

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>24/00097/OUT</b>
<b>LOCATION:</b>	<b>Land to the rear of 40 Main Street, Awsworth, Nottinghamshire, NG16 2QT</b>
<b>PROPOSAL:</b>	<b>Outline planning (Some Matters Reserved) for residential development (2 dwellings)</b>

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

1. Purpose of the Report

The application seeks outline planning permission for the erection of two detached properties with detached garages with the access and layout to be approved as part of this application.

2. Recommendation

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

3. Detail

The site consists of an area currently used for the garden ground to 40 Main Street Awsworth. The site is set predominantly to lawn with hedging to the eastern boundaries and timber fencing to the northern and southern boundaries. The site is being proposed to be accessed via an existing turning head at the end of Old School Road.

4. Financial Implications

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

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

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

7. Climate Change Implications

Any climate change implications are contained within the report.

8. Background Papers:

None.

APPENDIX

1. Details of the application

1.1 The application seeks outline planning permission for the erection of two detached properties with detached garages with the access and layout to be approved as part of this application.

2. Site and surroundings

2.1 The site consists of an area currently used for the garden ground to 40 Main Street Awsworth. The site is set predominantly to lawn with hedging to the eastern boundaries and timber fencing to the northern and southern boundaries. The site is being proposed to be accessed via an existing turning head at the end of Old School Road.

2.2 In regards to neighbouring properties the site is located in a built up residential area of Awsworth with an adjacent neighbouring properties to the west (26, 38 and 40 Main Street) also an immediate neighbours to the north east (8, 10 and 12 Douglas Avenue). To the south of the site is a public right of way running the full length of the site.

3. Relevant Planning History

3.1

85/00179/FUL	Construct two storey extension	Permitted
95/00460/FUL	Erect concrete store shed	Permitted
11/00320/FUL	Change of use from retail (Class A1) to residential (Class C3) including external alterations	Permitted

4. Relevant Policies and Guidance

4.1 **Broxtowe Aligned Core Strategy 2014:**

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

- Policy 8 - Housing Size, Mix and Choice.
- Policy 10 - Design and Enhancing Local Identity.

4.2 **Part 2 Local Plan 2019**

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

- Policy 15 - Housing Size, Mix and Choice.
- Policy 17 - Place-making, design and amenity.

4.3 **National Planning Policy Framework (NPPF) 2023**

- Part 2: Achieving Sustainable Development.
- Part 4: Decision-making.
- Part 5: Delivering a sufficient supply of homes
- Part 9: Promoting sustainable transport
- Part 11: Making effective use of land
- Part 12: Achieving well-designed places

#### 4.4 **Awsorth Neighbourhood Plan:**

- H2: Housing Mix
- H4: New Homes from Unallocated (or Windfall) Development

#### 5. Consultations

##### 5.1 **Councillors & Parish/Town Councils:**

- Councillor L A Ball – No Comments Received
- Councillor D Pringle – Requested the application be called into committee on the grounds of flooding, access and parking.
- Cossall Parish Council – No Comments Received
- Awsorth Parish Council – Objects on the grounds of poor access, requirement to drive over a footpath to access the site, impact on the existing turning head, flooding,

##### 5.2 **Consultees:**

- Highways – No objection and standing advice applies.
- Environmental Health – No objection subject to the submission of a Construction Method Statement and the inclusion of Informatives relating to construction hours and burning of waste.
- Coal Authority – No objection subject to conditions regarding site investigation survey and a declaration of suitability.
- Notts Wildlife Trust – Considered that the proposal has no impact on any landscape designations. A LEMP has been requested to be submitted. Details of root protection of the boundary hedgerows will be required and consideration with regards to works on site close to the site boundaries. Details of bee and bat bricks along with a swift box to be installed at the reserved matters application will be required.
- Parks – No Comments Received
- Waste and Environment Officer – Standing advice regarding the bin requirements.
- Public Rights of Way Officer – Awaiting Comments

##### 5.3 **Neighbours**

- Fourteen neighbours were consulted on the application with one no objection comment being received from a neighbouring property, one objection from a neighbouring property, and three objections from third parties. The objection comments are summarised as:
  - Overlooking of neighbouring properties,
  - Loss of privacy,
  - Encroachment and impact on the public right of way,
  - The dimensions of the driveway being too narrow to allow for vehicles to pass,
  - Requirement to widen the turning head on Old School Lane,
  - Possible impact on the neighbouring properties from construction vehicles,
  - Overdevelopment of the site,
  - Additional impact on the local facilities,

- Increased flooding issues.

## 6. Assessment

### 6.1 Principle

The principle of residential development on this site is acceptable. The main issues relating to the determination of this application are the impact on the amenity of future and existing occupiers, the impact on the character of the area, impact on the Green Belt and the impact on highway safety and parking provision.

### 6.2 Design

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

6.2.1 No details of design of the properties have been submitted other than indicative positioning and footprints of the dwellings and garages. All details of design and materials will be provided and assessed in the subsequent reserved matters. A site plan showing the indicative positions of the proposed dwellings, parking and access has been submitted and it is considered that the orientation of the properties running in line with surrounding neighbouring properties is acceptable in terms of the local vernacular. Both proposed dwellings are shown to have large footprints. Given the size of the plots in question it is considered that the plots are of such a size as to be able to accommodate dwellings of this size and still have an adequate amount of area left to be utilised for amenity space and parking areas.

6.2.2 A request from Notts Wildlife trust has been made for the submission of an LEMP which should include a bee and bat brick along with a swift box to be incorporated into the designs of the proposed dwellings. This will be the subject of a condition.

### 6.3 Amenity

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

6.3.1 Whilst details of the appearance, layout and scale are reserved matters, it is considered that 2 x two storey dwellings could be accommodated on the site whilst protecting the amenity of the occupiers of adjacent properties. The majority of the properties in close proximity to the site are two storey. It is considered that two dwellings can be designed such that a good standard of amenity for the future occupiers can be achieved given the orientation and the separation distance between them and neighbouring properties. Furthermore,

the proposed dwellings can be designed such that overlooking of neighbouring properties is minimised by careful consideration to the siting of windows.

#### 6.4 Access and Parking

Policy 17 of the Part 2 Local Plan 2019 states that planning permission will be granted for new development that provides sufficient, well-integrated parking and safe and convenient access.

6.4.1 The access has been shown on the submitted plans at the southern end of the site utilising the existing turning head on Old School Lane. Given the accesses location at the end of the public road, no concerns are raised with regards to visibility from the access.

6.4.2 The access will cross over an existing public footpath. It is common practice for vehicular access to cross a public footpath. Highways were consulted on the application and raised no concerns in regards to the location or design of the proposed access.

6.4.3 Parking has been shown to be situated forward of the principle elevations of the dwellings. The parking requirements will be assessed as part of the reserved matters but it is considered that there will be ample space within the site to accommodate the required number of parking spaces.

#### 7 Flooding

7.1 Comments have been received with regards to flooding within the site. The site is located out with any flood zones and is not identified as a site with surface water flooding on Environment Agency flood maps. Notwithstanding this, given the comments raised with regards to surface water flooding within neighbouring sites, a condition will be added to the application requiring a surface water drainage scheme be added at any subsequent reserved matters application.

#### 8. Planning Balance

The benefit of the proposal is that the construction of two dwellings would contribute to providing housing suitable for a range of tenures, within an established residential area and in a sustainable location. The negative impact is the potential for impact on the amenities of the neighbouring occupiers. On balance, it is considered that the benefit in providing the new dwellings would outweigh any negative impact subject to details of the reserved matters.

#### 9. Conclusion

It is considered that subject to the agreement of the reserved matters, and subject to conditions, the proposal for two dwellings is acceptable and would accord with all relevant planning policies.

<p><b><u>Recommendation</u></b></p> <p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</p>	
<p>1.</p>	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>2.</p>	<p>The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>3.</p>	<p>This outline permission relates to the Ordnance Survey Site Plan (1:1250) and Block Plan (1:200) Drawing reference DB/MC/23/9902 received by the Local Planning Authority on 14 February 2024.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>4.</p>	<p>No development shall commence until all of the reserved matters below have been approved on application to the Planning Authority:</p> <ul style="list-style-type: none"> <li>i. the design and external appearance of the proposed development;</li> <li>ii. a proposed site section plan; and</li> <li>iii. landscaping proposals for the site of the proposed development (including boundary treatments);</li> </ul> <p>The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and to ensure that the details of the development are acceptable to the Local Planning Authority.</i></p>
<p>4.</p>	<p>Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.</p>

	<p>Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.</p> <p><i>Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles 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).</i></p>
<p>5.</p>	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> <li>• Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.</li> <li>• Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.</li> <li>• Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any</li> </ul>



	<p>attenuation system, the outfall arrangements and any private drainage assets.</p> <p>Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the</p> <p>1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.</p> <ul style="list-style-type: none"> <li>o No surcharge shown in a 1 in 1 year.</li> <li>o No flooding shown in a 1 in 30 year.</li> <li>o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.</li> </ul> <ul style="list-style-type: none"> <li>● Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.</li> <li>● Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.</li> <li>● Evidence of approval for drainage infrastructure crossing third party land where applicable.</li> <li>● Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.</li> <li>● Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.</li> </ul> <p><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019).</i></p>
6.	<p>No development within the full planning permission phase hereby approved shall take place until a Construction/Demolition Method</p>

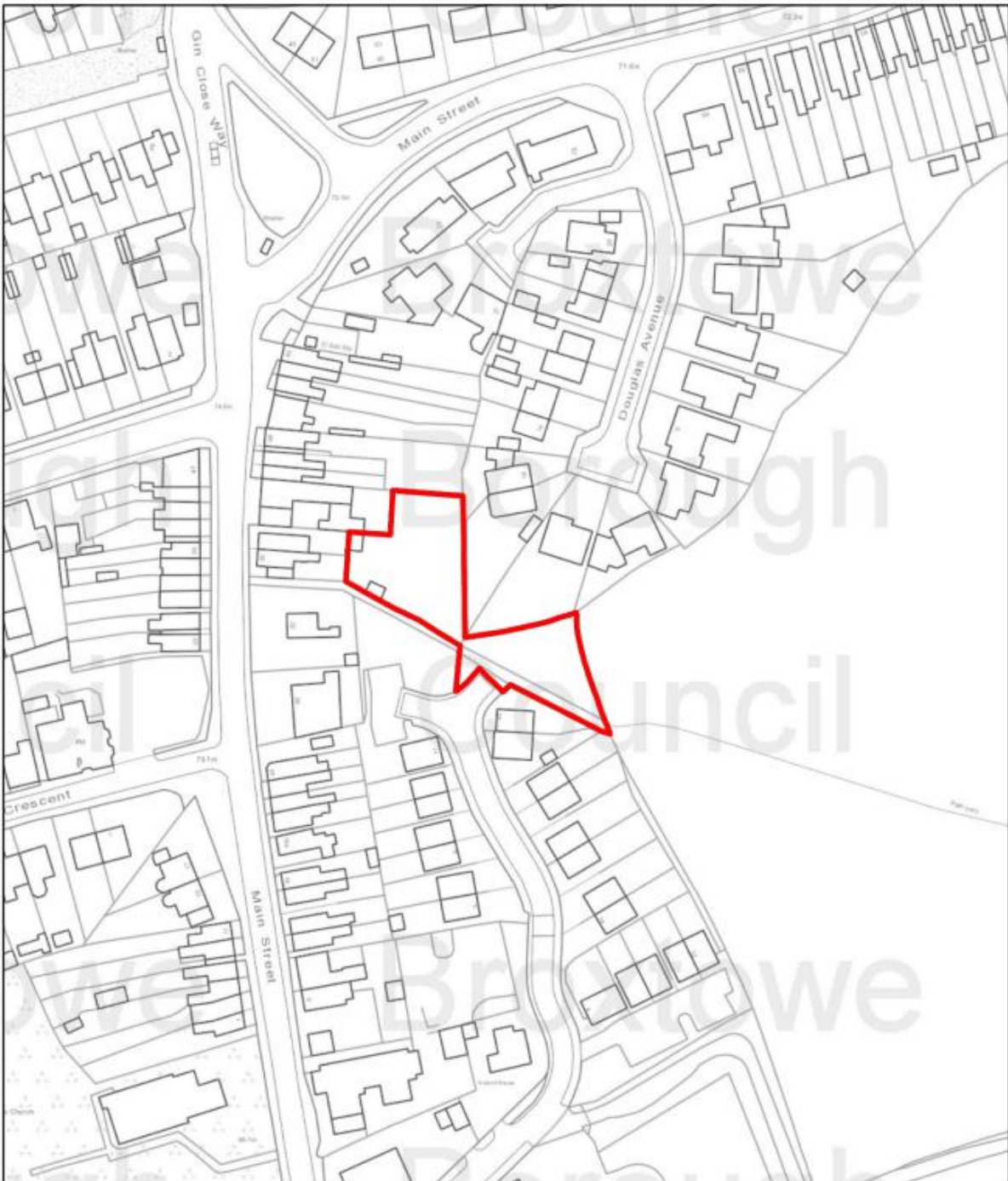
	<p>Statement has been submitted to and approved in writing by the Planning Authority. The statement shall include:</p> <ul style="list-style-type: none"> <li>i. The means of access for construction traffic;</li> <li>ii. Parking provision for site operative and visitors;</li> <li>iii. The storage of plant and materials used in the construction/demolition of the development;</li> <li>iv. A scheme for the recycling/disposal of waste resulting from the construction/demolition works/site clearances; and</li> <li>v. Details of dust and noise suppression to be used during the construction phase.</li> </ul> <p>The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: to protect the amenity of the neighbouring properties 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).</i></p>
<p>7.</p>	<p>Prior to the commencement of the development hereby approved, details of a Landscape Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the Local Planning Authority. The LEMP should include details of ecological enhancements including details and locations of bat and bird boxes; external lighting; precautionary working methods for site clearance; precautionary method in respect of Great Crested Newts; and hedgehog access points. The LEMP shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of safeguarding and enhancing biodiversity 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).</i></p>
<p>8.</p>	<p>No development, site excavation or groundwork shall commence until all retained hedgerows have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition &amp; Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.</p> <p><i>Reason: To ensure the existing and retained hedgerows are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Local Plan Part 2 (2019).</i></p>
<p>9.</p>	<p>No above ground development shall commence until;</p> <ul style="list-style-type: none"> <li>a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and</li> </ul>

	<p>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p> <p><i>Reason: In the interest of public health and safety in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>10.</p>	<p>Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</p> <p><i>Reason: In the interest of public health and safety in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
<p>1.</p>	<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>
<p>2.</p>	<p>Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority’s website at: <a href="http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property">www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</a>.</p>
<p>3.</p>	<p>In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.</p>
<p>4.</p>	<p>You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of</p>

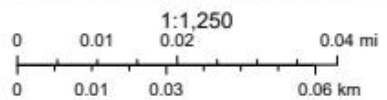
	<p><b>08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).</b></p>
<p><b>5.</b></p>	<p><b>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.</b></p>

**Map**

24/00097/OUT



3/22/2024, 1:23:26 PM



Photos











REVISIONS	
<b>PAUL GAJDMAN</b> CIVIL ENGINEER 10/110, LINDSEY ROAD, WINDYBUSH, NSW 2150 PH: 02 9638 2222 FAX: 02 9638 2223 WWW: www.paulgajdman.com.au	DATE:
LOCATION: 4/1 New Centre, Bulimba, Queensland, 4158, QLD	DRAWN:
PROJECT: Proprietary Structural Investigation	CHECKED:
TITLE: Existing Topographical Details	DATE:
DRAWING NO: DB/MC/23/99/O1	SCALE:
Notes on drawings are the primary source of information for the design and construction of the project. The drawings are prepared in accordance with the Australian Standards AS 1100 and AS 1101. The drawings are prepared in accordance with the Australian Standards AS 1100 and AS 1101. The drawings are prepared in accordance with the Australian Standards AS 1100 and AS 1101.	REVISION: