

Report of the Chief Executive

APPLICATION NUMBER:	22/00346/REM
LOCATION:	Land West of Awsworth, (inside the A6096) Including Land at Whitehouse Farm, Shilo Way, Awsworth, Nottinghamshire
PROPOSAL:	Construct 250 Dwellings (Reserved Matters in Relation to Reference 20/00056/OUT - Appearance, Landscaping, Layout and Scale)

The application is brought to the Committee as it is a reserved matters application for a large major residential development.

1. Purpose of Report

1.1 The application seeks approval of reserved matters for the residential areas of the site following the granting of outline planning permission under reference 20/00056/OUT. The reserved matters are Appearance; Landscaping; Layout; and Scale.

1.2 Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix.

1.3 Detail

1.3.1 This reserved matters application was first brought before Planning Committee on the 1 February 2023 with a recommendation to grant planning permission. Members deferred a decision on the application to seek amended plans in relation to the impact upon the residential amenity of the occupier of The View and clarification in respect of construction vehicle access to the site.

1.3.2 The principle of the development has been considered to be acceptable through the allocation of the site within the Local Plan Part 2 2019 for residential development of up to 250 dwellings and also the granting of Outline Planning Permission under reference number 20/00056/OUT.

1.3.3 It should be noted that all matters relating to the principle of development, design, access and highway safety were discussed at the previous Planning Committee meeting, detailed within appendix 2. Further to this the following report within Appendix 1 includes the consideration of the impact upon the resident amenity of the occupier of The View and construction vehicle access to the site, which were the main issues raised by Members of Planning Committee on the night.

1.3.4 In response to the residential amenity issues discussed at the previous Planning Committee the applicant has submitted amended plans providing a greater separation distance from the rear of the properties to the elevations of The View, and enhanced landscaping. A revised Construction Management Plan (CMP) as part of the requirement for condition 7 of 20/00056/OUT has also been submitted

indicating all construction traffic will ultimately be via Shilo Way, but for a temporary period only, vehicles will have to access the site via Newton's Lane whilst the northern access is being constructed.

1.3.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

1.4 Financial Implications

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 Section 106s (or similar legal documents) are covered elsewhere in the report.

1.5 Legal Implications

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.

1.6 Data Protection Compliance Implications

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

1.7 Background Papers

Nil.

APPENDIX 1

1. Details of the Application

1.1 The application seeks approval of reserved matters for the residential areas of the site following the granting of outline planning permission under reference 20/00056/OUT. The design of the dwellings consists of a mix of two and two and a half storey dwellings in a mix of detached, semi-detached and terraced properties. The reserved matters are Appearance; Landscaping; Layout; and Scale. An overall total of 50 Affordable Houses are proposed, the breakdown of these units is as follows:

- 36 x 2 Bed Dwellings;
- 14 x 3 Bed Dwellings.

1.2 The breakdown of remaining 200 residential units is as follows:

- 43 x 2 Bed Dwellings;
- 69 x 3 Bed Dwellings;
- 66 x 4 Bed Dwellings;
- 22 x 5 Bed Dwellings.

1.3 The principle of the development has been considered to be acceptable through the allocation of the site within the Local Plan Part 2 2019 for residential development of up to 250 dwellings and also the granting of Outline Planning Permission under reference number 20/00056/OUT.

1.4 As part of the Outline Planning Permission, two points of access Shilo Way and Newtons Lane were considered to be acceptable in regard to their design and subject to the receipt of full contributions towards off-site mitigation works through the signed S106 Agreement as part of 20/00056/OUT. The layout plan submitted with the application shows a central road through the site with access taken from the A6096 and Newtons Lane. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site including from Park Hill, Barlow Drive North, the A6096 and Newtons Lane. Landscaped areas, public open space, surface water attenuation and a central children's play area are also shown together with the retention of 'The View' and several hedgerows.

2. Site and Surroundings

2.1 The site lies to the west of the main built up area of Awsworth and infills the gap between the residential properties on Park Hill, Barlow Drive North, The Glebe and Newtons Lane and the Awsworth bypass (A6096). The site is largely within the Parish of Awsworth, with approximately 1.5 hectares of the south and south eastern part of the site falling within Cossall Parish. The bypass is separated from the application site by a strip of woodland planting, which partially screens the site from the west. The eastern boundary of the site is largely made up of various residential boundary treatments of 2m or less in height. The southern boundary of the site is made up of hedgerow and trees.

- 2.2 The site extends to a little over 10 hectares in area and includes 5 field parcels which are divided by hedgerows and other vegetation. A dwelling and several outbuildings (White House Farm) are located towards the south east of the site. A second dwelling lies in the middle of the site (The View) but this is not included in the application site and is not in the applicant's ownership. The site has been historically used as both a clay pit and for open cast mining with these uses finishing in the early 1980's. Since then it has been in agricultural use and is classified as Grade 4 'Poor' agricultural land (Natural England Agricultural Land Classification Map).
- 2.3 The site is in Flood Zone 1. A ditch runs adjacent to the site boundary along Newtons Lane. The topography of the site slopes upwards in an easterly direction, with a level difference of approximately 18 metres from the southern section of the western boundary (adjacent the A6096) to the northern part of the eastern boundary.
- 2.4 The Grade II* Listed Bennerley Viaduct is located approximately 175m to the west and some limited views of this are gained from within the site through the screen of trees. Cossall Conservation Area is located 1.1km to the south-east of the site and the Listed Awsworth Infant School, walls, railings and playground and the village War Memorial lie to the north east and east.
- 2.5 Shilo Recreation Ground is located approximately 70m to the north of the site and there are various other 'Green Infrastructure' assets identified in the Council's 'Green Infrastructure Strategy' within the vicinity of the site including the disused Northern Railway line to the north, and Nottingham Canal to the west.
- 2.6 Ilkeston Railway Station is located 900 metres to the south and there are bus stops along Awsworth Lane/The Lane which access the number 27 service to Ilkeston, the station and Kimberley.

3. Relevant Planning History

- 3.1 Outline Planning Permission with only access being considered was granted under reference number 20/00056/OUT in April 2022. A S106 Agreement was also signed as part of the application.

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 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Spaces

- Policy 17: Biodiversity
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

4.2 Part 2 Local Plan 2019

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

- Policy 1: Flood Risk
- Policy 2: Site Allocations
- Policy 4: Awsworth Site Allocations
- Policy 4.1: Land west of Awsworth (inside the bypass)
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 22: Minerals
- Policy 23: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 30: Landscape
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2021:

4.3.1 The National Planning Policy Framework (NPPF) 2021, outlines a presumption in favour of sustainable development, that planning should be plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

4.4 Awsworth Neighbourhood Plan:

4.4.1 The Awsworth Neighbourhood Plan was adopted on the 21 July 2021.

- Policy H1 - New Homes on 'Land West of Awsworth (inside the bypass)

5. Consultations

5.1 **The Highway Authority** – No objections to the contents of the Construction Management Plan (CMP).

5.2 Following receipt of amended plans, a re-consultation period was carried out with The View, surrounding properties, other residents who had made representation and The Highway Authority. All responses will be included in the late items.

6. Assessment

6.1 **Residential Amenity**

6.1.1 The layout plan presented at the previous Planning Committee demonstrated that the proposed dwellings were well in excess of the required separation distances of 21m along the northern boundary (side to rear distance = 22m), western boundary (back to back distance = 34m) and southern boundary (side to rear distance = 28m) of The View. An amended layout plan has now been submitted.



6.1.2 The relationship of the northern boundary to The View has now seen the reduction in the number of plots proposed from 8 (2 x detached, 2 x semi-detached and 4 x terraced) down to 6 dwellings (4 x detached and 2 x semi-detached). These 2 plots have been moved further away from The View further into the site to the north west. This has opened up the built form of development along this boundary by providing a greater separation distance between these plots. The separation distances have also been increased to further reduce the impact of the development on The View. The distance from Plot 164 to the side elevation of The View was previously 22m and this has been increased to 25m, and the distance from Plot 163 was previously 23m and this has been increased to 28m. As there is less existing intervening

landscaping along this boundary, a 2m green buffer with mature planting to help screen the develop further from The View has been introduced.

- 6.1.3 Along the western boundary plots 157 to 159 cannot be reposition or re-orientated as the frontages of these properties provide acoustic screening from the bypass. However, the separation distances have increased to the rear elevation of The View from 34m to 35m. Plots 149 – 153 along the southern boundary also benefit from substantial landscape screening between them and The View and also have a very good level of separation at 28m. To ensure that these plots on the western and southern boundary remain screened from the side elevation and rear elevation of The View the green buffer has been further enhanced along the boundary with additional planting to supplement the existing intervening trees and planting.
- 6.1.4 Cross sections which show the relationship between the proposed development and The View have also been submitted. The cross sections show FFL details of the proposed dwellings, the separation distances highlighted above, and the previous positioning of plots shown on Layout Plan.
- 6.1.5 In light of the above, it is considered that the proposal will not have a significant detrimental impact upon the residential amenity in terms of overlooking or overbearing impacts upon the of occupiers of The View, given the back to back and back to side separation distances greatly exceed the standard 21m (back to back) and 12m (back to side). Furthermore, the Green Buffer and additional planting will provide an attractive screen between The View and the proposed development, which will further protect the amenity of The View.

6.2 **Highway Safety**

- 6.2.1 As part of the Outline Planning Permission, two points of access, Shilo Way and Newtons Lane, were considered to be acceptable in regard to their design and subject to the receipt of full contributions towards off-site mitigation works through the signed S106 Agreement as part of 20/00056/OUT. The layout plan submitted with the application shows a central road through the site with access taken from the A6096 and Newtons Lane. Smaller secondary roads and private drives lead to dwellings off this primary route.
- 6.2.2 An amended Construction Management Plan (CMP) to highlight that construction traffic will enter and exit the site off Shilo Way once the new junction has been completed has now been submitted. However, to enable the construction of the new junctions and to undertake some preliminary site engineering works there will be a requirement for some construction traffic to access the site from Newtons Lane via a Temporary access point.
- 6.2.3 Section 3 of the CMP advises both earthworks and ground stabilisation phases will last approximately 30 weeks, the latter generating 10 HGV movements per day. This equates to 10 arrivals and 10 departures meaning that residents will on average experience 2 HGV trips per hour between 08.00 and 18.00. The overall duration of these works is expected to last approximately 13 months. Construction traffic will then utilise the new junction on Shilo Way only (subject to it being finished) to access/egress the site. Wheel wash facilities will be provided to prevent mud/detritus from being discharged to the public highway, and any excess water captured by trapped gullies.

- 6.2.4 Whilst it is accepted that the resultant HGV traffic routing along Newtons Lane could degrade the surfacing over and above that which would normally occur without the additional loading, a dilapidation survey is included in the Construction Management Plan to ensure the existing condition of the public highway is agreed, and measures taken to repair any defects should they arise.
- 6.2.5 Given the details provided within the updated CMP and the fact that this type of arrangement is not uncommon for a residential development of this size, with a small amount of disruption to local residents, and the fact that The Highway Authority offer no objections to the content of the CMP, the above arrangement is considered acceptable.

7 Conclusion

- 7.1 The benefits of the proposal are that the development would provide additional affordable housing, in a sustainable location, and which could contribute to the housing targets for the Borough and provide a wide range of size of housing to meet the needs of the community. The design and layout provides a range of dwelling types and styles enhancing the existing environment by providing attractive green spaces and ease of movement for vehicles, pedestrians and cyclists. The proposed layout will not give rise to any significant impacts upon the residential amenity of existing neighbouring properties and will provide adequate amenity spaces both internally and externally for future occupiers. Issues regarding land contamination, flood risk and biodiversity can be dealt with under the relevant conditions attached to the outline planning permission 20/00056/OUT.
- 7.2 On balance, in the opinion of the Planning Officer, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.
- 7.3 It is recommended that planning permission is granted, subject to the conditions set out below and subject to the relevant conditions imposed under outline permission, reference 20/00056/OUT and in line with the previously agreed Section 106 Agreement.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development to which this approval relates shall be begun no later than the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.</p> <p><i>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.</i></p>
2.	<p>This permission shall be read in accordance with the following plans:</p> <p>Site Location Plan 1: 2000, n1794 001</p> <p>Received by the Local Planning Authority on 20.04.2022</p> <p>A2 – End Floorplan drawing no:- AV22/A2/0-001 Rev A A2 – End Elevations drawing no:- AV22/A2/0-002 Rev A</p> <p>B3 – End Floorplan drawing no: AV22/B3/0-001 Rev A B3 – End Elevations drawing no: AV22/B3/0-002 Rev A</p> <p>F2 - End Floorplan drawing no: AV22/F2/0-001 Rev A F2 - End Elevations drawing no: AV22/F2/0-002 Rev A</p> <p>H3 – End Floorplans drawing no: AV22/H3/0-001 Rev A H3 – End Elevations drawing no: AV22/H3/0-002 Rev A</p> <p>R3 – End Floorplans drawing no: AV22/R3/0-001 Rev A R3 – End Elevations drawing no: AV22/R3/0-002 Rev A</p> <p>T2 – End Floorplans drawing no: AV22/T2/0-001 Rev A T2 – End Elevations drawing no: AV22/T2/0-002 Rev A</p> <p>Askern – End Floorplan drawing no. AV22/ASK/0-001 Rev B Askern – End Elevations drawing no. AV22/ASK/0-002 Rev B</p> <p>Baildon – End Floorplan drawing no. AV22/BAI/0-001 Rev C Baildon – End Elevations drawing no. AV22/BAI/0-002 Rev C</p> <p>Cadeby – Floorplan drawing no. AV22/CAD/0-001 Rev B Cadeby – Elevations drawing no. AV22/CAD/0-002 Rev B</p> <p>Cookridge – Floorplan drawing no. AV22/COO/0-001 Rev D Cookridge – Elevations drawing no. AV22/COO/0-002 Rev C</p>

Dalton – Floorplan drawing no. AV22/DAL/0-001 Rev C
Dalton – Elevations drawing no. AV22/DAL/0-002 Rev C

Fernlee – End Floorplan drawing no. AV22/FER/0-001 Rev B
Fernlee – End Elevations drawing no. AV22/FER/0-002 Rev B

Horbury – Floorplan drawing no. AV22/HOR/0-001 Rev D
Horbury – Elevations drawing no. AV22/HOR/0-002 Rev C

Howarth – End Floorplan drawing no. AV22/HOW/0-001 Rev C
Howarth – End Elevations drawing no. AV22/HOW/0-002 Rev C

Leyburn – Floorplan drawing no. AV22/LEY/0-001 Rev C
Leyburn – Elevations drawing no. AV22/LEY/0-002 Rev B

Oakwood – Semi Floorplan drawing no. AV22/OAK/0-001 Rev B
Oakwood – Semi Elevations drawing no. AV22/OAK/0-002 Rev B

Ripon – End Floorplan drawing no. AV22/RIP/0-001 Rev B
Ripon – End Elevations drawing no. AV22/RIP/0-002 Rev B

Saltaire – End Floorplan drawing no. AV22/SAL/0-001 Rev C
Saltaire – End Elevations drawing no. AV22/SAL/0-002 Rev C

Thirsk – End Floorplan drawing no. AV22/THI/0-001 Rev B
Thirsk – End Elevations drawing no. AV22/THI/0-002 Rev B

Thornton – Floorplan drawing no. AV22/THO/0-001 Rev D
Thornton – Elevations drawing no. AV22/THO/0-002 Rev D

Wentbridge – Floorplan drawing no. AV22/WEN/0-001 Rev C
Wentbridge – Elevations drawing no. AV22/WEN/0-002 Rev C

Single Garage – Gable Front - drawing no.500/005 Rev A
Double Garage – Hipped - drawing no.503/006 Rev A
Garage Twin – Hipped Roof - drawing no.505/006 Rev A

Received by the Local Planning Authority on 09.02.2022

Site Sections – The View – drawing no. 6180-230

Planning Layout – drawing no. n1794_008 Rev L

Colour Presentation Layout, n1794_009F

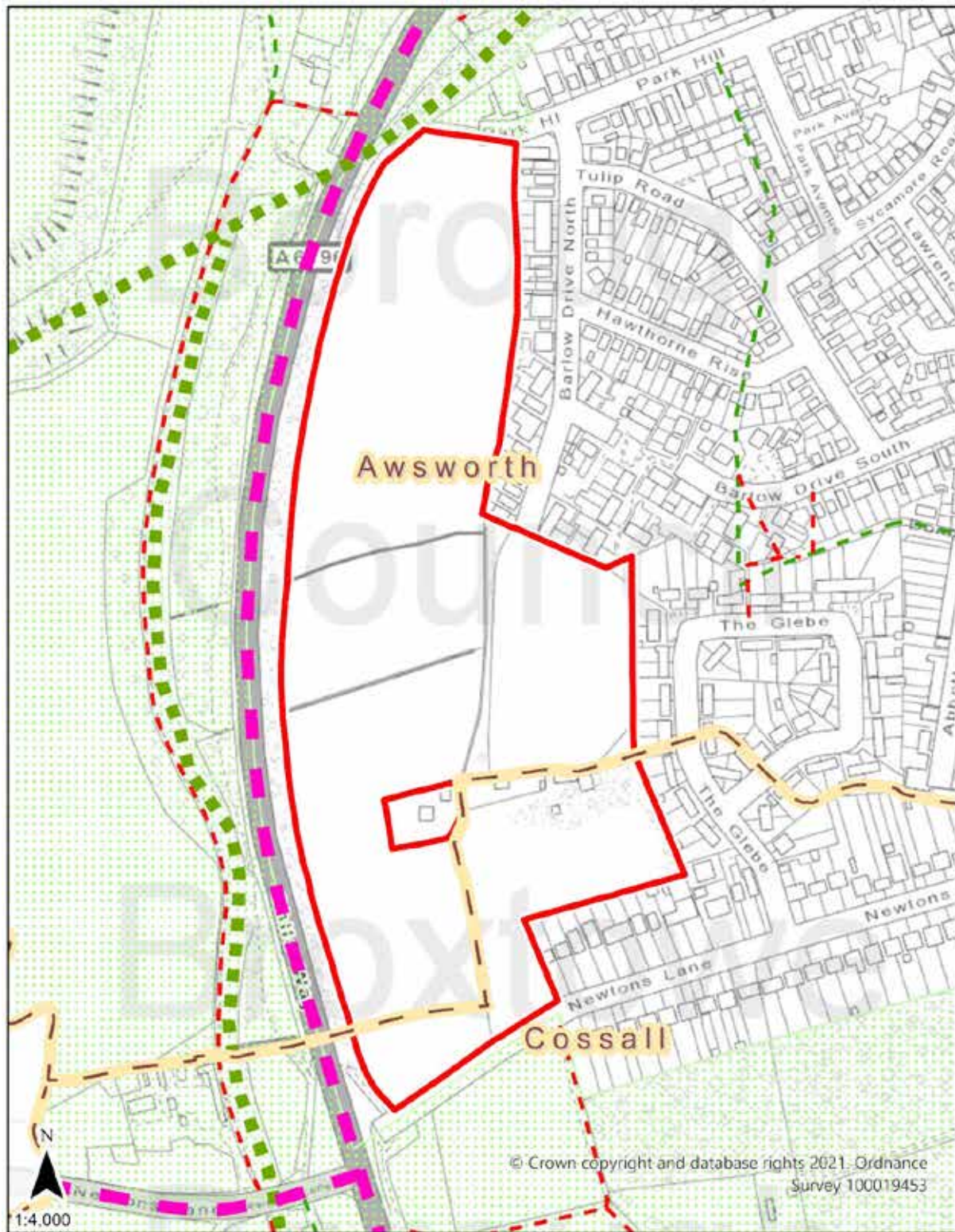
Materials Layout - drawing no. n1794_600 Rev I

Landscape Master Plan, R/2576 1E

Reason: For the avoidance of doubt

3.	<p>The temporary turning facility for buses shall be returned to grass and the vehicular crossings reinstated to footway with full height kerbs once the spine road has been provided to an adoptable standard.</p> <p><i>Reason: In the interest of highway safety, 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).</i></p>
4.	<p>Prior to the occupation of any dwelling, a scheme to protect key locations from indiscriminate parking will need to be provided and agreed in writing with the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety, 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).</i></p>
5.	<p>All dwellings shall be provided with a dedicated socket fixed to the house or garage in an appropriate location, with sufficient capacity to allow for the future conversion to an EV charging point.</p> <p><i>Reason: To ensure charging cables do not become a trip hazard when laid across the footway in the interest of highway safety, 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).</i></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>
2.	<p>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</p>
3.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are 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.</p>
4.	<p>The associated S106 Agreement and all relevant conditions on the outline permission (20/00056/OUT) must be complied with.</p>

5.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to hdc.south@nottscc.gov.uk</p>
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Legend

- | | |
|-------------------------------|-----------------------|
| Site Outline | Bridleway |
| Classified Road | Footpath |
| Green Infrastructure Corridor | Green Belt |
| Byway open to all traffic | Boundaries - Parishes |

Photographs

Access point from Newtons Lane



Shilo Way access point



View into the site from Newtons Lane



Towards Newtons Lane and The Glebe



Into the site from Park Hill

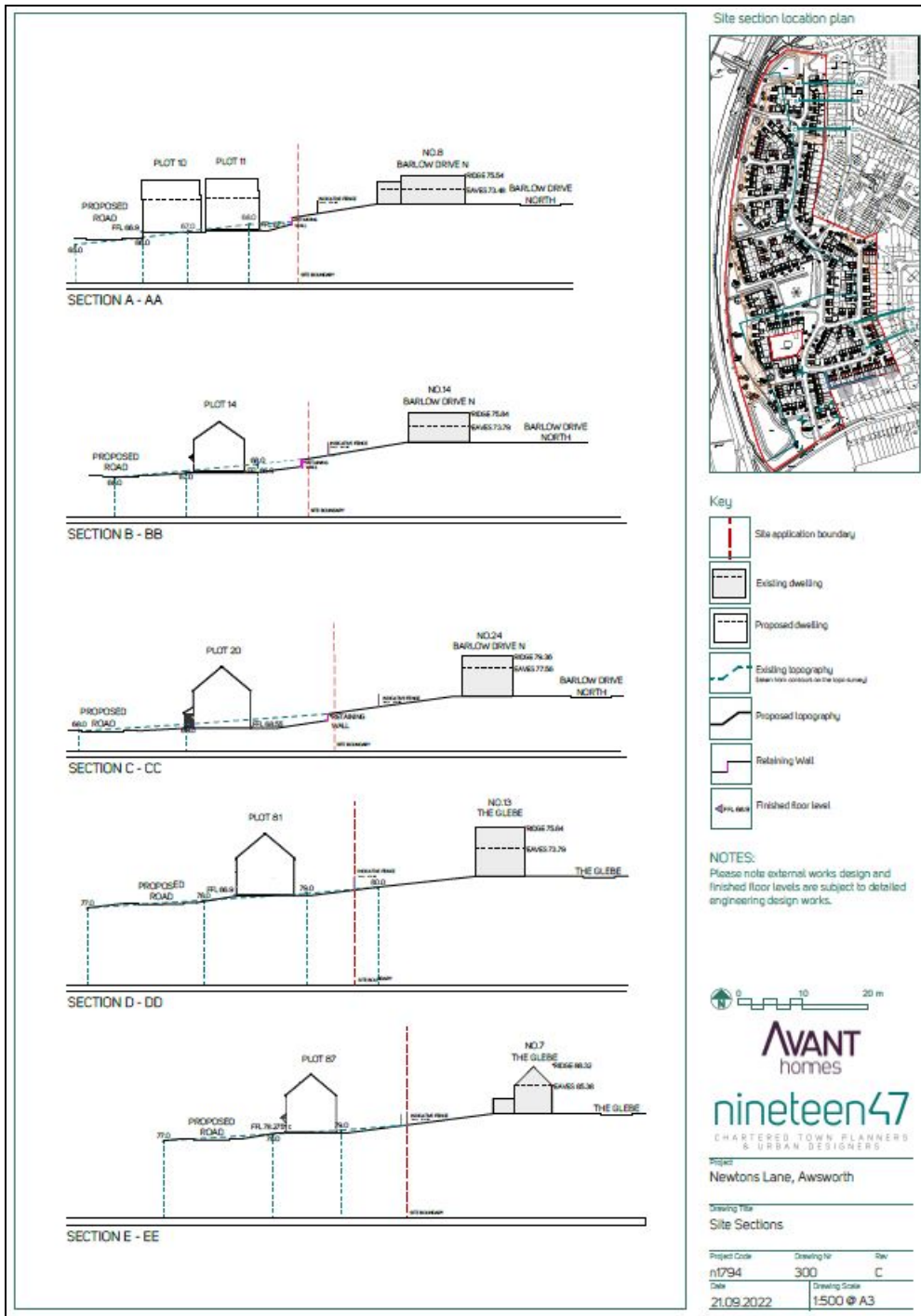


Plans (not to scale)

Proposed Site Plan



Additional Site Sections



Site section location plan



Key

- Site application boundary
- Existing dwelling
- Proposed dwelling
- Existing topography (best fit contours on the top surface)
- Proposed topography
- Retaining Wall
- Finished floor level

NOTES:

Please note external works design and finished floor levels are subject to detailed engineering design works.



Project
Newtons Lane, Awworth

Drawing Title
Site Sections

Project Code	Drawing No	Rev
n1794	300	C
Date	Drawing Scale	
21.09.2022	1:500 @ A3	

Typical House Types



