the provision of a hierarchy of walls in the design, the proposed use of lime mortar for the joints (avoiding a need for vertical movement joints) and the sourcing of specialist bespoke bricks was strongly supported and would result in a scheme that would be highly distinctive, yet sensitive to the village context.

The dwelling is clearly contemporary, proposed with a predominant flat roof form, set into the landscape and around significant vegetation. I recognise that the scheme has an interesting modern design that has consciously taken reference from the architecture of the area. I also acknowledge that the proposed sculpting into the hillside seeks to give the appearance that the dwelling is integral to the landscape. Despite its scale, the building has a relatively low profile, which reduces its visual impact, and the landscaping proposed softens the elongated linear retaining walls. In my opinion, the concept of such a sculpted design which takes reference from the form of the surrounding countryside is a strong positive feature of the design and I note something that the Conservation Officer (CO) says should be applauded. The staggered linear walls cutting into the landscape are reflective of retaining walls seen around Epperstone and cleverly draws in the village's built heritage in addition to the strong landscape links. The sheer scale and size of this dwelling is unavoidable and the design is overtly contemporary however the design is such that the massing is broken down by the staggering of walls and subterranean sculpted elements and the design concept clearly links back to the character of Epperstone.

Landscaping: In terms of the building and its relationship to the landscaping strategy the DRP state that *"The 'nature first – building second' approach [to the design], with the creation of zones which reference and reinforce the immediate site context, in particular the location of the site between the countryside and the village, the relationship of the landscape with the building to ensure every room feels part of the garden and exploring opportunities to draw from the clients business of weaving within the landscape is all commendable."* They also note that the simplistic design of the meadow to the north west/western part of the site, *"enabling the open and rural character of this part of the site to be retained, and the notion of the house nestling into the landscape is considered very positive"*.

I concur with the opinion that the landscaping strategy and integration with the built form of the dwelling is a very positive element of the scheme. The sculpted form of the development, partial subterranean form and the tapered sections of masonry, green roofs and use of glazing help reduce that sense of scale and mass and aid the seamless relationship between the house and the garden which is a key design element of the scheme. The planting proposals to the site perimeter would reinforce the green and naturalistic character of the site and the minimalistic approach to the core of the garden area allows some sense of spaciousness and openness to be retained within the wider site. Furthermore, the landscaping approach on the northern side of the site takes into account the rural aspect here which is considered to be positive.

Sense of Arrival & Views: The DRP note that the reuse of the existing access drive, the informal and natural approach to the house, and the provision of an understated entrance at a midpoint to the north elevation to be positive elements of the design. The entrance to the site is understated, and parking arrangements discreet. The Swales adjacent to the drive are also carefully considered. Given the sites set back position from Chapel Road the impact on the street scene would be very limited and the absence of a grandiose access to this site is a positive element of the design and reflective of the understated and integrated landscape approach taken in the overall design concept.

In order to raise the standard of design more generally in the area the DRP noted that good design does not need to be hidden. In this case the site benefits from existing mature boundary vegetation which buffers views into the site. However the LVIA submitted does note instances where glimpsed views of the dwelling would be achievable from public vantage points allowing chance views of the building and its design to be appreciated. The DRP note that glimpsed views providing a hint of the exceptional quality design of Hill House would contribute positively to the experience for those using the PRoW, the Conservation Area and the village.

Design Conclusion: Overall, it is evident from the various reports and statements submitted with the application that a detailed assessment of the character of the site and surrounding landscape has been undertaken. This has informed the proposed development and multidisciplinary teams have given thoughtful consideration to the design of the proposed dwelling. The DRP conclude their assessment of the scheme, commenting that this “[...] is very high quality proposal which the Panel believe will ensure the character and appearance of the Conservation Area is safeguarded and enhanced. It is a true legacy project, promising an exemplary building and landscape, which has the potential to become the heritage of tomorrow.

*[...] The holistic and sensitive design approach integrating heritage, environment, landscape, character and context; robust design concept; strong client narrative, ambition and track record in delivering design quality has resulted in a scheme with a strong synergy between client, site/landscape and house. Hill House is an intelligent, exciting, yet sensitive scheme which is of its time and place. The Panel endorse the scheme wholeheartedly and believe that the proposals meet Paragraph 134 of the NPPF.”*

The comments of the DRP are noted and I am mindful that the NPPF requires LPAs to have regard to the outcome and recommendations of DRPs. In this case I see no reason to come to a different conclusion than the one they have drawn. I consider this dwelling whilst being unique to its setting, clearly responds to the site context and character of the area but in an innovative and contemporary way. The proposal, whilst a dwelling of a significant scale and of an unashamedly modern design, has a strong relationship with its built and natural surroundings. In my opinion it is the combination of the detailed architectural response to the surroundings, the quality of the proposed materials and the sensitive sculpted design and landscaping that collectively result in an outstanding design for this site – with a design that captures the spirit of its setting. To my knowledge this dwelling would be the first of its kind in Epperstone and it is noticeable that there is a lack of high quality bespoke modern architecture within the District, it therefore has the potential to raise the standard of design locally. Overall, I agree with the conclusion that this replacement dwelling would be of an outstanding but sensitive design in this context and therefore consider the development would accord with the aims of Chapter 12 of the NPPF, Policies CP9, DM5 and EP11 of the Development Plan. In accordance with para. 134 of the NPPF, the outstanding design which also would help to raise the standard of design more generally in the area attracts significant positive weight.

*Sustainability*

The planning system supports the transition to a low carbon future in order to tackle climate change at a national and local level (NPPF and CP10). Development proposals should maximise the use of available opportunities for decentralised energy and mitigate the impacts of climate change through ensuring that development proposals minimise their potential adverse impacts during their construction and eventual operation.

The Buro Happold Engineering Concepts and Sustainability Strategy (Sustainability Strategy) contained within the D&A statement sets out the overall strategy for the construction of the dwelling. The D&A explains that sustainability is at the core of the design of this replacement dwelling, which would be built to passive design principles, incorporate green technologies and would attempt to improve on embodied carbon of traditional builds of this scale.

It is proposed that the dwelling would have a '*vastly reduced*' level of regulated emissions and energy usage for space and water heating, lighting and ventilation using a number of measures, including:

- Building Fabric: specified to produce a highly efficient thermal envelope by using highly insulated thermal elements, high performing glazing and minimising thermal bridges.
- Air Tightness: to reduce convective heat loss, eliminating inefficiencies in building services.
- Heat Distribution and Control: to encourage energy-efficient by combining efficient ground source heat pumps with intelligent zoning technologies.
- Low Energy Lighting and Control: maximising the amount of natural daylight through the design and orientation of the building to reduce energy demand.
- Passive Design: using a 'fabric first' approach and creating a building that acts as a '*solar collector*' to reduce space heating demands achieved through a combination of: orientation, shading and fenestration, passive ventilation, mechanical ventilation, mechanical ventilation heat recovery and thermal zoning.
- Water consumption: utilising low-water use appliances to reduce internal potable water use.

In addition to optimising the building form, renewable energy technologies are also proposed to increase the sustainability of the building, including:

- Ground Source Heat Pump: a low-carbon technology what ensures greater heating efficiency.
- PV Panels: proposed on the roof to provide energy to the property and create a carbon negative build.
- Battery Storage: to store surplus solar energy in-house and bypass the national grid.
- The dwelling is proposed to be '*all-electric*' to eliminate the buildings residual CO<sub>2</sub> emissions and benefit from the decarbonisation of the national grid.

The replacement dwelling would be a low energy all-electric building to allow the building to decarbonise in line with the National Grid electricity. However, embodied carbon associated with construction materials throughout a building's life cycle is the dominant source of carbon emissions. As such, it is also proposed to utilise efficient construction materials and procurement policies to reduce wastage and encourage the reuse or recycling of materials in order to reduce the environmental impact of the dwelling during construction and for its lifetime. To achieve this and improve the embodied carbon of the build it is proposed to use:

- Sustainable and/or local material sourcing;
- The UK Government Timber Procurement Policy;
- Inherently environmentally inert, long life and low maintenance materials; and
- To use material and structural choices that have low embodied energy.

- Draw best practices from the Home Quality Mark.

The overall aim is to try and half the embodied energy of the build and better the government's current targets for embodied energy in residential buildings.

The Sustainability Strategy explains that the intention is to achieve at least 40% reduction in regulated carbon from the development over the baseline case. This is achievable with the employment of the abovementioned techniques and would reduce the carbon footprint of the development in accordance with CP10. Furthermore, in addition to the building construction and design techniques, the proposal also includes a detailed Sustainable Urban Drainage Strategy (SuDS) that consists of building and site-wide mitigation. This includes mitigation through green roofs and retention ponds, both of which have a net positive effect on the biodiversity of the site (which will be explored in greater detail in subsequent sections of this report). A water efficiency strategy would also be implemented, whereby efficient fittings, effective system design and the recycling of water, would minimise the use of potable mains water and foul water discharge to the sewer.

The technical details submitted with this application explain that the proposed development would promote high levels of sustainability and represent an exceptional quality of sustainable building and design construction to reduce the impacts of the development and ensure its resilience in the long term. Whilst in isolation the techniques and mechanisms proposed to be employed in this build are not considered to be at the forefront of sustainable innovation, I note that this is not the test in this case. The NPPF and CP10 encourage the incorporation of sustainable construction and operational techniques in order to reduce the carbon footprint of developments, and in turn the District, in order to tackle the causes and impacts of climate change. In accordance with para. 134 of the NPPF significant weight should be given to developments which promote high levels of sustainability.

In their independent assessment the DRP have noted that the development would utilise a simple, efficient and practical approach to the environmental sustainability of the build but particularly note that this scheme is *"one which others may be able to learn from and replicate"* and should be seen as an exemplar of incorporating simple sustainable strategies into modern construction. I see no reason to disagree with this conclusion. The sustainability strategy designed for this dwelling incorporates a multifaceted approach to reducing energy consumption in both the construction and long term operation of this dwelling in a way that aligns with the aims of the NPPF, to encourage developments to minimise their impact on natural resources, to use renewable energy sources and be efficient in the consumption of energy, water and other resources. This development would therefore accord with the aims of Chapter 14 of the NPPF and CP10 in respect of tackling the causes and impacts of climate change and to delivering a reduction in the Districts carbon footprint. Subject to securing the detailed Engineering Concepts and Sustainability Strategy as set out in the D&A statement by condition, in accordance with para. 134 of the NPPF, the high level of sustainability promoted in this development attracts significant positive weight.

#### *Impact on the Character and Appearance of the Area (including Heritage)*

##### *Heritage Impact*

Given the site lies within Epperstone Conservation area Policies CP14 and DM9 and Section 4.6 of the ENP are relevant. These policies, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated

heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

The Conservation Officer (CO) fully appraises the significance of nearby heritage assets in their comments which can be found in the full on the online planning file, however in short they conclude that Hill House is not identified as a building of any local interest and no special landscape value is identified on the site or surrounding area. The existing dwelling is not considered to be of any merit in historic or architectural terms to resist its loss, and as such, there is no objection to the principle of demolition. Although not in the core of the historic built form of the village, the site is sensitive in that its designation within the Conservation Area (CA) provides a rural landscaped setting for the village which is significant given the topography of the site. There are listed buildings within the vicinity of the site such as the Grade II former Methodist Chapel on Chapel Lane, to the southeast and the Grade II listed complex at The Poplars to the south of Chapel Farm. Further south is the important grouping of the Church of the Holy Cross which is Grade I and a local landmark.

The replacement dwelling, in its footprint, architectural style and detailing it is a significant departure from the surrounding character of traditional vernacular dwellings seen within the CA. However the CO notes that the CA designation does not prevent development, but rather is a means of managing change, whether that be in the guise of preservation or enhancement. In this case, the development is clearly very different from the existing built vernacular of Epperstone and the building types that contribute positively to the CA. However, the CO notes that *“it does not follow that new development must be a pastiche of buildings that have gone before. As explained in the CA Appraisal, there is a wide variety of traditional building types furthermore, and there is no reason to think that a further variation of architectural form couldn't be capable of being sensitive to the inherent values of the existing CA. There is also variety in scale of dwellings within the CA, from small rustic cottages through to much larger, polite architecture such as the Manor House and Rectory.”*

The CO notes that the concept of a sculpted design is to be applauded. The site is set well back from Chapel Lane, and much more associated with the rural hinterlands of Epperstone than the denser urban grain of Chapel Lane and Main Street. Furthermore the CO notes that the large linear walls proposed to be cut through the site are the most prominent structural element of the new dwelling and acknowledges the precedent for retaining walls within the wider area, and the link to ridge and furrow in the arrangement of walls and bays. Nevertheless the CO also notes that the main length of the building is significant and would be a considerable uplift on more conventional domestic proportions. Further it is noted that the volume of domestic space would significantly increase, albeit acknowledged that the sculpted form of the development, partial subterranean form and the tapered sections of masonry, green roofs and use of glazing help reduce that sense of scale and mass. The above ground net gain of building is nevertheless thought to be in the region 295% more than the existing, and as a result the CO advises that the development would benefit from being reduced in scale, particularly in length.

Having discussed this with the agent they have advised that laying out the building in a slim and linear format enables the form to slide into the landscape, which is key to the concept of the design. The sculptural appearance of walls sliding into the land, only works as a linear element. Various building forms were considered and examined as explained in the D&A which resulted in a slender structure. In order to relate to the characteristic field patterns that have been identified in the adjoining land the building has required the scale and length as advanced in this submission. Reducing the length and pulling the volumes together would create a blocky object in the landscape and would fail to accurately reference the landscape, which is a key concept. Instead, the building nestles into the slope of the site, revealing itself slowly in layers and pieces as you approach. The

length of the building would only be perceptible at a distance, sitting low into the topography mostly below the skyline and embedded within its setting of mature trees. Along the long elevation, the house is intended to be read as a collection of walls as if it were a walled garden, with reference to the long linear walls that are a defining characteristic of Epperstone. The staggered planes created by the walls are proposed to dissolve bulk and create a structure of the garden, rather than a separate object that dominates its surroundings.

Considering the overall concept and commenting specifically on the proposal as submitted the CO concludes that the design concept should be commended. He states that it is noticeable that there is a lack of high quality bespoke modern architecture locally, not least in CAs where the typical response tends to be pastiche development of varied end quality. This is echoed by the DRP final report which argues that the development could become the heritage of tomorrow. To ensure the intended quality of the development is realised the CO notes that the masonry for the new wall sections will be critical and should be controlled by carefully worded conditions to ensure the development takes the form that is envisaged. The CO further notes that the quality of glazing and green roof specification is also important. Glazing should minimise light deflection where possible, and a management strategy for the green roofs and wider landscaping agreed to ensure that the development continues to take the form envisaged over time should be secured. The CO highlights that it is important that the quality of the proposal is not diminished at a later stage by watering down the quality of materials or design features as without the landscaping proposals, the development could become unduly prominent in CA terms.

Overall, the CO concludes that despite the scale and massing they do not consider the development would cause any significant material harm to the special character and appearance of the CA. They note that the site is discreetly located when experienced from Chapel Lane and the adjacent footpath network. The extent of trees already on site effectively screens the development from historic buildings along Chapel Lane, and this will be improved upon and potentially managed in a positive way (as shown in the tree strategy document). Given the lack of specific views and vistas of heritage to and from the site, the development is unlikely to be unduly prominent within the CA, even if glimpsed from unexpected receptors. Moreover, the combination of green roofs and significant landscaping design helps integrate the development into its environs, a conclusion which is supported by the LVIA and Heritage Impact Assessment documents that support the application. Whilst they do not agree with the assertion within the applicant's submission that the proposal will enhance the Conservation Area, given there is nothing inherently wrong with the existing arrangement, insofar as the current dwelling on site is neutral, they nevertheless conclude that the proposal will preserve the special character of the Conservation Area in accordance with the Act.

The CO goes on to further explain that there are no listed buildings within the immediate vicinity and any wider impact is limited to considering whether the proposal interrupts or distracts from the wider setting and experience of key listed buildings like the Grade I Church. However concludes that they are satisfied in this context that no harm would be caused to any listed buildings as a result of the development.

Overall, the positive conclusion of the Conservation Officer is noted and with the suggested conditions, it is considered that the proposal would cause no harm to the character and appearance of the Conservation Area or the setting of nearby Listed assets. As such it is considered that the scheme would comply with the objective of preservation set out under Sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the heritage and design policies and advice contained within the Council's LDF DPDs and the NPPF.

### *Landscape Character and Visual Impact*

In terms of the potential impacts on landscape character the site is located within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 40: Epperstone Village Farmlands with Ancient Woodlands as defined within the Landscape Character Assessment SPD. This states the condition of the landscape is good and the sensitivity is moderate with an outcome to conserve and reinforce the landscape. The policy zone justification states with regards to built features, proposals should conserve and reinforce the rural character of the Policy Zone by concentrating new development around existing settlements and conserve the local built vernacular and reinforce this in new development.

To support the application a Landscape Visual Impact Assessment (LVIA) has been undertaken. The LVIA submitted explains that the character of the immediate site would not change from that of a rural setting with scattered individual dwellings or farmsteads. Owing to the topography of the site visibility is noted to be low with the LVIA explaining that there are only limited locations where partial views into the site would be achievable. Section 4.0 of the LVIA considers the receptors and potential impacts that have previously been identified as having the potential to arise from the development. This section also goes on further to explain how the design of the scheme has evolved to mitigate the potential impacts identified.

#### *Landscape Character*

The LVIA states that the land use, cover and character of the immediate site will not change from that of rural setting with scattered individual dwellings or farmsteads as a result of the development. However, the proposal will introduce new landscape features (such as trees, hedgerows, planting etc.) which would be integrated into the landscape to reduce the profile of the development. Nevertheless, the development would not change the overall character of the landscape which is undulating, strongly rural and agricultural in nature as it would be confined to the existing boundaries around the site and has been designed to cut into the landscape to reduce its prominence and impact from surrounding vantage points.

Despite drawing reference from existing developments and features within Epperstone and the Conservation Area I am mindful that the design proposed would not reflect the prevailing local built vernacular. However, as explored in the assessment of the design of the dwelling it would be unashamedly modern/contemporary in a bid to represent an outstanding form of development for the area, but one that has been designed around references from Epperstone's built and natural characteristics. It is noted that development need not be a replica of all that has gone before it, or that currently exists in the locality to be acceptable – whilst the design of the dwelling would not completely accord with the relevant aims of the Landscape Character Assessment SPD in this regard, it is not considered that the development of this site in isolation would undermine the overall character of the local policy zone as it would result in a limited magnitude of change on PZ40 as a whole. Further, the structure of features within the landscape (such as hedgerows, trees etc.) would largely remain unchanged – whilst the scheme proposes an overall enhancement of the landscaping of the site (including significant additional planting) this is not considered to be uncharacteristic of the landscape given the area is typically interspersed with areas of woodland.

It is noted that the LVIA identifies the potential impact on the Conservation Area as a factor that could impact the overall landscape character however the CO has concluded that the development would not result in any harm to character and appearance of the CA or its setting. The mitigation measures detailed at para 4.1 of the LVIA that have been translated into the final design of the

dwelling are key factors in this respect. Therefore, overall, whilst the immediate character and openness of the site would change, the impact would be limited to within the site's boundaries. It is not considered that the character of the wider local policy zone would be significantly affected as a result of this development as there would not be an effective change in experience and perception of the wider landscape or the Epperstone Village Farmlands with Ancient Woodlands Policy Zone.

### *Visual Impact*

With regard to visual impact the LVIA considers the area from which the site is visible, the nature of existing views and how the views of individuals or groups of people (and the visual amenity experience by them), may be altered by the proposed development. The LVIA states that properties within the village directly to the south and east have no views into the site - only properties to the north are likely to see changes to direct views; however, these are likely to be partial due to the low profile of the replacement dwelling, the retention of boundary vegetation and distance. The visual effect would be greatest on properties to the north and walkers using the nearby footpath (to the NE), albeit the LVIA argues that the change of visual amenity is considered negligible to these receptors in the context of this landscape setting.

With regard to the visual effects of the proposed development upon local receptors, the LVIA concludes that the greatest effect/change would be experienced no further than 1km north of the site boundary and road users would experience very limited change to views (the LVIA explains that there is limited stretch of road where drivers could possibly experience a change to the site, however, the landscape setting would reduce changes to barely noticeable). Two properties to the north are likely to have a direct views from windows towards the site and others are likely to experience oblique views becoming more open when vegetation is not in leaf. However, these views would be of the enclosed mature tree lines that bound the site, with partial views of the dwelling.

Despite the close proximity of Footpath 1 (to the east of the site boundary) there are limited views to the interior of the site due to the strong tree lines. The LVIA states that there could be glimpsed views of the dwelling alongside the site when vegetation is not in leaf however these would be intermittent due to the presence of evergreen trees. In comparison, the LVIA explains that there would be views of the site from Footpath 2 to the north, particularly of the northern boundary of the site, however owing to the topography visibility is intermittent along the length of the footpath. Overall the LVIA notes that it is unlikely the proposed changes within the site will be noticeable from the numerous PRoWs in the surrounding landscape and thus the proposal would have a negligible impact on receptors using the public rights of way. Policy EM9 of the ENP also identifies key distinctive views and vistas, however this proposal is not considered to adversely impact any of these views.





Figure 2 - PRoW/Footpath Map (p.37 of the LVIA)

The LVIA concludes that overall the effects of the scheme are considered to be long-term in duration given the building will become a permanent feature of the landscape, however there would be limited vantage points where the dwelling would be visible. The LVIA states that visibility from receptors would be 'negligible' and in any event would be against the backdrop of the vegetation that surrounds the site. Further, I am mindful that visibility does not equal harm and that the LVIA does not conclude that there would be any adverse visual effects as a result of the development.

Overall, the LVIA concludes that although the receiving landscape character is intact, the site is not in a prominent position, and is in a well enclosed location in the village where there are few visual receptors. Whilst noting that the development would be a marked change from the existing dwelling on site, given the above conclusions it is considered that the development would preserve the existing landscape character and visual amenity of the area. This is in accordance with the aims of policies CP9, 13, DM5 and EP9 of the Development Plan in addition to the aims of the NPPF.

#### *Impact upon Residential Amenity*

Given the size of the plot and degree of separation it is considered that the development would afford a sufficient degree of amenity for existing and future residents. Whilst I acknowledge the concerns of local residents, owing to the site context, separation distances and intervening landscape which comprises a number of trees that provide good screening I do not consider there would be any impact through direct overshadowing, overbearing or overlooking on the occupiers of any neighbouring dwelling.

I note concerns raised by locals and the parish council relating to light pollution from the dwelling and the impact this will have on neighbouring properties. The Parish have specifically raised a concern that the length of the property, coupled with it sitting on a hill and with the design showing large windows at first floor will result in light pollution and intrusion for neighbours. Firstly, I would note that the site itself is well contained within its boundaries, as can be seen from the site photos below showing the east and western outlooks from within the site.



*Figure 3 - Site Photos of Eastern and Southern Boundaries*

The southern side elevation of the dwelling would sit c. 40m from the southern boundary and the eastern elevation would be c.50m from the eastern boundary, both of which are formed by mature trees, most of which would be retained as part of the proposal. The property Brigholme to the SW corner of the site would be in excess of 90m from the proposed dwelling, between which would remain extensive mature tree cover and landscaping – further, owing to the orientation of the proposed dwelling any visibility of the dwelling would be of the eastern elevation which has glazing panels recessed within the staggered façade as shown in the visual below. It is not anticipated that any adverse amenity impact (including through light pollution) would occur on this occupier or properties directly to the east.



*Figure 4 - Visual of Proposed Eastern Elevation*

Towards the south the closest properties are Fair View and Meadow View which would be in excess of 120m from the side elevation of the proposed dwelling, between which would remain the extensive tree line forming the southern boundary (see site photo below) which, given the height of the existing mature trees (which would mostly remain as part of the scheme), would provide a buffer between these properties and the replacement dwelling.



*Figure 1 - Site Photo of Southern Boundary from Outside the Site (L) & Visual of Proposed Southern Elevation (R)*



*Figure 6 - Site Photo taken from the North of the Northern Boundary with Existing Dwelling (L) & Visual of the Proposed Northern Elevation (R)*

Further, whilst I note there would be windows at first floor, these large glazed panels would serve a corridor leading onto the master suite rooms (on the south elevation) (including dressing rooms, bathroom, bedroom etc.) and the stair well (on the northern elevation) which are unlikely to be areas that would be continuously lit given they are essentially circulation spaces. As such it is not considered that neighbouring properties to the south would be adversely effected as a result of this proposal (including through light pollution). The same conclusion can be drawn for properties to the NE of the site which would be in excess of 100m from the dwelling and similarly buffered by intervening landscaping. Comments from local residents also refer to the impact on their amenity through the loss of a view, however this is not a material planning consideration. Overall, given the conclusions drawn above it is considered that the proposal would be in accordance with Policy DM5 and the guidance in the NPPF in this regard.

### *Impact upon the Highway*

The hostdwelling has one vehicular access point off Chapel Lane with off street parking provision within the site. Given the proposal is advanced as a replacement dwelling there would be no long term intensification of use of the site. Access and off-street parking within the site is also proposed to remain as existing. I note comments that have been received from local residents and the Parish Council regarding the width of Chapel Lane and its ability to accommodate construction traffic, however it is not considered that the relatively short term construction period which would require such traffic would result in a serve adverse highways safety impact that would warrant withholding permission. I note that other properties in close proximity, along Chapel Lane, appear to be undergoing building works and whilst it is accepted that an intensification of construction traffic

would cause some disruption to local residents it would be over a relatively finite period and would not result in long term impacts on the highway network, however given the scale of the project it is considered reasonable to require submission of a construction management plan to mitigate any short term impacts as best as possible. As such, the proposal is considered to accord with Spatial Policy 7 and Policy DM5 in terms of highway safety considerations.

Furthermore, I also note the comments of the Ramblers, Parish and local residents regarding the footpath along the eastern boundary of the site. As this is not proposed to be physically altered as a result of the proposal I have no concerns in this regard, noting that the Rights of Way team have raised no objection to the proposal subject to informative notes regarding measures to protect pedestrians during construction.

### *Impact on Ecology*

The aims of the NPPF and Policies CP12, DM5, DM7, EP7 and EP8 of the Development Plan are to protect, promote and enhance the natural environment and green infrastructure. Further, the NPPF states that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity (*inter alia*).

### *Impact on Protected Species*

To assess the impact on protected species a number of surveys were undertaken as set out in the Preliminary Ecological Appraisal (PEA). No records of amphibians or potential breeding habitats were found on the application site, as such the survey concludes that the site is unlikely to be of local importance for amphibians. Therefore, no further survey work or mitigation is considered necessary. The survey area provides some features offering potential reptile habitat, however as the grassland is cut and disturbed on a regular basis it is generally sub-optimal for reptiles. The site is also a significant distance away from the nearest brook which would provide a potential commuting corridor for reptiles. The presence of reptiles within the site is concluded to be unlikely, however precautionary working methods are recommended as appropriate mitigation. No evidence of large mammals were found within the application site/survey area but precautionary working methods have been recommended.

Birds: The survey concludes that a variety of common bird species are likely to breed on the site, especially in the hedgerows, trees and shrubs. The garage and parts of the house exterior may also be used by birds. Therefore, any proposed demolition and/or tree, hedge or shrub removal should be constrained by the bird-breeding season, March to September inclusive.

Bats: The survey concludes that sparse evidence (3 droppings) of bats was found during the daytime inspection. Also, gap/crevice features were noted on the house exterior, particularly at gable-ends. The subsequent evening bat activity surveys that were recommended identified the location of a common pipistrelle bat roost (up to 6 bats) beneath roof tiles on the western slope of the main southern gable-end of the dwelling. Possible predation of these bats by a kestrel was also highlighted. As a bat roost was discovered, the survey explains that demolition work to the house can only proceed only after a European Protected Species (EPS) has been obtained from Natural England.

When considering applications which require an EPS, Local Planning Authorities are required to consider the likelihood of a licence being granted when determining a planning application and should have in mind the three tests set out in Regulation 53 of the Habitats Regulations, namely:

- i. The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic

- nature and beneficial consequences of primary importance for the environment”; and
- ii. There must be “no satisfactory alternative”; and
  - iii. 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.

In terms of the first of these tests relating to overriding public interest I am mindful that due to the nature of the proposal being for one dwelling the public benefits are limited. However, the proposal would result in wider ecological benefits with Biodiversity Net Gains being achieved across the site in addition to sustainability benefits with the new build dwelling which would result in broader public benefits being achieved as a result. The existing dwelling is also underutilised and the replacement dwelling would contribute to the available housing stock within the district. If a replacement dwelling were to be resisted there is potential that the building would remain unused and fall into further disrepair, resulting in a loss of one dwelling towards the available housing stock.

In order for an EPS Licence to be approved by Natural England it must be demonstrated that proposals will minimise any potential impacts upon roosting bats and that the favourable conservation status of bat species is met. To ensure this is the case an initial mitigation recommendations have been proposed, however a full mitigation strategy has not been submitted. Nevertheless, the report states that to mitigate any impact bat boxes will need to be erected prior to the commencement of works, pre-works inspections will need to be undertaken immediately prior to the commencement of the destructive search, a destructive search via soft stripping by hand will be required in addition to bat adapted lighting to be very carefully considered on site.

Given the low conservation significance of the roost identified it is considered that these mitigation measures are acceptable. However, given that bats are highly mobile and can change roost sites throughout the year and from season to season, if the works at the site do not begin within twelve months of this initial survey it will be necessary to conduct a re-survey to determine if the characteristics of the roosts on site have changed.

Subject to the mitigation and compensation measures being secured by planning condition, in addition to an application for a Natural England European Protected Species (EPS) development license, it is considered that the favourable conservation status of the bats would be maintained in this instance in accordance with the aims of Core Policy 12.

### *Trees*

The submitted Preliminary Arboricultural Assessment survey identifies the site as containing a mature landscaped garden with a number of young, early-mature and mature trees, which are predominantly in a good condition abutting the agricultural fields to the north, south and residential properties to the east. The most significant belt of trees exist along the east and southern boundaries which form a visual screen between the existing dwelling and houses to the east. These trees also contribute positively to the character of the area.

The Arboricultural Impact Assessment (AIA) submitted identifies that overall the Proposed Development would ensure the retention and incorporation of the vast majority of trees across the site alongside new tree planting and management of the existing tree stock as part of the wider landscape strategy. However, to accommodate the development and landscaping proposals, twelve individual trees and two groups of trees (species and condition as below in tables 5.1a and 1b) are proposed to be removed. Landscaping proposals also include the partial removal of mainly

understory trees through selective thinning and the removal of a mature beech hedgerow as set out in the tables included in the description of the proposal.

The AIA explains that the partial removal of trees from groups G1, G3 and G4 will focus on failed or weak trees, or trees of poor form that offer limited contribution to the landscape of the site and any trees that pose a potential safety risk. It also explains that the removal of T26 (retention category U) would be required irrespective of this planning application due to its poor condition and the potential safety risk it poses. No high-quality trees are to be removed as part of the proposed development or landscaping schemes. There would also remain suitable distances between the proposed development and high-quality tree cover which would ensure long-term retention through successful protection.

Two moderate-quality trees T28 and T29 are to be removed to improve construction access and ensure the high-quality tree (T4) adjacent to the entrance can be suitably protected. Tree Group G5, containing three birch trees of moderate quality, would also be removed to facilitate construction of the main dwelling as well as six low-quality trees and a single group of trees. The AIA explains that although the loss of moderate quality trees should generally be avoided, the potential impact of this loss would be considered minimal in this site context, and that the new landscaping for the site would provide sufficient mitigation. Further, the AIA concludes that sufficient mitigation would be provided across the site to offset the minor loss of tree cover proposed.

For the wider landscaping scheme, trees to be removed from the orchard (G1, Cat. B) are those trees found to be in general decline with the survey noting that several trees have failed recently. The remaining specimens are to be retained and reinforced with new fruit tree planting to diversify the species range within the group as mitigation for the losses identified. The remaining moderate-quality tree group (G4 – along the eastern boundary) would be managed sympathetically through selective thinning to remove poor or weak specimens. The remaining trees would be protected during the course of the development and enhanced with new tree planting which the AIA states would inevitably increase canopy coverage.

Overall the AIA concludes that the proposed development of the site is unlikely to significantly impact the visual amenity of the local area as a result of the proposed tree removal. The proposed development works are not concluded to impact significantly upon the long-term health of retained trees and landscaping proposals would be considered good arboricultural management in addition to compensating for the proposed tree loss. The landscaping proposals which include new tree planting are an integral part of the proposed development and having reviewed all documents submitted the Council's Tree consultant has raised no objection to the development subject to conditions which would require submission of an Arboricultural Method Statement, prohibit certain activities close to retained trees/hedgerows and require detailed landscaping plans to be submitted showing full tree planting specification.

The supporting documents to this application explain that the Applicants propose to mitigate the loss of any tree/hedgerow removal with an extensive replanting programme and landscaping scheme which would overall result in a biodiversity net gain (which will be discussed in further detail below). Having regard to the above, it is considered that the tree retention, removal and replanting balance would be acceptable, and that the proposal would accords with policies CP12, DM5, DM7, EP7, EP8 and the provisions of the NPPF in this regard.

### *Biodiversity Net Gain*

In addition to the abovementioned policies which support nature conservation and the provision of net gains where possible, the Environment Act 2021 looks to set a minimum 10% net gain in biodiversity within all proposed developments as a legal requirement. There is a two-year grace period provided within the new legislation and therefore this requirement is not likely to become mandatory until 2023. However, many local planning authorities have already begun to require developments to achieve a minimum 10% biodiversity net gain. In the case of NSDC, we do not have any policies that currently adopt this approach, however achieving BNG on site is considered to be a benefit of developments.

The proposed development involves re-landscaping of the site, which will include on site enhancement of existing habitat and habitat creation. The boundary hedgerows will be enhanced by planting native tree and shrub species to infill gaps and manage them to achieve appropriate widths and heights. The plantation mixed woodland would also be enhanced by planting gaps with native trees, improving the species composition of the understorey and woodland edge by planting shade-tolerant native shrub species, and removal of non-native conifers/dying trees to encourage maturity of good quality trees. Scattered broadleaved and coniferous trees are also proposed to be planted to replace those lost to the development at a 2:1 ratio.

Green roofing is proposed to be installed on parts of the new dwelling, to include native meadow, wildflowers, and shrubs indicative of the local landscape. Shrub borders would also be created within the landscaping scheme and the creation of a pond with a natural form is also proposed. The pond would be filled from ground and rainwater and would be left to colonise naturally with aquatic and marginal vegetation. Furthermore, a 'Forest garden' would be created comprising fruit trees with native berries, vegetables, and wildlife-beneficial plants. A perennial meadow and species-rich wildflower and grass meadow would be created to replace areas of species-poor neutral grassland and swales are proposed to intercept surface drainage from the new dwelling and hardstanding.

An assessment of the potential for biodiversity net gain on the site has been undertaken using the Biodiversity Metric 3.0 Calculator (which is the most up to date assessment tool at the time of this report). This calculator looks at the on-site baseline and compares this with the on-site post-intervention (including habitat retention, creation and enhancement proposed). Comparing the two values gives an overall on-site net % change which is calculated for habitat units and hedgerow units. For this development, including all proposed habitat enhancements and creation, the proposed development would deliver a BNG of 27.72% in 'habitat units' and 22.62% in 'hedgerow units'. These percentage increases exceed the requirement for 10% BNG to be provided on site (as soon to be required through the Environment Act) and would be an ecological benefit of the development.

Taking all of the matters discussed above, when considering the ecological impact of the development overall it is not considered the proposal would result in an unacceptable ecological impact. Whilst there would be some initial loss on site, overall there is potential for the delivery of BNG in excess of 10% which would be a positive legacy of the scheme – noting the requirement to secure the recommended mitigation and enhancement measures by condition. Overall the proposal is considered to be in accordance with the aims of the NPPF and Policies CP12, DM5, DM7 and EP7 of the Development Plan in this regard.

### *Other Matters*

*Flood Risk & Drainage:* The application site is located within FZ1 and is therefore not at medium or high risk of flooding from fluvial sources, similarly the area is also not at risk of surface-water flooding. It is noted that concerns have been raised by local residents that the development would

increase the risk of flooding locally (to third parties) as a result of increased impermeable surfacing within the site (increasing run-off) and the creation of the pond in the SE corner of the site. The D&A statement submitted with this application explains that a sustainable urban drainage strategy (SUDs) accompanies the proposal containing a hierarchy of sustainable methods of capturing and storing rainwater.

The SUDs features proposed in this development include incorporation of green roof systems in the dwelling to treat, attenuate and slow down rain water runoff and support uptake of water within the site with appropriate planting. Areas of hard roof is minimised with the use of green roofs, thus the building would have a low runoff flow rate overall. Filter strips/swales are also proposed to accommodate excess rain water runoff from the driveway and any hardstanding areas to manage rainwater within the site. The vehicular access routes will also be formed from permeable paving material to reduce the need of formalised drainage such as gullies or linear channels. Drainage pipes taking excess contributing flows from all of these elements will then direct surface water run-off to a retention pond in the SE corner of the site.

The retention pond would be a permanent feature within the site and has been designed to accommodate storage capacity that excess the relative impermeable surfacing within the site. No such drainage systems currently exist on the site. Further, as a precaution, any excess surface water from the pond would outflow into a designated run-off area within the site where a soakaway would allow infiltration to ground in events of high rainfall. Overall considering the low risk of the site to surface water flooding and the SUDs strategy proposed for this site it is not considered that the proposal would increase the risk of flooding to third parties which is in accordance with the LLFAs standing advice. The proposed SUDs strategy also accords with the principles set out within the standing advice and would improve the current drainage arrangement at this site. This is in accordance with CP9 and CP10 in addition to the advice in the NPPF in relation to flooding and drainage.

*Pests:* Concerns from local residents also refer to the construction of this dwelling having the potential to disrupt vermin, resulting in a pest control issue. This is not considered to be a material planning consideration and in any event is purely speculative.

*CIL:* As the application proposes a replacement dwelling which is larger than the existing property, CIL is required for the development. The site is located within the designated 'Housing Very High Zone 4' in accordance with the Council's CIL Charging Schedule and as such a CIL levy of £100 per square metre applies. The net additional GIA would be 947m<sup>2</sup>, the CIL charge would therefore be £96,148.01.

### *Planning Balance and Conclusion*

Given the comparative scale of the replacement dwelling the scheme would constitute inappropriate development in the Green Belt as defined by the NPPF. Whilst the development would be contained within the existing boundaries of the site, the extent of additional development within the site would result in a clear and demonstrable impact on the openness of the Green Belt contrary to Spatial Policy 4B and the NPPF. Substantial weight has to be attached to any harm to the Green Belt and in accordance with the NPPF harmful development should not be permitted except in very special circumstances.

The application is advanced on the basis that the dwelling is of an outstanding design, promotes high levels of sustainability and would help raise the standard of design more generally in an area and that these factors, coupled with other benefits of the scheme, should represent the very special



circumstances required to outweigh the harm identified to the green belt by virtue of inappropriate development.

I have concluded that this dwelling, whilst being unique to its setting, clearly responds to the site context and character of the area but in an innovative and contemporary way. The proposal, whilst a dwelling of a significant scale and of an unashamedly modern design, has a strong relationship with its built and natural surroundings and draws reference from the landscape and built characteristics of Epperstone which are translated into a high quality design. In my opinion it is the combination of the detailed architectural response to the surroundings, the quality of the proposed materials and the sensitive sculpted design and landscaping that collectively result in an outstanding design for this site – with a design that captures the spirit of its setting. The Design Review Panel have concluded that this development would be an intelligent, exciting, yet sensitive scheme which is of its time and place - a true legacy project, promising an exemplary building and landscape, which has the potential to become the heritage of tomorrow. The Panel have fully endorsed the scheme and consider it meets para. 134 of the NPPF.

To my knowledge this dwelling would be the first of its kind in Epperstone and it is noticeable that there is a lack of high quality bespoke modern architecture locally, it therefore has the potential to raise the standard of design locally. Overall, I agree with the conclusion that this replacement dwelling would be of an outstanding but sensitive design in this context and therefore consider the development would amount to meeting the ‘very special circumstances’ test and accord with the aims of Chapter 12 of the NPPF, Policies CP9, DM5 and EP11 of the Development Plan. In accordance with para. 134 of the NPPF, the outstanding design which also would help to raise the standard of design more generally in the area attracts significant positive weight.

In addition to this, sustainability is at the core of the design of this replacement dwelling, which would be built to passive design principles, incorporate green technologies and would attempt to improve on embodied carbon of traditional builds of this scale. Furthermore, the proposal also includes a detailed Sustainable Urban Drainage Strategy (SuDS) that consists of building and site-wide mitigation. The DRP have noted that the development would utilise a simple, efficient and practical approach to the environmental sustainability of the build but particularly note that this scheme is *“one which others may be able to learn from and replicate”* and should be seen as an exemplar of incorporating simple sustainable strategies into modern construction. Subject to securing the detailed Engineering Concepts and Sustainability Strategy as set out in the D&A statement by condition, in accordance with para. 134 of the NPPF, the high level of sustainability promoted in this development attracts significant positive weight.

In respect of landscape character and visual amenity, it has been concluded that whilst the immediate character and openness of the site would change, the impact would be limited to within the site’s boundaries. It is not considered that the character of the wider area/local policy zone would be significantly affected as a result of this development as there would not be an effective change in experience and perception of the wider landscape or the Epperstone Village Farmlands with Ancient Woodlands Policy Zone. In terms of visual impact, the LVIA concludes that overall the effects of the scheme are considered to be long-term in duration (given the building will become a permanent feature of the landscape), however there would be limited vantage points where the dwelling would be visible. The LVIA states that visibility from receptors would be ‘negligible’ and in any event would be against the backdrop of the vegetation that surrounds the site. Further, I am mindful that visibility does not equal harm and that the LVIA does not conclude that there would be any adverse visual effects as a result of the development. The site is not in a prominent position, and is in a well enclosed location in the village where there are few visual receptors. Whilst noting

that the development would be a marked change from the existing dwelling on site, given the above conclusions it is considered that the development would preserve the existing landscape character and visual amenity of the area. This is in accordance with the aims of policies CP9, 13, DM5 and EP9 of the Development Plan in addition to the aims of the NPPF.

Subject to conditions the application has also been found to be acceptable with regard to impact on residential amenity, highways safety, flood risk and ecology in respect of protected species and trees in accordance with policies SP7, CP9, CP12, DM5, DM7, EP7, and EP8. Furthermore it is considered that the proposal would preserve the character and appearance of the Conservation Area in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not adversely impact the setting of any nearby listed buildings in line with Section 66 of the Act, CP14, DM9, EP16 & 17 and Chapter 14 of the NPPF.

Whilst noting that there would be some tree loss within the site and destruction of a known bat roost that would require a European Protected Species License, through the Landscaping and Tree Strategy, creation of a wetland habitat and biodiversity enhancements proposed the development could nevertheless result in a biodiversity net gain of 27.72% in 'habitat units' and 22.62% in 'hedgerow units'. This Net Gain would exceed the 10% requirement of the Environment Act and would be an ecological benefit of the development that accords with policies CP12, DM5, DM7 and EP7 of the Development Plan. This biodiversity/ecological benefit attracts moderate positive weight insofar as planning decisions should encourage BNG where possible to mitigate adverse impacts of developments.

The NPPF advises that substantial weight attaches to the harm to the Green Belt by reason of inappropriateness. However, I have concluded that the proposal would reflect an outstanding design which promotes a high level of sustainability and would help to raise the standard of design more generally in addition to being sensitive to the defining characteristics of the local area. With this in mind the NPPF gives great weight to outstanding and sustainable designs which help raise standards. Therefore, in the overall balance, it is my opinion that the harm identified due to inappropriateness and impact on openness is considered to be outweighed by the outstanding design quality and sustainability of the scheme, coupled with the improvements in landscape management and biodiversity net gain that would occur, would amount to the very special circumstances necessary to justify the development. I therefore recommend on balance that subject to the conditions detailed below, planning permission is approved.

## **RECOMMENDATION**

**That planning permission, having referred the application to the Secretary of State who does not wish to call it in, is approved subject to the following planning conditions:**

### Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Site Location Plan – Ref. 217.08.10000.LP REV P1
- North and South Building Elevations – Ref. 217.08.31000.ELE REV P1
- East and West Building Elevations – Ref. 217.08.32000.ELE REV P1
- Site Plan Proposed – Ref. 217.08.12000.SITE REV P1
- Proposed Basement Plan – Ref. 217.08.20100.GA REV P1
- Proposed Ground Floor Plan – Ref. 217.08.20200.GA REV P1
- Proposed First Floor Plan – Ref. 217.08.20300.GA REV P1
- Proposed Roof Plan – Ref. 217.08.20400.GA REV P1
- Garden Layout – Ref. 069-02A
- Garden Sections 1-3 – Ref. 069-03A
- Garden Sections 4-5 – Ref. 069-04A
- Tree Strategy – Ref. 069-05

Reason: So as to define this permission.

03

No development above slab level shall take place until manufacturers details (and samples upon request) of all external materials (including colour/finish) have been submitted to and approved in writing by the local planning authority, including but not limited to:

- Bricks;
- Wall Coverings;
- Roof Coverings;
- Green Roofs (full installation and planting specifications);
- Cladding and Detailing Materials;
- Timber;
- Coping Materials;
- Balustrades;
- Windows and Doors (including glazing).

Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development takes the form envisaged through the application submission.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and any glazing bars;
- Treatment of window and door heads and cills;
- Verges and eaves;
- Rainwater goods;
- Coping;
- Balustrades;
- Extractor vents (if required);
- Flues (if required);
- Meter boxes (if required);
- Solar Panels (including number, positioning, inclination and specifications);
- Soil and vent pipes (if required);
- Any other external accretions.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

05

Prior to any development above slab level full detailed elevation plans showing precise details of any brickwork and/or decorative features shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

06

Prior to any development above slab level brick sample panels (of no less than 1sqm) showing the brick bond, mortar specification, pointing technique, and any architectural decoration (as detailed on the plans required by condition 05) shall be provided on site for inspection and subsequently agreed through written approval by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

07

The construction of the development hereby approved shall be undertaken in strict accordance with the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021 submitted in support of this application.

Reason: In recognition of the very special circumstances that support this development and to ensure that the development takes the form envisaged through the application submission.

08

No development other than demolition shall take place until full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall be in accordance with the landscape design set out in the Ibboston Studios Landscape section of the Design and Access Statement (pages 52- 66) and as shown on approved plans ref. 069 02A, 03A, 04A and 05 and shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- proposed finished ground levels or contours (should be shown in context of existing land levels);
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;
- minor artefacts and structures shown on the plans (pavilion, sunken dining area, outdoor kitchen, benches, sculptures etc.)

Reason: In the interests of visual amenity, biodiversity, protecting the openness of the green belt and to ensure the development takes the form envisaged through the application submission.

09

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

10

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.

- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

11

#### Prohibited activities

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

12

The development hereby approved shall be undertaken in strict accordance with Mitigation, Compensation, Enhancement and Further Survey Recommendations outlined at Chapter 6 (pages 34-39) of the Preliminary Ecological Appraisal, Daytime Bat Survey, Bat Activity Surveys & Biodiversity Net Gain Assessment prepared by EMEC Ecology dated November 2021 submitted in support of this application.

Reason: To ensure that wildlife and habitats are retained are protected, in the interests of nature conservation.

13

No development shall take place until such time as an appropriate Bat Mitigation Strategy (BMS), agreed by Natural England, has been submitted to and approved in writing by the Local Planning Authority. The approved BMS shall be implemented in full prior to any development (including demolition) taking place on site and shall be retained on site for the lifetime of the development. The BMS shall include:

- Details of compensatory bat boxes/roost features to be installed on site and other compensatory features (such as roof voids etc), including their design, quantum and precise positions including the height and timings of installation;
- A methodology of demolition
- Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site.

Reason: In order to afford appropriate protection to bats that occupy the existing building on site in line with Policies DM7, CP12 and the NPPF.

14

No development shall be commenced, including any works of demolition or site clearance until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the demolition and construction periods. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- measures to prevent the deposit of mud and materials on the highway.
- measures to control the emission of dust and dirt during construction;
- measures to protect pedestrians using the public right of way;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Hours of working.

Reason: In the interests of residential amenity.

15

Prior to occupation, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be

installed. No external lighting shall be installed otherwise than in accordance with the specifications and locations set out in the approved scheme, and shall be retained and maintained thereafter. No other external lighting shall thereafter be installed.

Reason: In the interests of residential amenity.

16

No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the strategy set out in the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021. The development shall thereafter be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved foul and surface water drainage has been provided.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and to ensure that the development takes the form envisaged through the application submission.

17

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

- Class A: The enlargement, improvement or other alteration of a dwellinghouse.
- Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimneys, flues etc on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class B: Means of access to a highway.
- Class C: The painting of the exterior of any building.

Or Schedule 2, Part 40 of the Order in respect of:

- Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.
- Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.
- Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.
- Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.



Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the Green Belt.

## Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Notes from NCC Rights of Way:

- The route of Epperstone Public Footpath No. 1 passes along the first section of the driveway to Hill House. The correct legal alignment of the public right of way can be checked by carrying out an official search, contact [row.landsearches@nottsc.gov.uk](mailto:row.landsearches@nottsc.gov.uk).
- The applicant will need to demonstrate how members of the public using the footpath will be kept safe during the demolition and construction phase of the proposal. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
- The surface of the driveway and therefore the footpath is currently a crushed stone/gravel surface with some worn tarmac where it meets the 'adopted' Chapel Lane. The plans seem to show no indication of the proposed treatment of the driveway surface following construction. Given the sloping nature of the drive; the likely increase in volume, size and weight of vehicles using the driveway during construction; it is likely that the existing surface will experience a high degree of damage and wear.
- Any vehicular damage to the surface of the footpath will need to be repaired by yourselves. The applicant will need to indicate and obtain approval of any changes to the surface treatment of the drive/Public Footpath.

- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

04

Notes from Cadent Gas:

- Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)
- Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.
- Your responsibilities and obligations
- Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

06

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/02533/FUL

