

Report of the Chief Executive

APPLICATION NUMBER:	26/00554/REG3
LOCATION:	Land off Cross Street, Eastwood
PROPOSAL:	Construct 3 storey building with 6 no. apartments, associated landscaping and access

The application is brought to the Committee as the applicant is Broxtowe Borough Council.

1. Purpose of the Report

- 1.1 The application seeks planning permission for the construction of a three-storey building containing 6 apartments including association parking, landscaping and access.

2. Recommendation

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

3. Detail

- 3.1 The application seeks permission the development as described in paragraph 1.1 above.
- 3.2 The proposed development would provide 6 social rent Council flats (4 x 1 bedroom and 2 x 2 bedroom).
- 3.3 The site lies close to Eastwood town centre. The site is in walking distance to shops, green spaces and regular bus service connections to Nottingham city centre.
- 3.4 The main issues relate to whether the principle of the development is acceptable; the impact on the character and appearance of the area; the impact on living conditions of neighbouring and future occupiers and the impact on highway safety.
- 3.5 The development would result in wholesale changes to vacant land; therefore, the proposal would have an impact on the character and appearance of the area. The development would also have some impact on amenity and traffic. Notwithstanding this, it is considered any negative impacts have been mitigated by design and by way of planning condition. The proposal would deliver affordable housing for the borough in the form of 6 social rent Council flats in a sustainable location. These matters carry significant weight in line with the aims of the NPPF (2026), and subject to compliance with conditions listed below, it is considered that overall, the benefits of the development would outweigh any negative impacts.

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:

7.1 Nil

Appendix

1. Details of the application

- 1.1 The application seeks full planning permission for the construction of a three-storey building with 6 apartments including association parking, landscaping and access. The proposed housing tenure would be social rent Council flats comprising 4 x 1 bedroom and 2 x 2-bedroom dwellings.

2. Site and surroundings

- 2.1 The site is 500m walking distance from the town centre of Eastwood and in close distance to several bus services including the Rainbow One service that provides regular connectivity to Nottingham city centre.
- 2.2 The land levels of the site fall north to south and currently comprises vacant grassland. The site is an infill plot between a commercial car park which serves a vets and supermarket; and an existing mixed-use building comprising residential and commercial.
- 2.3 The area consists of a mixture of commercial and residential uses nearby. Cross Street where the vehicle access is proposed from is predominantly residential properties.

3. Relevant Planning History

- 3.1 Outline planning permission was granted for 4 flats above a ground floor retail unit in 2014 (14/00437/OUT), this permission lapsed.
- 3.2 Full planning permission was granted for a three-storey building contained 8 flats including car parking in 2019 (19/00600/FUL). A Section 73 application (22/00165/ROC) was approved in 2022 for the variation of conditions 2, 3 and 5 of reference 19/00600/FUL to allow amendments to the height of the building, removal of steps, change position of the bin store, creation of office space and retain existing fencing. The foundations of this proposal started being built on the site but were never completed.

4. Relevant Policies and Guidance4.1 **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 8: Housing, size, mix and choice
- Policy 10: Design and Enhancing Local Identity
- Policy 17: Biodiversity

4.2 **Part 2 Local Plan 2019:**

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

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-Making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground conditions
- Policy 31: Biodiversity Assets

4.3 **National Planning Policy Framework (NPPF) 2026**

- Section 4 - Achieving sustainable development (S3, S4)
- Section 6 - Delivering a sufficient supply of homes (HO7, HO8)
- Section 12 - Making effective use of land (L2, L3)
- Section 14 - Achieving well-designed places (DP3, DP4)
- Section 15 - Promoting sustainable transport (TR3, TR4)
- Section 17 - Pollution, public protection and security (P2, P3)
- Section 18 – Managing flood risk and coastal change (F8)
- Section 19 - Conserving and enhancing the natural environment (N2, N3)

5. Consultations

5.1 **Broxtowe Borough Council - Refuse and Waste** – None provided.

5.2 **Broxtowe Borough Council Environmental Health** – No objections subject to conditioning contaminated land investigation / remediation, operation noise and construction mitigation measures.

5.3 **Broxtowe Borough Council Ecology Officer** - The development site area is below the 0.2 hectares threshold for BNG and as such BNG does not apply to this application.

5.4 **Broxtowe Borough Council Tree Officer** – Two highway trees will likely be affected by the proposal; the Councils tree officer has requested an Arboricultural Impact Assessment is submitted. The AIA is due to follow and will be reviewed by the Councils tree officer. The findings will be reported at Planning Committee as a late item.

5.5 **NCC Highways** - No objections subject to conditioning the implementation of a dropped vehicular crossing, surface water drainage, parking/turning area surfaced in a bound material and bin store.

5.6 **Resident comments** – 1 objection and a supporting parking survey received raising the following objections:

- Access.
- Increased traffic during construction and operation.
- Lack of parking provided and on street parking availability is limited.

- Mitigation measures should be used such as a Construction Traffic Management Plan, restricted construction hours and cleaning facilities during the construction period.
- Residents' parking permit scheme should be considered.

6. Assessment

6.1 Principle

6.2 The site is located in the built-up area of Eastwood, as such the general principle of residential development is considered to be acceptable in this location. Furthermore, the principle of residential development in this location has been established by previous planning permissions for flats on this site under permission reference numbers 14/00437/OUT (retail development and 4 flats) and 19/00600/FUL (8 flats).

6.3 Policy 8 of the Aligned Core Strategy (2014) states in paragraph 4 that the appropriate mix of house size, type, tenure and density within housing development will be informed by:

- c) local demographic context and trends;
- d) local evidence of housing need and demand;
- e) the need to redress the housing mix within areas of concentration of student households and Houses in Multiple Occupation;
- f) area character, site specific issues

6.4 Policy 15 of the Part 2 Local Plan (2019) states in Section 6 that developments should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the Borough. The Council is currently undertaking a review of housing land availability to identify the five-year housing land supply position. However, based on the existing analysis, the Council will not have a five-year housing land supply. As such, it is considered that weight should be afforded to the benefits of 6 dwellings to assist the Council housing land supply.

6.5 Section 4 of the NPPF highlights the importance of sustainable patterns of development by maximising the potential for growth on suitable land within settlements. Policy S4 states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

6.6 In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:

- a. Have a substantial adverse impact in relation to:

- i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or
 - ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).
 - b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or
 - c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.
- 6.7 In light of the above, the location of the site in the built-up area should be afforded weight. The proposal will be assessed against the following material considerations.
- 6.8 Design
- 6.9 Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials, architectural style and detailing. Policy 17 of the Part 2 Local Plan 2019 states permission will be granted for development which integrates into its surroundings and creates a place with a locally-inspired or otherwise distinctive character.
- 6.10 Within the vicinity of the site, build heights are predominantly up to 2 storey in height. To the west along Nottingham Road includes a three-storey block of flats with ground floor commercial units named Elevation Place.
- 6.11 The proposed development would introduce a three-storey building measuring approximately 11m in ridgeline height and 8.5m to the eave's height. The nearest neighbouring property fronting Nottingham Road to the north-west includes a two-storey block consisting of ground floor commercial units and first floor residential accommodation. The proposal would be greater in height than this property. Notwithstanding this, the layout of proposed block is set back from the edge of the footway which is consistent with the existing building line in this location. Land levels drop significantly lower to the rear of the site where the layout shows amenity space, cycle storage, parking and bin storage.

- 6.12 The design features gable roofs to the front and rear elevation. The proposal includes balconies at second and third floor to the front and rear elevation. A contemporary materials palette is proposed using contrasting brick colours and a modern standing seam roof material. Conditioning materials would ensure a sympathetic and high-quality appearance is secured. The scheme includes soft landscaping proposals to the front of the site to positively integrate the front elevation with the street scene. The rear of the site would be predominantly hard standing for off street parking provision and bin storage. Conditioning landscaping would ensure high quality hard / soft landscaping and boundary treatments are used.
- 6.13 It is considered that the proposal is acceptable with regards to design related policy 10 of the Part 1 Local Plan and policy 17 of the Part 2 Local Plan. Furthermore, it is considered the proposed design would comply with national policy DP3 and DP4 of the NPPF.
- 6.14 Amenity
- 6.15 Policy 10 of the Aligned Core Strategy states that the impact of a development on neighbour amenity will be a consideration. 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. Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Part 2 Local Plan states that permission will not be granted for development that would result in an unacceptable level of pollution or contamination of groundwater resources.
- 6.16 The site lies in a mixed commercial and residential area. Directly to the west is residential accommodation at ground floor and first floor approximately 2.7m away from the side elevation of the proposal. At lower land level located to the south-west, 1 and 3 Cross Street is a pair of semi-detached two storey dwellings approximately 14m away. To the south, on the opposite side of Cross Street includes two storey dwellings 2 to 12 Cross Street, approximately 30m separation distance from the rear elevation balconies. Directly to the east, includes a commercial car park serving a single storey vets and supermarket. To the north, the properties fronting Nottingham Road would be approximately 25m away from the front elevation balconies. The development is separated by Nottingham Road, as such it is considered this would be an acceptable separation to reduce any significant amenity impacts.
- 6.17 Two windows would be situated at first and second floor of the west side elevation, both windows would light non-habitable rooms. Four windows at first and second floor on the east side elevation would overlook the commercial car park.

- 6.18 Amended plans were requested to enclose the side elevation of the rear balconies to reduce any potential loss of privacy on neighbouring residential properties to the west of the proposal.
- 6.19 All flats proposed meet the minimum internal floor space standards in accordance with Technical housing standards – nationally described space standard (2015). All flats have been designed to ensure acceptable living conditions for future occupiers in terms of daylight and outlook is secured. The proposal includes outside courtyard spaces for the two ground floor flats. No shared amenity garde space is provided for the development. Notwithstanding this, the site is approximately 100m walk from Coronation Park open space to provide easily accessible opportunities for recreation and leisure.
- 6.20 It is considered that construction impact could be limited by use of conditions to reduce noise, disturbance and dust. The Council Environmental team raise no objections to the proposed development. It is recommended that to mitigate potential contamination on site, a site investigation and if necessary, scheme of remedial works is conditioned. Furthermore, a construction method statement and construction hours have been conditioned to protect the amenity of neighbouring residential properties. Further to this, a condition has been recommended for a noise assessment to be submitted to ensure acceptable living conditions for future occupiers is secured.
- 6.21 It is considered that the proposal is acceptable with regards to amenity related policy 10 of the Part 1 Local Plan and policy 17 of the Part 2 Local Plan. Furthermore, it is considered the proposal would comply with national policy L2 and P3 of the NPPF.
- 6.21 Access
- 6.22 NPPF policy TR6 (4) states that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.
- 6.23 One objection was received from a neighbouring property highlighting concerns regarding highways issues during the construction phase and during operation. Furthermore, concerns have been raised regarding the quantity of off-street parking provided for the development. A request was made for a resident parking scheme to be implemented; however, this would not be enforceable as part of a planning condition. Should local residents seek to apply for a resident parking scheme, this should be sought through the County Council separately.

- 6.24 NCC Highways guidance indicates for developments of less than 10 dwellings, 1-bedroom dwellings should provide 1 space, and two-bedroom dwellings should provide 2 spaces. However, failure to meet these standards does not warrant refusal of the application. NCC guidance also indicates that on smaller developments it is expected that visitor parking is absorbed within the overall parking provision.
- 6.25 Given the modest scale of the proposal, it is considered that a construction traffic management plan would not be required. NCC Highways have reviewed the proposal and have provided no objections. The proposed layout demonstrates acceptable access width to allow a two-way flow of traffic in and out the site, 6 parking spaces that meet the minimum space dimensions, turning facilities and a pedestrian footway to allow safe exit/access for pedestrians via Cross Street. Pedestrian access is also provided fronting the site via Nottingham Road.
- 6.26 The site is 500m walking distance from the town centre of Eastwood and in close distance to several bus services including the Rainbow One service that provides regular connectivity to Nottingham city centre.
- 6.27 The site is in a sustainable location; therefore, no evidence has been provided to substantiate any concerns that the proposed development would result in an unacceptable impact on highway safety or the residual cumulative impact on highway network.
- 6.28 Biodiversity Net Gain, Ecology and Trees
- 6.29 The application is exempt from BNG requirements due to the site being less than 0.2 hectares in area in accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 6.30 The Council's ecology officer has reviewed the application and has provided no concerns.
- 6.31 Broxtowe tree officer has requested an impact assessment to be submitted. There are two highway trees fronting Nottingham Road, near the application site.

7. Planning Balance

- 7.1 The development would result in wholesale changes to vacant land; therefore, the proposal would have an impact on the character and appearance of the area. The development would also have some impact on amenity and traffic. Notwithstanding this, it is considered any negative impacts have been mitigated by design and by way of planning condition. The proposal would deliver affordable housing for the borough in the form of 6 social rent Council flats in a

sustainable location. These matters carry significant weight in line with the aims of the NPPF (2026), and subject to compliance with conditions listed below, it is considered that overall, the benefits of the development would outweigh any negative impacts.

8. Conclusion

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

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix	
1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <i>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.</i>
2.	The development hereby permitted shall be carried out in accordance with drawings received by the Local Planning Authority on the following dates: • Proposed cycle store No. 10 P01 • Roof GA plan No. 104 P01 • Site Location Plan No. 01 P01 (Received by the Local Planning Authority 10/08/26) • Level 00 GA plan No. 101 P02 (Received by the Local Planning Authority 21/08/26) • Proposed Site Plan No. 05 P03 • Level 01 GA plan No. 102 P02 • Level 02 GA plan No. 103 P02 • Proposed bin store No. 09 P02 • Proposed Elevations No. 201 P02 (Received by the Local Planning Authority 15/09/26) <i>Reason: For the avoidance of doubt.</i>

3.	No development hereby approved shall take place until: • An updated site investigation strategy in accordance with the submitted Desk Study report Ref MI-26-061, has been submitted to and approved in writing by the Local Planning Authority. • The submitted site investigation strategy shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis. Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. • The developer shall give at least 14 days' notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme. • If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved site investigation strategy and any required remediation measures. <i>Reason: To protect future occupiers from land contamination in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
4.	No development hereby approved shall take place until an environmental noise assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall rate and assess sound from any relevant commercial and manufacturing processes; fixed installations comprising mechanical and electrical plant; and from the loading and unloading of goods and material in accordance with the methodology in British Standard (BS) 4142:2014 + A1:2019

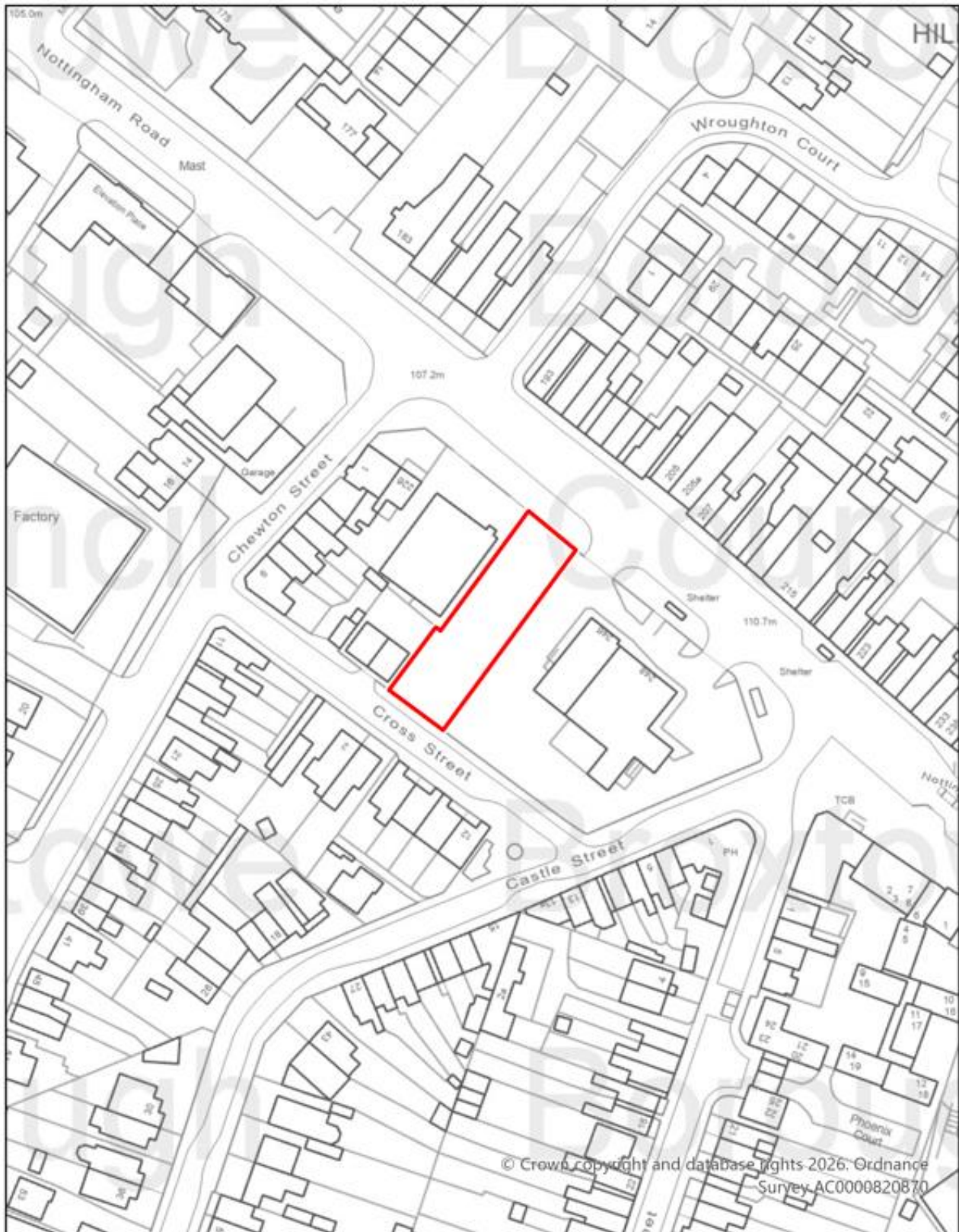
	‘Methods for rating and assessing industrial and commercial sound’. <i>Reason: To protect future occupants from excessive environmental noise in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
3.	No development hereby approved shall take place until a Construction/Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include: a) The means of access for construction traffic; b) Parking provision for site operatives and visitors; c) The loading and unloading of plant and materials; d) The storage of plant and materials used in construction/demolition of the development; e) A scheme for the recycling/disposal of waste resulting from construction/demolition works; f) Details of dust and noise suppression to be used during the construction phase and; The approved statement shall be adhered to throughout the demolition/construction period. <i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
4.	No above ground works shall commence until samples of external facing and materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details. <i>Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i>
5.	No development above slab level shall commence until a landscaping scheme has been submitted to and approved by the

	Local Planning Authority. This scheme shall include the following details: (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development (b) numbers, types, sizes and positions of proposed trees and shrubs (c) proposed boundary treatments (d) proposed hard surfacing treatment (e) proposed external lighting details (f) planting, seeding/turfing of other soft landscape areas The approved scheme shall be carried out strictly in accordance with the agreed details. <i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policies 10 and 17 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Broxtowe Part 2 Local Plan (2019).</i>
6.	No part of the development hereby permitted shall be brought into use until: - Any approved remediation works have been carried out in full compliance with the approved methodology and best practice. - Upon completion of any required remediation works, a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included. <i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
6.	No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use

	and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority. <i>Reason: In the interests of highway safety and in accordance with the aims of Policy 17 Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i>
7.	No part of the development hereby permitted shall be brought into use until the access/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development. <i>Reason: In the interests of highway safety and in accordance with the aims of Policy 17 Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i>
8.	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 6988-SSA-00-XX-DR-A-0005-P03. 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. <i>Reason: In the interests of highway safety and in accordance with the aims of Policy 17 Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i>
6.	No part of the development hereby permitted shall be brought into use until the bin store/collection point has been constructed and positioned in accordance with drawing number 6988-SSA-00-XX-DR-A-0005-P03. <i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
7.	No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00-18:00

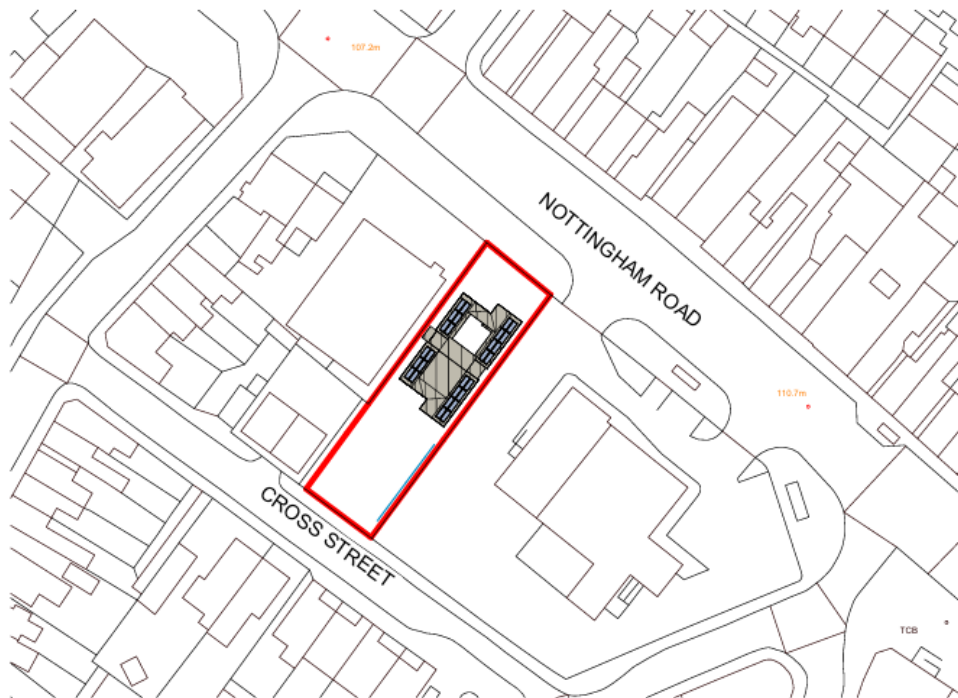
	Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays. <i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	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 an address or 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.
3.	The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80. to arrange for these works to be carried out, or alternatively the application process can be found at: http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities

Map



Site

Site Location Plan

[illegible]

Proposed Elevations



SOUTH ELEVATION
1 : 100



EAST ELEVATION
1 : 100



NORTH ELEVATION
1 : 100



WEST ELEVATION
1 : 100

Proposed Ground, First and Second Floors

