

Report of the Interim Chief Executive

APPLICATION NUMBER:	25/00280/FUL
LOCATION:	1 The Forge Trowell Nottinghamshire NG9 3PT
PROPOSAL:	Construct new dwelling

The application is brought to the Committee at request of Councillor Pringle.

1. Purpose of the Report

- 1.1 The application seeks full planning permission for the construction of a new dwelling and acoustic fencing whilst retaining some of the existing storage buildings at 1 The Forge Trowell.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be **GRANTED** as it is considered that the proposal would not result in a detrimental impact on the openness of the Green Belt.

3. Details

- 3.1 The application seeks full planning permission to construct a one and half storey detached dwelling and acoustic timber fencing at 1 The Forge Trowell along with retaining of some of the existing storage buildings.
- 3.2 The land is currently used for the storage of tractors and other machinery with a 2m plus high boundary treatment to provide security to the site and vehicular gate to the western boundary. A certificate of lawful development has been granted for the use for the storage of tractors and other machinery, 20/00755/CLUE refers. Planning permission has been previously granted for a detached dwelling on the site, which was an identical application, 21/00775/FUL refers. This permission has now lapsed.
- 3.3 The application has been submitted with a noise assessment and a geo environmental assessment, along with details of the materials for the dwelling and acoustic fencing. The application has been submitted as a self-build so exempt from Biodiversity Net Gain.
- 3.4 The site lies within the Nottinghamshire Green Belt where Policy 8 of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 154 states that development in Green Belt is inappropriate unless limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.

- 3.5 It is considered the site is considered as previously developed land and the proposal complies with the NPPF and Broxtowe Borough Plan Part 2 (2019).

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6 Data Protection Compliance Implications

- 6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers

Nil.

Appendix

1. Details of the application

- 1.1 This application seeks permission to construct a one and half storey detached dwelling, with two pitched roof dormers to the principal elevation and one pitched dormer to the rear elevation. The proposed materials for the dwelling are to be brick and tile.
- 1.2 The proposal also seeks to retain some of the applicant's existing storage buildings to the north of the site, in which they store machinery/tractors, and demolish other structures to the other boundaries.
- 1.3 Boundaries where not covered by the retained buildings are to be 2m high acoustic timber 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 machinery and equipment within home-made structures/shed arrangement, constructed out of corrugated steel, wood and tarpaulin. These structures/sheds are built up to all boundaries of the site with the exception of a small area of 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.
- 2.2 Along the access road, The Forge, adjacent to a row of mature trees an area used to store materials, machinery and building materials. It should be noted this area is not within the site, but belongs to the applicant.
- 2.3 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 open fields.
- 2.4 To the north of the site lies the main road, Ilkeston Road. To the east lies the railway line and to the west is open fields, the latter being a Local Wildlife Site (LSW) 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 the land as a site for residential development, this was refused on 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 2015 a further application was refused, 15/00268/FUL refers, for a detached dwelling with an attached garage, which included retention of some 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 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.
- 3.6 21/00775/FUL was granted planning permission for a detached dwelling by the Planning Committee on 21 January 2022 and this is an identical application to the current application under consideration. This permission has now lapsed as the works were not commenced within three years of the date of decision.

4. Relevant Policies and Guidance

4.1 Broxtowe Aligned Core Strategy 2014:

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

- Policy A: presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 3: The Green Belt
- Policy 8: Housing, size, mix and choice
- Policy 10: Design and Enhancing Local Identity
- Policy 17: Biodiversity

4.2 Part 2 Local Plan 2019

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 8: Development in the Green Belt
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-Making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground conditions
- Policy 21: Unstable Land
- Policy 31: Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2024

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a sufficient supply of homes
- Section 4 - Decision-making
- Section 11 - Making effective Use of Land
- Section 12 - Achieving well-designed places
- Section 13 - Protecting the Green Belt
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

5. Consultations

5.1 **Broxtowe Borough Council - Refuse and Waste** – no objection subject to the correct level of bin provision.

5.2 **Broxtowe Borough Council Environmental Health** – no objection subject to conditions for contaminated land and noise along with informatives for not burning waste and hours of construction.

5.3 **Broxtowe Borough Council Ecology and Nottinghamshire Wildlife Trust**- both provided comments.

5.3.1 First set of comments were provided by NWT who requested an ecology survey.

5.3.2 Broxtowe Borough Council Ecologist provided comments following the submission of the ecology report. BBC Ecologist stated that there are no badgers, and lack of suitable habitat for reptiles but stated the buildings provide opportunities for nesting birds. No further surveys are considered necessary and recommended a Construction Environmental Management Plan (CEMP) to be conditioned along with biodiversity enhancement for roosting bats, bees and nesting swifts.

5.4 **Trowell Parish Council were consulted** –No comments received.

5.5 **Cllr L Ball** – No comments received

5.6 **Cllr D Pringle** – The EI report raises concerns due to soil and gas contamination and it's an over intensification of the site.

5.7 One neighbouring property was consulted on the application and a site notice was displayed. No comments have been received.

6. Assessment

6.1 The main issues for consideration are whether or not the principle of the

development is acceptable in the Green Belt, 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 Green Belt and Principle of Development

- 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 Borough 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 153 of the NPPF states that inappropriate development is, by definition, harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harm to the Green Belt and should not be approved except in very special circumstances.
- 6.2.3 Paragraph 154 states that development in Green Belt is inappropriate unless limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.
- 6.2.4 The site is considered as previously developed land and has previously been granted planning permission, 21/0075/FUL refers, and as such it is considered the proposal would comply with paragraph 154 g of the NPPF. The site is substantially screened and contained due to the railway and bridge to the east and north, existing residential development to the south and the access road to the west. It is therefore considered that the development would not cause substantial harm to the openness of the Green Belt.

6.3 Amenity

- 6.3.1 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. To the south of the site lies an area of grass/orchard land and this parcel of land is not in the applicants ownership. Further south lies a dwelling, Station House, which is a two storey detached dwelling facing west, towards The Forge and the LWS beyond. Given the distance between the proposed dwelling and Station House 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 Station House from the first floor. To ensure no future issues arise, it is proposed to remove certain permitted development rights to enable any future alterations to the property to first be assessed by

the Council.

- 6.3.2 It should be noted the plans only show a small area of amenity space for the dwelling however this is considered to be acceptable for prospective residents.

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.
- 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 circular bay window to the lounge.
- 6.4.3 The application includes details of materials. The roof tiles are to be Russell Lothian mid grey interlocking tiles and Ibstock Beamish Blend bricks for the elevations. These materials are acceptable in this location and will be conditioned.
- 6.4.4 The design, massing, scale and proportion along with the style would not be out of character with the area. The design of the three dormer windows has a pitched roof arrangement and adds interest to the roof arrangement.
- 6.4.5 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 be visually prominent when viewed from the north.
- 6.4.6 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.

6.5 Highways

- 6.5.1 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.5.2 The proposal complies with the Nottinghamshire County Council highway design guide, utilises an existing access and is considered to be acceptable in

terms of highways. It is considered that there would not be a significant intensification of the site from the proposed development and therefore any difference in vehicle movements compared to the existing use would be minor.

6.6 Pollution

- 6.6.1 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 197 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.6.2 The Council's Environmental Health Officer has stated that the proposed development is located on land that may be contaminated due to its historic use. The report submitted, Phase 1 and 2 Geoenvironmental Assessment dated September 2024 has been assessed and the Environmental Health Officer is satisfied that the remediation measures described at section 9.1 of the Geoenvironmental Assessment will mitigate these risks and this should be conditioned.
- 6.6.3 Paragraph 198 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (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.
- 6.6.4 In relation to noise the Environmental Health Officer has assessed the submitted Noise Assessment ref 11384.01.V1 and it is evident that noise conditions at this location require mitigation to achieve adequate noise levels with regards to the impact from both road and rail transport sources. The Environmental Health Officer is satisfied that the proposed scheme of works, including acoustic wall/fencing and the proposed construction, ventilation and glazing specifications stated in the noise assessment provide a robust degree of protection to the internal points of the property. The Environmental Health Officer has recommended the noise assessment be conditioned.

6.7 Biodiversity Net Gain

- 6.7.1 The application is exempt from BNG requirements due to it being self-build development as specified in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 6.7.2 The Council's Ecologist states that there are no badgers, and lack of suitable habitat for reptiles but stated the buildings provide opportunities for nesting birds. No further surveys are considered necessary but it is recommended a Construction Environmental Management Plan (CEMP) be conditioned along with biodiversity enhancement for roosting bats, bees and nesting swifts. It is considered necessary to include these conditions to ensure the proposal

complies with Policy 31 of the Part 2 Local Plan.

7. Planning Balance

- 7.1 The benefits of the proposal would be in the provision of one new dwelling, which would not have a detrimental impact on neighbour amenity, ecology and be in keeping with the area. The proposal is in the Green Belt but utilises previously developed land and would not cause substantial harm to openness.

8. Conclusion

- 8.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments raised in representations received, the development is unacceptable and that there are no circumstances which otherwise would justify the granting of permission

Recommendation

The Committee is asked to RESOLVE that planning permission be GRANTED subject to the following conditions:

- | | |
|-----------|---|
| 1. | The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.

Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004. |
| 2. | The development hereby permitted shall be carried out in accordance with the proposed elevations and floor plans DB/DH/21/36/11 Rev B, roof, block plan, fencing plan DB/DH/21/36/10 Rev B, covering letter and site plan, Noise Assessment 11384.01.V1 and Geoenvironmental Assessment dated September 2024 received by the Local Planning Authority 8 April 2025.

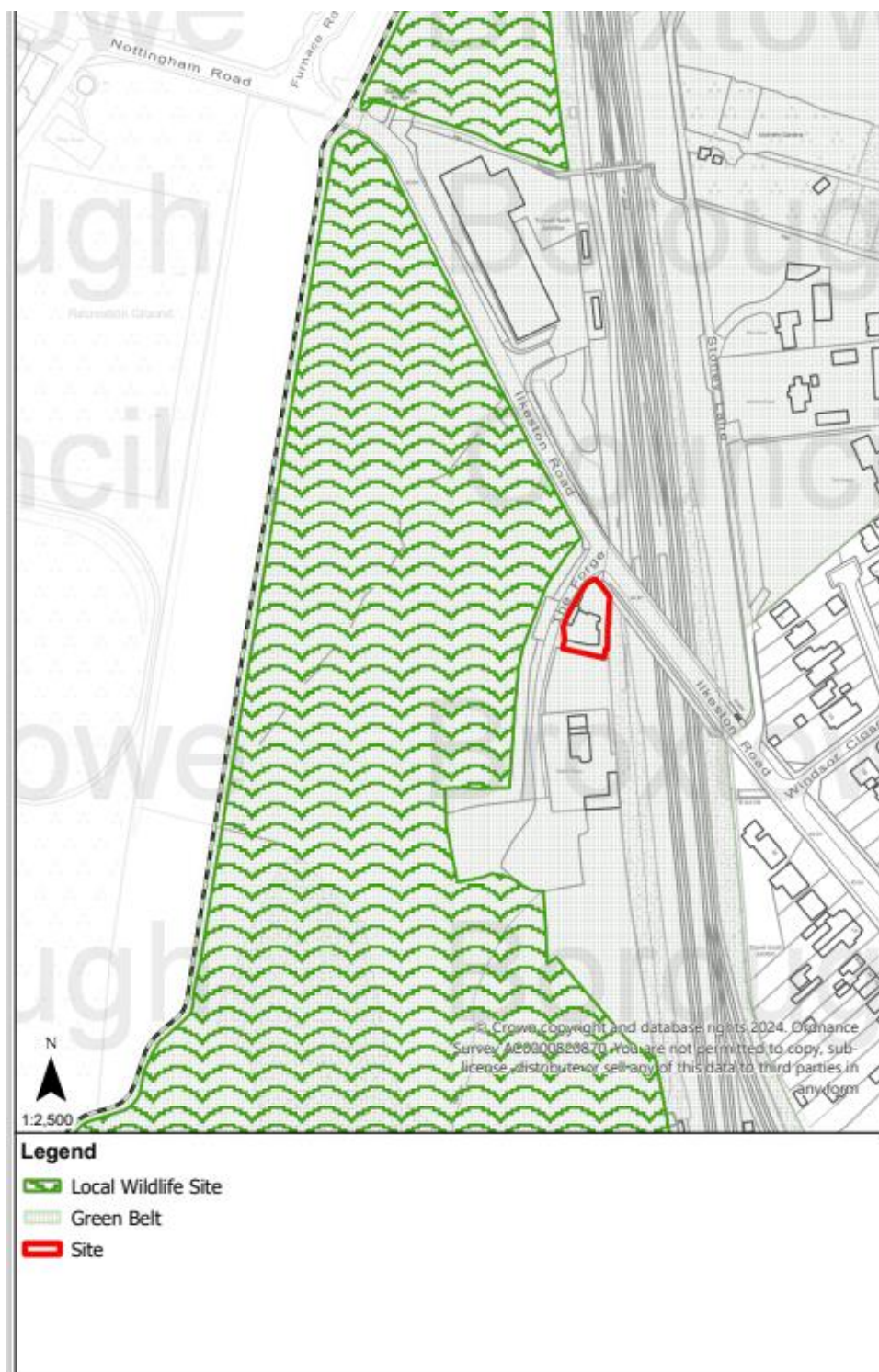
Reason: For the avoidance of doubt. |
| 3. | The hereby approved development shall be constructed using Russell Lothian interlocking roof tiles, Ibstock Beamish Blend bricks as specified in the covering letter received by the Local Planning Authority 8 April 2025, unless otherwise in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the |

	Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
4.	No building to be constructed pursuant to this permission shall be occupied or brought into use until: (i) All necessary remedial measures, described in section 9.1 of the Geoenvironmental assessment, have been completed in accordance with the details approved in writing by the local planning authority (ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have ended the site free from risk to human health from the contaminants identified. In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan (2019).
5.	No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following: a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones” c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to include consideration of lighting) (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. Reason: In the interests of protecting existing environmental features and habitats during the construction period, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).

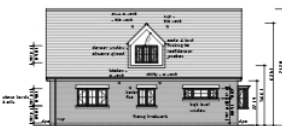
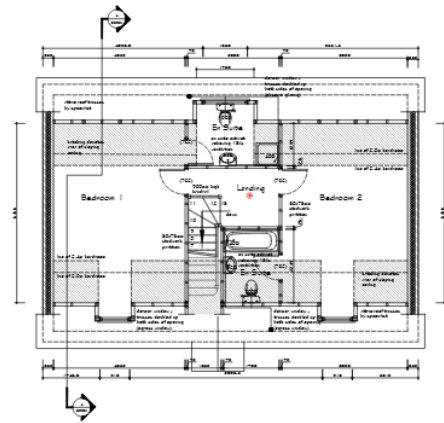
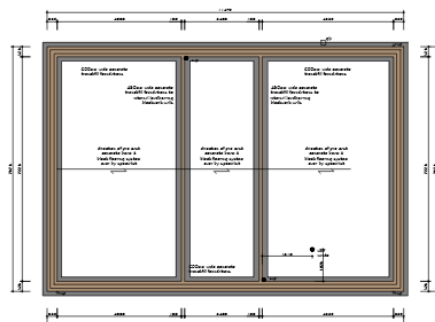
6	Prior to any construction above foundations level, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the incorporation of integrated (inbuilt) features within the new building for roosting bats, bees and nesting swifts. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.” Reason: To minimise the impact of the development on protected species within the site and in accordance with Policy 31 of the Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).
7.	The hereby approved dwelling shall not be occupied or brought into use until all the recommendation have been implemented in accordance with the Noise Assessment ref 1138.01.v1. Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).
8.	The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation. Reason: No such details were submitted and in accordance with the aims of Policy 17 of the Broxtowe Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014)
9.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no enlargement improvement or alterations to the dwelling, roof additions or other alterations (falling within Class A, AA, B, C, D, E and Class F) shall be undertaken. Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
	NOTES TO APPLICANT

1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material 'tracking' off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority
3.	As this permission relates to the creation of a new unit, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address is created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
4.	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
5.	The developer is to purchase the first time provision of bins. The Developer should contact BBC Environmental Health for details of bin provision. As per the guidance in BS5906 the bins must be within 10m of the collection point, the collection point being the adopted highway. Bins need to be presented at the edge of adopted highway for emptying.
6.	The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Map

- ④ reduction, *unlike* *others*. *All* *unlike* *defendants* *to* *be* *rehabilitated*, *not* *all* *agree* *with* *territory* *look* *up*.
- ⑤ reduction, *unlike* *defendants*. *All* *defendants* *to* *be* *rehabilitated*, *not* *all* *agree* *with* *territory* *look* *up*.

⑥ **WU** 1. *rehabilitation* *to* *be* *suited* *by* *a* *regulated* *assigned* *students* *as* *examples* *of* *all* *students* *can* *be* *rehabilitated* *with* *Building* *Regulation* *Part* *2*.

[illegible][illegible][illegible]

LANDSCAPING SPECIFICATION

PLANT SCHEDULE			
PROCESS	UNIT	HEAVY	PT ACT
2/15/02			
01 Change Keros		01:00	01:00
02 Rebarbar (Steel Refractor)		01:00	01:00

KEY & NOTATION

[illegible]

DRAINAGE SCHEDULE

All drainage runs submitted for the submittal to streets department with approved drainage plans 111002 for the submittal of the Cecil Academy Building (sewer)

All drainage runs for the first phase 1 to 2015 file.

Issue per approved and submitted for all projects

Make sure approved and submitted for all projects

[illegible][illegible]

The vendor assurances to be provided during each fire inspection at its level 0, 1 and 2, (Vendor Work area) inspection should be shared separately from Vendor Work area(s). Vendor Work area(s) for activities by the refuse collection crew on the

required any of activities:

[illegible]

PROPOSED DRAINAGE SITE BLOCK PLAN
SCALE 1:200