

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>22/00100/FUL</b>
<b>LOCATION:</b>	<b>Land Off Kelham Way, Eastwood, Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>Construct serviced apartments comprising of 16 units and associated infrastructure</b>

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

1. Purpose of the Report

1.1 The application seeks full planning permission for the construction of serviced apartments comprising 16 units, and associated infrastructure.

2. Recommendation

**The Committee is asked to RESOLVE that planning permission be granted subject to the prior completion of an agreement under Section 106 of the Town and County Planning Act 1990 and conditions outlined in the appendix.**

3. Detail

3.1 The application seeks full planning consent for the construction of 16 serviced apartments (C1 use class) with associated access, car parking and landscaping.

3.2 The site is located on the edge of the boundary of the Eastwood town centre off Kelham Way, a small one-way road that forms an intersection between the A608 (Derby Road) and B6010 (Nottingham Road). The site forms a dis-used private car park south of the access to the adjacent Morrisons supermarket. Access into the site is provided directly from Kelham Way via a dead-end road which also provides pedestrian access for the Eastwood Young People’s Centre.

3.3 The main issues relate to whether the principal of development is acceptable, whether the design is acceptable, whether there would be unacceptable impact on the amenity of future and neighbouring occupiers and whether the proposal would have an unacceptable impact on highway safety.

3.4 The benefits of the scheme are that the proposal would provide 16 serviced apartments in a sustainable location with good access to public transport and to facilities such as retail, leisure and health, reducing the reliance on private cars; it has been designed with careful consideration to enhance the character and appearance of the locality; and would provide a good standard of living for the future occupiers. The proposed development offers the opportunity to increase footfall in the town centre of Eastwood to help local business growth. The development would be in accordance with the policies contained within the development plan. This is given significant weight.

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 The application seeks full planning consent for the construction of 16 serviced apartments (C1 use class) with associated access, car parking and landscaping. The proposal is to provide accommodation for professionals on a short term let basis for periods of occupation starting from 2 days.

2. Site and surroundings

- 2.1 The site is located on the edge of the boundary of the Eastwood town centre off Kelham Way, a small one-way road that forms an intersection between the A608 (Derby Road) and B6010 (Nottingham Road). The site forms a dis-used private car park south of the access to the adjacent Morrisons supermarket. Access into the site is provided directly from Kelham Way via a dead-end road which also provides pedestrian access for the Eastwood Young People's Centre.

- 2.2 The immediate surrounding area includes a mix of residential and commercial properties. To the west, includes Eastwood Young People's Centre, to the south (separated by Derby Road) includes a row of two storey residential properties, to the east includes Kelham Way junction leading to the town centre of Eastwood and the Sun Inn public house and to the north includes Morrison's supermarket. The site is located outside of the Eastwood Conservation Area which covers part of the town centre to the east.

3. Relevant Planning History

- 3.1 Planning permission was granted for a car park in 1992. No further relevant planning history.

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 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 6: Role of Town and Local Centres
- 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 19: Developer Contributions

## Part 2 Local Plan 2019

- 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 23: Proposals affecting Designated and Non-Designated Assets
- Policy 31: Biodiversity

## National Planning Policy Framework (NPPF) 2021

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 7: Ensuring the vitality of town centres
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 16: Conserving and enhancing the historic environment

## 5. Consultations

### 5.1 *First consultation:*

**Eastwood Town Council** – objection for the following reasons:

- Over-intensification of the site.
- Inadequate access for service and emergency vehicles.
- Inadequate parking provision.

**Resident Comments** - 12 objections raising the following concerns:

#### Principle of development:

- No need for C1 use
- No evidence for the need for short let guest apartments
- The public seating area has historically been used as a public space and should be protected

#### Visual Amenity:

- The proposal needs a greater set back
- Over intensification of the site and visually dominant
- The building would reduce the visibility of the youth centre building
- Negatively affect character of area/youth centre building

- Negatively impact the character and appearance of the Eastwood Conservation Area and historic building Sun Inn.
- Youth centre was granted planning permission subject to retention of car park/trees

**Residential Amenity:**

- Loss of privacy, overlooking, overbearing overshadowing impact upon the neighbouring youth centre and neighbouring properties
- Loss of view of the countryside
- Sense of enclosure for neighbouring properties
- The proposed apartments would increase the likelihood of potential complaints from future occupiers in response to noise outbursts from the youth centre. Penalties could be imposed on youth centre as a result of future occupiers being disturbed. As such, the proposal could impact the delivery of the youth centre service.
- Noise impact on future occupiers – noisy junction
- Construction works would affect neighbouring properties amenity

**Highway Safety and Parking:**

- Inadequate access for servicing and emergencies
- Lack of parking
- The site includes a public right of way through the site
- The remaining footway would be too narrow for future use
- Access serves the youth centre and mast at the end of the road
- Traffic is busy in this location, classified road/roundabout increases potential accidents in this location

**Other Matters:**

- Some neighbouring properties were not consulted
- Trees have been removed before planning permission granted
- Unclear who owns the site
- Fencing around the site is affecting pedestrians currently
- Surrounding infrastructure/amenities cannot cope with new residential development

**County Planning Policy:**

- Waste Audit recommended.
- The design should positively integrate with the adjacent Eastwood Conservation Area and locally listed Sun Inn public house.
- Youth centre impact: loss of amenity upon users of the youth centre through overlooking and loss of light, potential lack of maintenance of pedestrian access serving the youth centre and potential conflict between future occupiers and use of the youth centre result in noise complaints.

- Bus stop infrastructure contribution of £9,425 towards improvements to the bus stop denoted BR0377 Derby Road and shall include bus shelter refurbishments and real time information.
- Health checklist recommended.

**County Highways:** Changes required:

- Building should be set back 0.5m from the boundary of the highway to allow for overhanging roofs/downpipes.
- Car parking space 10, 11 and 12 will need to show a drainage channel at the back edge of the parking spaces to prevent water from discharging on to the public highway.

**County Public Rights of Way:** No objections. No public rights of way will be affected.

**County Lead Local Flood Team:** No objections subject to conditioning drainage plans.

**Broxtowe Environmental Health:** No objections subject to conditioning ground/water contamination mitigation and construction noise mitigation measures.

**Broxtowe Waste:** Bin dimensions recommended for 16 units. Bin store should be within 10m of the adopted highway.

**Broxtowe Open Space:** Open space maintenance contributions requested £850.61 per unit.

**Broxtowe Affordable Housing:** No contributions requested.

**Nottinghamshire Wildlife Trust:** No objections subject to conditioning a Landscape and Ecological Management Plan to ensure the proposed development delivers a biodiversity net gain.

**Coal Authority:** No objections subject to conditioning intrusive ground investigations to be undertaken.

- The site partly falls within a high risk area.
- The submitted Coal Mining Risk Assessment has been reviewed.

**NHS Nottinghamshire:** The proposal is for 16 dwellings and therefore is below the threshold to require health contributions.

**Severn Trent Water:** No objections subject to conditioning foul drainage.

**Cadent:** no objection, informative recommended.

## 5.2 Second Consultation

**Resident Comments:** 2 objections received repeating the above concerns.

**County Highways:** No objections subject to conditioning parking/turning areas surfaced in a bound material with the parking bays clearly delineated.

The Highway Authority is satisfied that all outstanding issues with regards to the building set back and car parking spaces 10,11 & 12 which have been removed from the plans.

**County Planning Policy:** have repeated the concerns raised in the first consultation in relation to the impact on Young People's Centre and the design of the scheme.

## 6. Assessment

### 6.1 Principle

6.2 The application seeks full planning consent for 16 serviced apartments C1 use class. The proposal is to provide accommodation for professionals on a short term let basis for periods of occupation starting from 2 days. The site is located within the main built up area of Eastwood and therefore the general principle of residential development in this location is considered to be acceptable subject to any other material considerations.

6.3 The site is located on the edge of the Eastwood town centre and comprises a previously developed site. Policy 6 - Role of Town and Local Centres of the Aligned Core Strategy Part 1 Local Plan 2014 states the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses (whilst maintaining a strong retail character), environmental enhancements and improvements to access, which should all take account of equality issues.

6.4 Main town centre uses should be located in centres. Development should be appropriate in scale and nature to the role and function of the centre. If no suitable sites are available in centres then edge of centre locations should be used, and only if there are no suitable sites will out of centre sites be considered. Proposals for edge of centre and out of centre sites should satisfy the sequential test and show how the development will not have a severe adverse impact on any centre.

6.5 It is also important that all centres continue to act as a focus for community life where residents can live, socialise and help to strengthen social cohesion. This is essential in ensuring the continued vibrancy and prosperity of centres, particularly in challenging and ever-changing economic circumstances. Further to this, Eastwood town centre is considered to be in need of enhancement or to be underperforming.

- 6.5 Paragraph 87 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.6 Paragraph 88 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 6.7 The NPPF defines main town uses as: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).
- 6.8 Whilst the proposal falls under C1 use class, which also covers hotels, the development is for serviced apartments and as such is considered not to be a main town centre use. As a result it is considered that a sequential test is not required for this application.
- 6.9 Design
- 6.10 A number of concerns have been raised by neighbouring properties in terms of the size and design of the development. The site includes a dis-used private car park on the corner of Kelham Way. The surrounding area includes a mix of residential and commercial properties that utilise a mix of red brick and white render facing materials. Land levels rise significantly west to east leading towards Kelham Way junction. On the eastern edge of the existing car park is a brick retaining wall that divides the car park and adjacent footpath along Kelham Way, with the footpath on the eastern side sitting approximately 1m above the car park level at its highest point. Kelham Way slopes down along the curvature of the road from north to south.
- 6.11 As such the site is located in a highly prominent location and its design should be carefully considered. The scheme has been amended following concerns raised in respect of the siting, massing, block appearance and level of design detail. Neighbouring properties have been re-consulted on the amended plans.
- 6.12 The proposed design includes a three storey flat roofed apartment block which has been set into the change in land levels in this location to lessen the prominence of the development. It is considered that the 3 and 2 storey scale of the proposed development, which is staggered, responds to the change in



levels and surrounding buildings. Properties to the east, including the Sun Inn public house, are set at higher land levels than the site which helps the integration of the proposed three storey building.

- 6.13 The layout of the building is positioned along the site frontage with access and parking to the rear of the building including the main entrance for visitors. The amended footprint of the building has been repositioned away from the footpath along Kelham Way to provide an improved border around the building and reduce the sense of enclosure on the footpath.
- 6.14 The amendments made to the scheme have helped to break up the block appearance of the massing of the building. The front elevation has been broken up by the use of vertical glazing, the addition of recessed vertical channels and complimentary brickwork. The ground floor will use a complimentary brickwork to further break up the block appearance and soften the impact of the three storey building in a prominent location. The amended scheme introduces a corner window across all three floors where the building turns along the east/west plane to provide visual interest in this key junction and further help breakdown the overall massing. Recessed windows and brickwork detailing helps to create depth in the elevations to further enhance the appearance of the scheme. Materials and landscaping have been conditioned to ensure the proposed is delivered to a high standard and successfully integrates within surrounding area. Soft landscaping along the site frontages helps create interest along the street scene in this location.
- 6.15 To conclude, the design and scale of the proposed development is considered to relate well to its location.
- 6.16 Heritage
- 6.17 Although the site itself contains no designated heritage assets, there are heritage assets in the surrounding area, notably the Eastwood Conservation Area and Sun Inn public house which is a locally listed building. Of these, the impact on the setting of the Eastwood Conservation Area would be lessened by the intervening Kelham Way junction. The proposed development would sit at a lower ground level when compared to the Sun Inn public house. As such, the relationship between the proposal and the Sun Inn with regard to building height will be similar and therefore would not appear oppressive or detract from any views of it. The proposed design is contemporary and therefore it is considered that the proposal will contrast with the architectural character of the buildings within the Eastwood Conservation Area in the vicinity. As the development will remove the dis-used car park, it is considered it will be of benefit to the appearance of the adjacent Conservation Area. Furthermore, as Kelham Way is wide, this will ensure adequate separation distance remains and allow views of the buildings forming the boundary of the Conservation Area. It is therefore considered the proposal will not be harmful to the character or appearance of the Eastwood Conservation Area or the special character of the Sun Inn.

6.18 Residential Amenity

- 6.19 A number of concerns have been raised by neighbouring properties, including Eastwood Town Council, with the proposed development with regards to potential loss of privacy, overlooking, overbearing and overshadowing impact upon the neighbouring youth centre and neighbouring residential properties.
- 6.20 To the west, the Eastwood Young People's Centre is separated from the side elevation of the development by approximately 3.8m. To the south, properties along Derby Road are separated from the front elevation of the development by a minimum of approximately 19m. To the north, includes the site access and Morrison's supermarket beyond. To the east, on the opposite side of Kelham Way junction includes the Sun Inn public house. As such, due to the separation distances from proposal there are limited concerns with regards to any potential overbearing, overlooking or overshadowing impact on any nearby residential properties.
- 6.21 The Eastwood Young People's Centre, operated by the County Council, have objected to the development on the grounds of the loss of amenity for users of the youth centre. However, it is important to note that the youth centre is not residential accommodation and this therefore this reduces any potential impact resulting from the development. Notwithstanding this, obscurely glazed windows will be used in the western side elevation facing the youth centre. Moreover, the scale of the building is staggered away from the youth centre and it is considered this would reduce any potential overbearing or overshadowing impact on the youth centre building or outside space.
- 6.22 Significant concerns have been raised by the County Council with regards to the proposal increasing the likelihood of potential complaints from future occupiers in response to noise outbursts from the youth centre. It is noted that there is a condition attached to the permission relating to the youth centre (5/10/00441/CCR) stating that should the County Council receive a noise complaint about the youth centre a further noise survey detailing mitigation measures should be submitted to the County Council. The permitted opening hours of the neighbouring youth centre are 9am – 10pm daily. Given the site is located in an edge of town centre location, on a busy road and the fact that the proposed use is for short stay accommodation; it is considered that the proposal should not negatively impact the delivery of the youth centre services. No objections have been received by the Councils Environmental Health team after reviewing the submitted noise report. Mitigation measures contained within the noise report will ensure use of glazing/ventilation will reduce the potential for future occupier's to be adversely affected by external noises. Further to this, a construction/demolition method statement and details of noise mitigation measures in respect of any heavy construction have been conditioned in the interests of the amenity of nearby residential properties.
- 6.23 Other concerns raised regarding any potential loss of view are considered not to be a material planning consideration and would not warrant refusal of the

application. Concerns have been raised with regards to the loss of a public space and potential loss of pedestrian access serving the youth centre. NCC Rights of Way have confirmed that there is no right of way within the application site. The site forms as a private car park that has partly been used by the public as a seating area previously. The site is not a designated open space in line with the Part 2 Local Plan 2019 and is private land only. To ensure the pedestrian access serving the youth centre is maintained and kept open a condition has been added accordingly.

- 6.24 In respect of future occupiers, the residents of the proposed development would have sufficient standard of amenity. All units include access to natural light and to an outlook, and each unit includes kitchen/living space. Each unit would have its own bathroom and all units would meet minimum internal standards for 1-2 bed units in accordance with Technical housing standards – nationally described space standard 2015.
- 6.25 To conclude on amenity, it is considered the proposed development will have no significant impact on neighbour amenity and future occupants will have a sufficient standard of amenity.
- 6.26 Highway Safety
- 6.27 The amendments made to set the building back from the highway have resulted in the reduction of car parking spaces to the original layout including; resulting in 12 car parking spaces in accordance with County Highways minimum standards in terms of parking space dimensions and turning space. The site re-uses the existing access which is sufficient for a two-way flow of traffic.
- 6.28 County Highways have provided no objections to the proposed development subject to conditioning that the parking spaces are implemented using a bound material prior to occupation of the development. The site is located on the edge of Eastwood town centre and therefore in close proximity to a range of amenities and close access to a frequent bus network including the Trent Barton operated Amberline, Black cat and Rainbow one, which offers a frequent service linking the site with Hucknall, Heanor, Derby, Ilkeston and Alfreton.
- 6.29 It is noted from the consultation responses concerns have been raised that the proposed parking is insufficient for the proposed development. There are public car parking facilities off Victoria Street and Oxford Street, both options are 10 minutes walking distance of the proposal. Paragraph 111 of the NPPF states 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. Paragraph 107 provides a list of factors which should be taken into account, which includes the availability of and opportunities for public transport, and the type, mix and use of the development. Policy 10 of the ACS states that development should be designed so as to reduce the dominance of motor vehicles. When considering there are regular public transport services and amenities within the immediate locality,

and parking on surrounding roads is controlled by Traffic Regulation Order, it is not envisaged that any shortfall in parking will result in a highway safety issue.

6.30 In conclusion, it is considered the proposed development would not have an unacceptable impact on highway safety.

6.31 Sustainability and Climate Change

6.32 The proposed development uses a low-carbon approach which comprises of a highly insulated development. It is important to note that new development will be required to meet current sustainability guidelines within the buildings regulations process which is separate to planning. Further to this, electric vehicle charging points have been conditioned in the interests of future proofing the development.

6.33 Developer Contributions

6.34 As this application is for serviced apartments falling under C1 use class, no financial contributions towards affordable housing will be sought. An open space maintenance contribution has been requested; £850.61 per unit requiring £13,609.76 in total. A transport contribution of £9,425 to be paid for improvements to the bus stop denoted BR0377 Derby Road has been requested for bus shelter refurbishments and real time information. No health contributions have been requested as the number of units falls below the threshold.

6.35 Other Matters

6.36 With regards to drainage, the site is located outside of Flood Zones 2 and 3. Severn Trent Water and the Lead Local Flood Authority have provided no objections subject to conditioning foul and surface water drainage.

6.37 With regards to ecology, the majority of the site is hard surfaced and the site originally included a number of small trees that were removed. Nottinghamshire Wildlife Trust have reviewed the application and have provided no objections subject to conditioning a Landscape and Ecological Management Plan to ensure the development delivers a biodiversity net gain.

6.38 The applicant has confirmed that a commercial waste company will be responsible for waste collections and as a result a waste management plan has been conditioned to ensure an appropriate waste strategy is adhered to.

6.39 Planning Balance

6.40 The benefits of the proposal are that the development would provide a good standard of accommodation for professionals visiting Eastwood requiring short stay accommodation. The site is in a sustainable location being on the edge of the centre of Eastwood town centre and is in walking distance of a frequent bus network and amenities.

- 6.41 The proposal would bring forward some short term economic benefits through the construction period and in the long term increase opportunities for professionals to visit Eastwood town centre and support local businesses.
  - 6.42 The design has been carefully considered with the aim of adding local interest to establish a landmark development and gateway into the town centre to help to enhance the character and appearance in this location. The proposal has also been designed to preserve and enhance the character of the Eastwood Conservation Area through delivering a contemporary design that will positively contrast with adjacent heritage assets. The proposed scheme also follows a low carbon approach in reducing the impact of the development on climate change and will include electronic vehicle charging points.
  - 6.43 Finally, the proposed development has been designed to ensure there is no significant impact in terms of any potential overlooking, overbearing or overshadowing impact.
  - 6.44 On balance, 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. Conclusion
- 7.1 It is recommended that conditional planning permission be granted subject to the S106 Agreement.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to:</b>	
<b>(i) the prior completion of an agreement under section 106 of the Town &amp; Country Planning Act 1990; and</b>	
<b>(ii) the following conditions:</b>	
<b>1.</b>	<b>The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.</b>  <b>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.</b>
<b>2.</b>	<b>This permission shall be read in accordance with the following plans: Existing Site Plan No. 20232-02-002_P2, Site Location Plan No. 20232-00-001 (Received by the Local Planning Authority 08/02/22), Proposed Site Plan No. 20232-20-003_P6, Proposed Block Plan No. 20232-00-002_P2, Proposed Ground Floor Plan No. 20232-20-004_P15, Proposed First Floor Plan No. 20232-20-005_P9, Proposed Second Floor Plan No. 20232-20-006_P9,</b>

	<p><b>Proposed Front Elevation No. 20232-21-001_P6, Proposed Rear Elevation No. 20232-21-002_P4, Proposed Gable Elevation No. 20232-21-003_P4 (Received by the Local Planning Authority 05/08/22).</b></p> <p><b>Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.</b></p>
<p><b>3.</b></p>	<p><b>No development above slab level shall commence until samples/details of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.</b></p> <p><b>Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</b></p>
<p><b>4.</b></p>	<p><b>a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</b></p> <p><b>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</b></p> <p><b>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</b></p> <p><b>(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 rendered the site free from risk to human health from the contaminants identified.</b></p> <p><b>Reason: In the interest of public health and safety in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</b></p>
<p><b>5.</b></p>	<p><b>No development shall commence until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority</b></p>

	<p>including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented on accordance with the approved details.</p> <p>Reason: To protect nearby occupants from excessive construction noise and vibration in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>6.</p>	<p>No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:</p> <ul style="list-style-type: none"> <li>a) The means of access for construction traffic;</li> <li>b) parking provision for site operatives and visitors;</li> <li>c) the loading and unloading of plant and materials;</li> <li>d) the storage of plant and materials used in construction / demolition of the development;</li> <li>e) a scheme for the recycling/disposal of waste resulting from construction / demolition works;</li> <li>f) details of dust and noise suppression to be used during the construction phase; and</li> <li>g) a report identifying any asbestos and documenting its safe removal.</li> </ul> <p>The approved statement shall be adhered to throughout the construction period.</p> <p>Reason: To protect the amenity of neighbouring residents in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
<p>7.</p>	<p>Prior to the commencement of the development, a detailed Landscape and Ecological Management Plan shall be submitted to and approved and by the Local Planning Authority. The Landscape and Ecological Management Plan shall include enhancement measures and detail precautionary working measures to prevent impacting species that may access the site from adjacent habitats. The development shall be implemented in accordance with the approved Landscape and Ecological Management Plan unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of securing an environmental net gain in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned</p>

	<p><b>Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</b></p>
<p><b>8.</b></p>	<p><b>No development shall commence until;</b></p> <p><b>a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and</b></p> <p><b>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.</b></p> <p><b>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</b></p> <p><b>Reason: To ensure the safety and stability of the proposed development in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</b></p>
<p><b>9.</b></p>	<p><b>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:</b></p> <p><b>-Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.</b></p> <p><b>-Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA</b></p> <p><b>-Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive</b></p>



	<p>of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.</p> <ul style="list-style-type: none"> <li>-For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.</li> <li>-Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.</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.</li> </ul> <p>Reason: To ensure sufficient surface water management in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 1 - Flood Risk of the Part 2 Local Plan 2019.</p>
<p>10.</p>	<p>The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available, as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 1 - Flood Risk of the Part 2 Local Plan 2019.</p>
<p>11.</p>	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local</p>

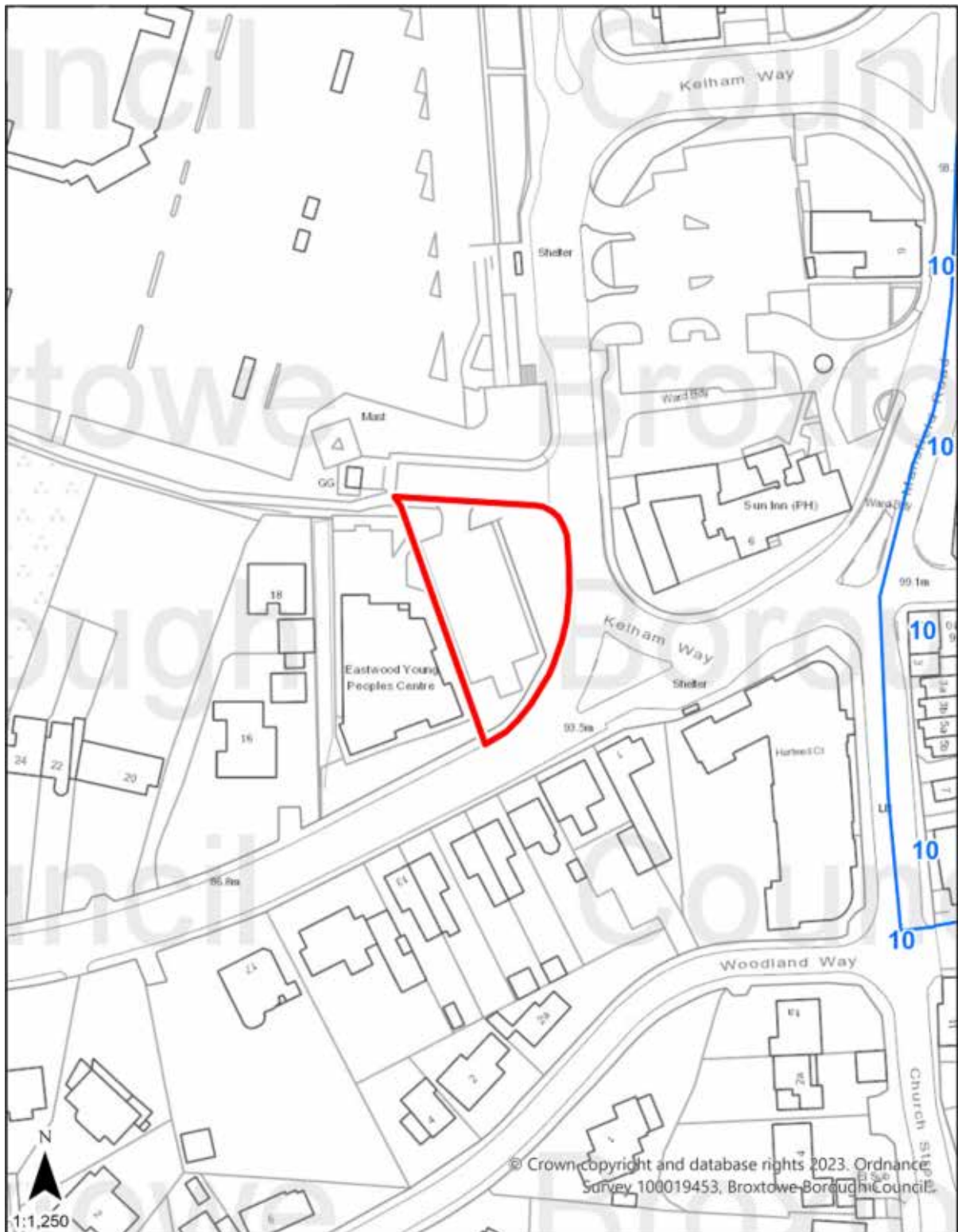
	<p><b>Planning Authority. This scheme shall include the following details:</b></p> <ul style="list-style-type: none"> <li><b>(a) numbers, types, sizes and positions of proposed trees and shrubs</b></li> <li><b>(b) proposed boundary treatments</b></li> <li><b>(c) proposed hard surfacing treatment</b></li> <li><b>(d) proposed lighting details</b></li> <li><b>(e) planting, seeding/turfing of other soft landscape areas</b></li> <li><b>(f) proposed retaining walls or similar structures</b></li> </ul> <p><b>The approved scheme shall be carried out strictly in accordance with the agreed details.</b></p> <p><b>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</b></p>
<p><b>12.</b></p>	<p><b>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(s), 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.</b></p> <p><b>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan (2019).</b></p>
<p><b>13.</b></p>	<p><b>No development above slab level shall commence until a waste management plan has been submitted to and agreed in writing with the Local Planning Authority. The approved waste management plan shall be implemented in full accordance with the agreed details.</b></p> <p><b>Reason: Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure sufficient provision is made for bin storage on the site in the interests of highway safety and residential</b></p>

	<p>amenity and in accordance with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan (2019).</p>
14.	<p>No development shall take place above slab level until details showing the provision of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To future proof the development and in the interests of air quality in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
15.	<p>No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 20232-20-003 P6. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.</p> <p>Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
16.	<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>Reason: To ensure the safety and stability of the proposed development in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
17.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00</p>



	<p><b>Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</b></p> <p><b>Reason: To protect nearby occupants from excessive construction noise and vibration in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019. of the Broxtowe Part 2 Local Plan 2019.</b></p>
18.	<p><b>The pedestrian access serving the Eastwood Young People's Centre Kelham Way, Eastwood, within the north-east corner of the site shall be kept open for use and maintained for the lifetime of the development.</b></p> <p><b>Reason: To ensure pedestrian access serving the Eastwood Young People's Centre Kelham Way, Eastwood shall be kept open.</b></p>
19.	<p><b>The development hereby permitted shall be carried out in accordance with noise mitigation measures contained within Section 8 and 10 of the noise report by Acute Acoustics Ltd, ref 2668 Eastwood Land off Kelham Way (Rev A), dated 22nd March 2022.</b></p> <p><b>Reason: To protect future occupiers from excessive noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</b></p>
	<b>NOTES TO APPLICANT</b>
1.	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>
2.	<p><b>Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.</b></p> <p><b>If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting <a href="http://cadentgas.com/diversions">cadentgas.com/diversions</a> Prior to carrying out works, including the construction of access points, please register on</b></p>

	<b>www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.</b>
<b>3.</b>	<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>
<b>4.</b>	<b>Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with 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></b>
<b>5.</b>	<b>Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.</b>

**Site Location Plan (not to scale)**



**Legend**

-  Site Outline
-  Town or District Centre

Photos

View from A608



View from Kelham Way junction

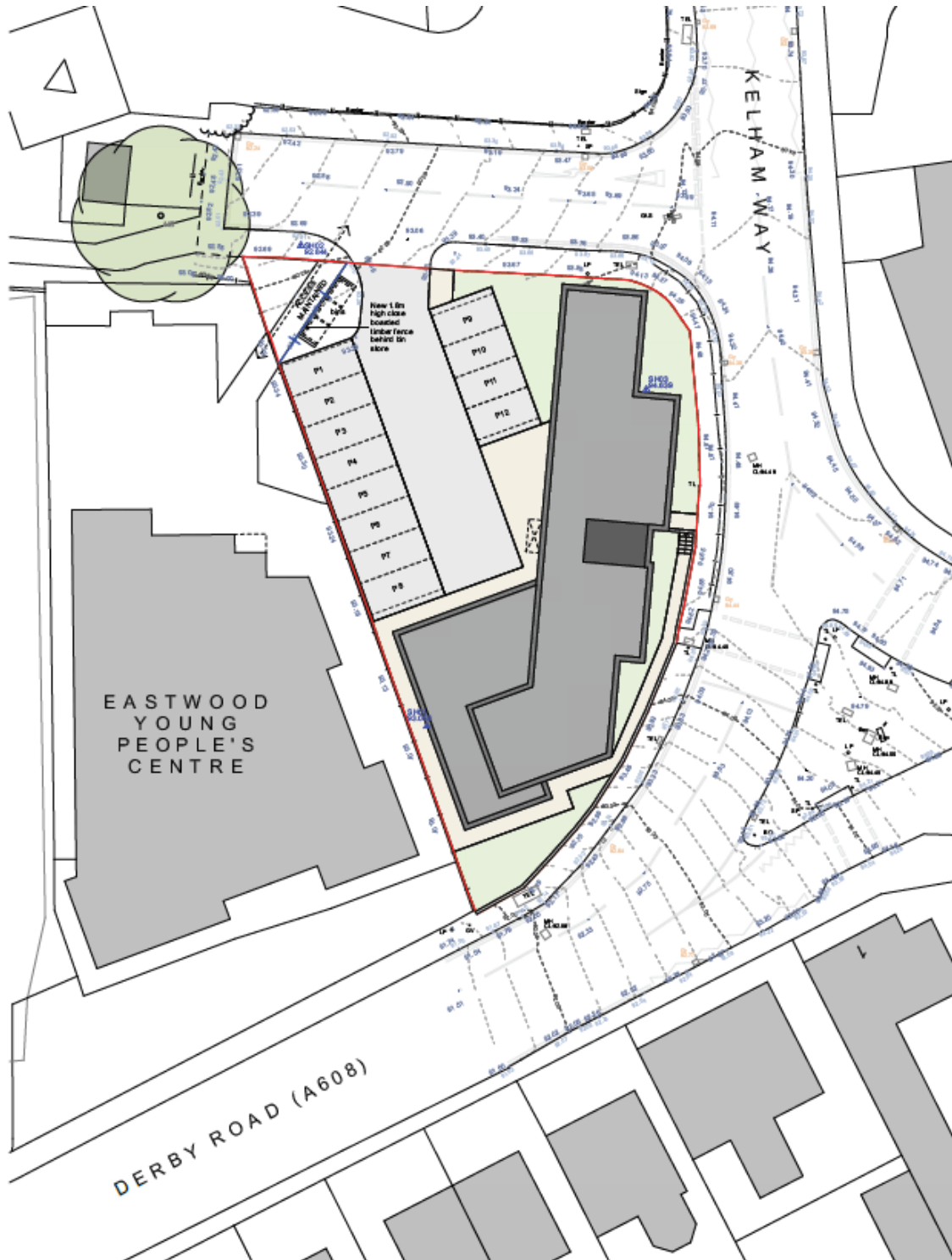
View of private car park



View from Kelham Way junction



Plans (not to scale)



Proposed Site Plan





Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed First Floor Plan



FRONT A ELEVATION (EAST)  
1:100

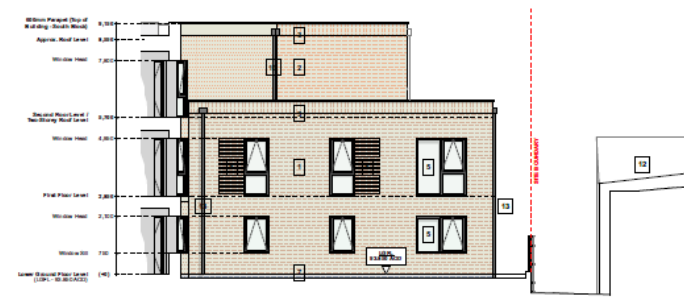


FRONT B ELEVATION (SOUTH)  
1:100

Proposed Front Elevations



REAR A ELEVATION (WEST A)  
1:100

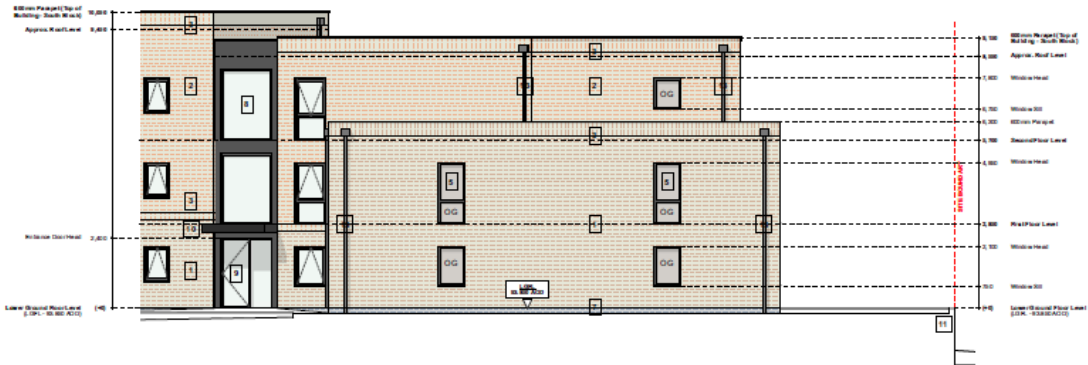


REAR B ELEVATION (NORTH)  
1:100

Proposed Rear Elevations



GABLE A ELEVATION (NORTH)  
1:100



GABLE B ELEVATION (WEST)  
1:100

Proposed Gable North and West Elevations



Main elevation fronting Kelham Way



Corner elevation fronting Kelham Way junction