

Report of the Chief Executive

APPLICATION NUMBER:	21/00775/FUL
LOCATION:	The Forge, Trowell, Nottinghamshire
PROPOSAL:	Construct new dwelling

This application has been called to Planning Committee by Cllr M Radulovic.

1 Executive Summary

- 1.1 The application seeks full planning permission for the construction of a new dwelling and acoustic fencing whilst retaining the some of existing storage buildings.
- 1.2 The land is currently used for the storage of tractors and other machinery with a 2m plus high boundary treatment to provide security for the site and vehicular gate to the western boundary. A certificate of lawful development has been granted for the use, 20/00755/CLUE refers.
- 1.3 The main issues relate to whether or not the principle of development is acceptable in the Green Belt, whether the design and appearance of the proposal is acceptable and impact on neighbour amenity and the potential occupiers in relation to noise.
- 1.4 The benefits of the proposal would be the provision of one dwelling.
- 1.5 The Committee is asked to resolve that planning permission be refused for the reasons set out in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application seeks to construct a one and half storey detached dwelling, with two pitched roof dormers and two roof lights to the principal elevation and one pitched roof dormer to the rear elevation. The application form does not state the materials which the dwelling will be constructed out of, only to be confirmed. The proposal also seeks to retain the applicants existing storage building to the north of the site, in which they store machinery/tractors, and demolish other structures to the remaining boundaries. To all boundaries where not covered by the retained building, the application seeks to construct 2m high close boarded fence, with a 3m wide gate to the western boundary onto The Forge.

2 Site and surroundings

- 2.1 The site is washed over by Green Belt and is currently used to store the applicant's tractors and other machinery within the home-made structures/shed arrangement, constructed out of corrugated steel, wood and tarpaulin. These structures/shed are built up to all boundaries of the site with the exception of a small area to the west boundary to allow for access. There is a 2m high boundary treatment to all boundaries with a vehicular access gate on the western boundary.
- 2.1.2. Along the access road, The Forge, adjacent to a row of mature trees there is a large trailer with materials stored upon it, several pallets of materials, machinery and building materials. It should be noted this area is not within the site, but belongs to the applicant.
- 2.1.3 To the south of the site lies an area described as an orchard, which is fenced off by a small post and rail fence. Further south of the site is a traditional two storey detached dwelling and then open fields.
- 2.2 To the north of the site lies the main road, Ilkeston Road. To the east lies the railway lines and to the west is open fields, the latter being a Local Wildlife Site (LWS) known as Trowell Junction Grassland.

3 Relevant Planning History

- 3.1 There have been several applications submitted for this site for the construction of a dwelling, the history for the site is as follows:
- 3.2 82/00413/OUT refers to an application for outline consent for the use of land as a site for residential development, this was refused 10 September 1982 due to being contrary to the Green Belt policy.
- 3.3 10/00465/FUL refers to an application to construct a dwelling and detached garage which was refused 22 September 2010 due to being contrary to the Green Belt policy, insufficient private amenity space and lack of noise report.
- 3.4 In 2015 a further application was refused (reference 15/00268/FUL) for a detached dwelling with attached garage, which included retention of some of the existing

structures within the site. The refusal was appealed and dismissed (APP/J3015/W/15/3139801 refers) as the Planning Inspector considered the proposal fails to comply with the NPPF and Broxtowe Local Plan E8 as the Planning Inspector considered the dwelling would be inappropriate development in Green Belt and inappropriate development is by definition harmful.

3.5 A certificate of lawful development was submitted and accepted for an existing use of land to store tractors and other machinery, 20/00755/CLUE refers.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 3: Green Belt
- Policy 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

- Policy 8 – Green Belt
- Policy 15 – Housing size, mix and choice
- Policy 17 – Place-making, Design and Amenity
- Policy 19 – Pollution, Hazardous substances and ground conditions

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 9 - Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places.
- Section 1 – Green Belt
- Section 15 – Conserving and enhancing the natural environment

5 Consultations

5.1 **Nottinghamshire County Council as Highway Authority:** The Highways Officer has stated that the dwelling is to be constructed on a redundant Builders Yard which is served via an existing wide access point and the dwelling will create fewer car movements than the existing usage, therefore, there are no highway concerns in respect of the proposal.

5.2 **Council's Environmental Health Officer:** The Council's Environmental Health Officer has not raised any objection subject to conditions and informatives:

- The proposed development is located on land that may be contaminated, due to its historic use and given no information has been provided within the

application a condition should be included regarding a remediation strategy. Within the remediation strategy report, which should be submitted prior to any works commencing on site, should include risks associated with ground, groundwater and ground gas contamination.

- The Noise Assessment report, ref 1184.0.v1 dated January 2015 states that the report shows that the site is located adjacent to the railway and is in close proximity to a busy road. It is acknowledged the report is six years old, the technical standard applied remains valid and the surrounding noise climate would not have substantially altered, as rail and road use will have remained constant and no additional noise source have been noted in the vicinity. It is therefore considered that Environmental Health department is satisfied with the noise mitigation measures contained within section 3 of the Noise Assessment report being integrated into the development and retained thereafter.
- The Environmental Health Officer also requested informative to be added to the decision notice regarding hours of construction and the burning of commercial waste, which is a prosecutable offence.

5.3 One property was consulted and a site notice was displayed. No responses were received.

5.4 Trowell Parish Council has not objected to the application.

6 Assessment

6.1 The main issues for consideration are whether or not the principal of development is acceptable in the Green Belt (that is, appropriate development), whether the design and appearance of the proposal and its impact on neighbouring amenity is acceptable along with adequate mitigation from pollution (noise and land contamination).

6.2 **Principle**

6.2.1 The application site is washed over by Green Belt, and therefore the principle of development is subject to whether or not it complies with local and national Green Belt policy. Broxtowe Local Plan Part 2 (2019) Policy 8 states that development in the Green Belt will be determined in accordance with the NPPF.

6.2.2 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that construction of new buildings should be regarded as inappropriate in the Green Belt and exceptions are the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed land. Paragraph 149 (g) clarifies that the proposal should not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land.

- 6.2.3 As stated in the planning history an application was refused for this site and a subsequent appeal dismissed in 2016. This appeal clearly stated that the site would not constitute limited infilling in a village, as the site lies west of the main body of the village of Trowell, separated from it by the railway line and the built up area of Ilkeston is about 200m to the west of the site and separated by a strip of open land. On this basis the proposal would not comply with para 149 e) as the site is not considered to be an infill plot.
- 6.2.4 The site has a certificate of lawful development for the storage of tractors and other machinery and is considered as previously developed land. Again the appeal decision notice refers to this element of the NPPF and acknowledges the land could be considered as previously developed land. The current proposal and the appeal proposal both seek to retain some of the existing structures as well as the dwelling. The Planning Inspector concluded that the proposal does not fall into any of the exceptions set out within the NPPF and Policy E8 of the 2004 Local Plan in force at that time and is, by definition, harmful and so fails to comply with the NPPF and Policy 8 of the Broxtowe Local Plan Part 2. There have been no changes to the circumstances or constraints of the site since this time which would lead to a different outcome than that which the Planning Inspector determined the appeal.
- 6.2.5 The proposal to construct a detached dwelling, 2m boundary fencing and the retention of some the existing structures within the site would not be classed as an infill dwelling, is not a replacement dwelling and would be considered to have a detrimental impact on the openness of the Green Belt more than the existing development. It is therefore considered to be inappropriate development in the Green Belt and the proposal fails to comply with the NPPF and appropriate policies.

6.3 Pollution

- 6.3.1 Policy 19 of the Part 2 Local Plan states development of land potentially affected by contamination will not be permitted unless and until a site investigation has been carried out to assess the nature and degree of contamination, using a method of investigation agreed in writing with the Council. Paragraph 184 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.
- 6.3.2 The Councils Environmental Health Officer has stated the proposed development is located on land that may be contaminated, due to its historic use and given no information has been provided within the application a condition should be included, should planning permission be granted, securing details of a remediation strategy. Within the remediation strategy report, which should be submitted prior to any works commencing on site, should include risks associated with ground, groundwater and ground gas contamination.
- 6.3.3 Paragraph 185 of the NPPF states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effect (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

6.3.4 The proposal includes mitigation/noise assessment report (although it is 6 years old) which the Environmental Health Officer has assessed and who is satisfied with the report and subject to noise mitigation measures contained within section 3 of the Noise Assessment report being integrated into the development and retained thereafter.

6.3.5 The proposal complies with the NPPF and Policy 19 of the Part 2 Local Plan in respect of pollution, subject to conditions.

6.4 Design and visual amenity

6.4.1 Policy 10 of the ACS section 2 states that developments will be assessed in terms of d) massing, scale and proportion and e) materials and style. Policy 17 of the Part 2 Local Plan part 4 a) states that development should be of a size and design that makes a positive contribution to the appearance of the area and does not dominate the existing building.

6.4.2 The proposed one and half storey dwelling is to be sited to the south of the plot with the principal elevation facing into the site (north) and towards the existing structures to be retained. To the west of the dwelling is proposed a feature circle bay window to the lounge. No materials have been annotated on the plans or the application forms, however these details could be secured by condition, should planning permission be otherwise found to be acceptable.

6.4.3 The design, massing, scale and proportion along with the style would not be out of character with the area, subject to the materials being conditioned. The design of the three dormer windows has a pitched roof arrangement and add interest to the roof arrangement. Consideration has not been given at the design stage to include any private amenity space for the dwelling, and so the dwelling and structures take up a significant area of the site resulting in little space for the provision of an adequate level of garden/private outdoor amenity space.

6.4.4 The fencing proposed will also be a visual improvement to the existing metal arrangement and would be a more of a traditional fencing/material appropriate to a domestic dwelling. It should be noted the existing structures which are proposed to remain will project above the proposed fencing and so would still be visually prominent when viewed from the north.

6.4.5 The proposed dwelling, fencing and retention of the existing structures is considered an acceptable design and will not appear out of keeping with the area or have any impact on the street scene, but fails to provide any private amenity space.

6.5 Amenity

6.5.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

6.5.2 To the south of the site lies an area of grass/orchard land and this parcel of land is not in the applicant's ownership. Further south lies a dwelling, Station House,

which is a two storey detached dwelling facing west, toward The Forge and the LWS beyond. Given the distance between the dwelling, Station House, and the proposed development, it is considered there are no amenity issues that would impact on this dwelling and adjacent parcel of land, given the distance between and as there are no habitable room windows facing towards them from the first floor.

6.5.3 It should be noted the plans proposed do not show any private outdoor amenity space for the dwelling, the only land around the dwelling appears to be hardstanding and this, along with the retention of the existing structure to the north, fails to provide any outdoor space to the detriment of the future occupiers of the dwelling.

6.6 Access

6.6.1 The proposal has been assessed by Nottinghamshire County Council Highway Authority and they have not raised any objection to the application on highway grounds.

7 Planning Balance

7.1 The benefits of the proposal would be the provision of one new dwelling which would not have any impact on neighbour amenity to the closest dwelling to the site.

7.2 The negative impacts are that the development would be inappropriate within the Green Belt, have a detriment impact on the openness of the Green Belt more than the existing development and would fail to provide a satisfactory level of amenity for the future occupiers.

7.3 On balance, as no Very Special Circumstances have been demonstrated and the negative impacts are therefore considered to carry sufficient weight to outweigh the benefits of the proposal.

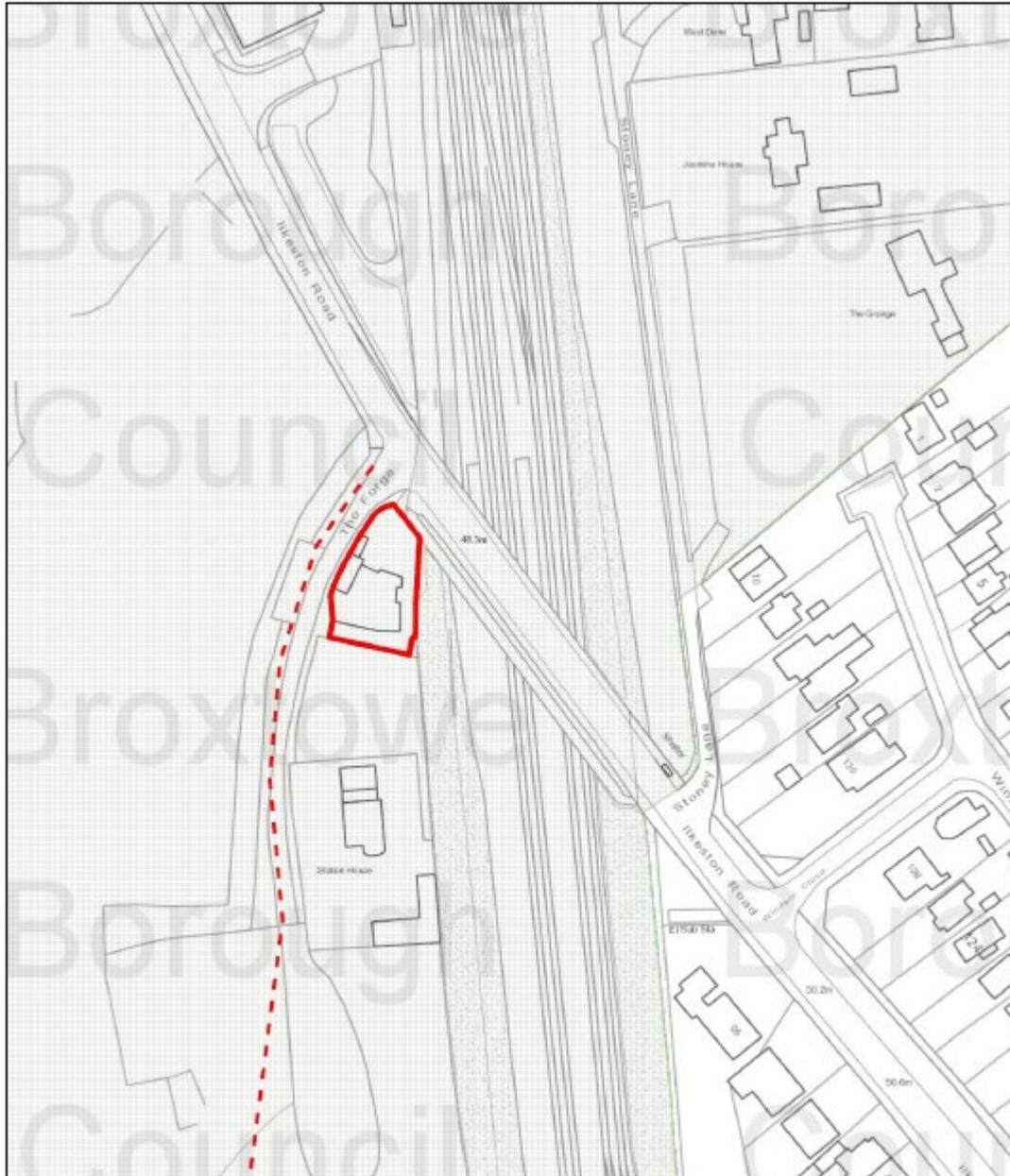
8 Conclusion

8.1 Recommend that planning permission for the development is refused.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be refused subject to the following reasons.	
1.	The proposal constitutes inappropriate development within the Green Belt as the proposed new detached dwelling and fencing and the retention of some the existing structures within the site would not be classed as an infill dwelling, is not a replacement dwelling and would have a detriment impact on the openness of the Green Belt greater than the existing development. There are insufficient very special circumstances demonstrated to clearly outweigh the harm resulting from the inappropriateness of the proposed development and the significant harm upon openness. Accordingly, the proposal is

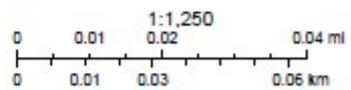
	<p>contrary to Policy 8 of the Broxtowe Part 2 Local Plan (2019) and Section 13: Protecting Green Belt Land of the National Planning Policy Framework (NPPF) 2021 and there are no other material considerations that justify treating this proposal as an exception.</p>
2.	<p>The proposed development would have insufficient private outdoor amenity space to serve future occupiers of the proposed bungalow. Accordingly, the proposed dwelling would fail to provide a satisfactory degree of amenity and as such the proposal is contrary to the Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

21/00775/FUL The Forge, Trowell



12/13/2021, 10:41:34 AM

- Public Rights of Way
- Footpath
 - Byway open to all traffic
 - Bridleway
 - Green Belt
 - Site



© Crown copyright and database rights 2021. Ordnance Survey 100019453. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Photographs



Materials against the side of the track



Within the site



Within the site, facing west



Within the site



South of the site



Access to the site

