



Rushcliffe
Borough Council

When telephoning, please ask for: **Helen Tambini**
Direct dial 0115 914 8320
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 27 July 2022

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 28 July 2022

The following is a schedule of representations received after the agenda for the Planning Committee was finalised.

Yours sincerely

Gemma Dennis
Monitoring Officer

AGENDA

3. Planning Applications (Pages 1 - 42)

The report of the Director – Development and Economic Growth

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor Mrs M Stockwood
Councillors: B Bansal, S Bailey, N Clarke, L Healy, D Mason, F Purdue-Horan,
V Price, C Thomas and J Walker

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

Email:
customerservices@rushcliffe.gov.uk

Telephone:
0115 981 9911

www.rushcliffe.gov.uk

Opening hours:
Monday, Tuesday and Thursday
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



Meeting Room Guidance

Fire Alarm Evacuation: In the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: Are located to the rear of the building near the lift and stairs to the first floor.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.

19/02589/HYBRID

Applicant Nottingham Forest Football Club Ltd (NFFC)

Location Nottingham Forest Football Club City Ground (Including Champions Centre, Club Shop and Storage Warehouse, And Rowing Club Britannia Boathouse) Pavilion Road West Bridgford Nottinghamshire

Proposal Hybrid planning application comprising Full planning permission for the redevelopment of the Peter Taylor stand (including the demolition of existing buildings/structures), new public realm, replacement club shop, car parking and associated works, and Outline planning permission for up to 170 residential units including flexible uses (Class E) at ground floor (approval for access, layout and scale)

Ward Trent Bridge

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Neighbour response

RECEIVED FROM: Dr Theresa Bristow, 33 Julian Rd West Bridgford
Nottingham

SUMMARY OF MAIN POINTS:

I can see why development of the existing stand is needed, but there is absolutely no requirement or need for a tower block with 170 units. This is not needed for the improvement of a football ground

PLANNING OFFICERS COMMENTS:

The principle of development is set out in the report.

2. **NATURE OF REPRESENTATION:** Neighbour Comments

RECEIVED FROM: Mr John Tillerton, 1 Seymour Road, West Bridgford.

SUMMARY OF MAIN POINTS:

Lady Bay Council car park is already full on match days. The pollution that we residents have to endure has been going on far too long. Our children are literally chocking on match days with the pollution. A stadium reduction must be the only form of credible action.

PLANNING OFFICERS COMMENTS:

Air Quality and pollution issues are addressed in the report.

3. **NATURE OF REPRESENTATION:** Neighbour Comment

RECEIVED FROM: Mrs Gemma Meads, 48 Seymour Road, Lady Bay.

SUMMARY OF MAIN POINTS:

Object to the proposal for the tower block. As cited in the LBCA objection, air quality in the area is already very poor. Traffic is already an issue. Parking on match days causes numerous issues to both residents and the local bus service. I support a new stand for the club, as a family we are NFFC supporters BUT it must be done with proper consideration to those that live and work in the community. Support for the stand can't be counted simply but the numbers as the vast majority of supporters don't live in such close proximity to the ground. Yes. It was here for years before many residents moved in but new plans must consult current residents properly.

PLANNING OFFICERS COMMENTS:

Air Quality, traffic and parking are addressed in the report. Consultation was undertaken in accordance with national and local requirements.

NATURE OF REPRESENTATION: Neighbour Comment

RECEIVED FROM: Mrs Katie Freeman, 29 Rutland Road, West Bridgford,
Nottinghamshire NG2 5DH

SUMMARY OF MAIN POINTS:

The impact of the 170 unit block could have a significant negative impact on local residences.

PLANNING OFFICERS COMMENTS:

The impact of residential amenity is addressed in the report.

NATURE OF REPRESENTATION: Neighbour Comment

RECEIVED FROM: Mrs Fiona Boyd, 8 Melbourne Road West Bridgford
NOTTINGHAM

SUMMARY OF MAIN POINTS:

I live in Lady Bay and have huge problems on match days with Parking. The

increase in crowd numbers will make this worse. I would like to see a match day parking scheme in Lady Bay especially the roads between lady bay primary school and the lights nearest lady bay bridge

PLANNING OFFICERS COMMENTS:

Parking issues are addressed in the report.

NATURE OF REPRESENTATION: Neighbour Comment

RECEIVED FROM: John Machin, 6 Anderton Street, Sneinton.

SUMMARY OF MAIN POINTS:

“Just hope that the Council utilises the Section 106 process to do as many of the following as possible: - put a pedestrian/cycle gantry on the east side of Lady Bay Bridge (enabling cyclists to access it from the road) - put a cycle/wheelchair accessible ramp on both sides of the Lady Bay Bridge embankments (enabling better access from the riverside to LBB) - install a 'Dutch roundabout' at the north end of LB bridge - create a pedestrian/cycle route beneath the north end of LB bridge - refurbish the Grantham Canal stretch by the ground, turning it in to a mini marina”

PLANNING OFFICERS COMMENTS: All highway improvements have been agreed with and the County Council but this does not include improvements to Lady Bay Bridge.

NATURE OF REPRESENTATION: Public Comment

RECEIVED FROM: Mr Shane Perkins, 35 Hillfield Road, Stapleford.

SUMMARY OF MAIN POINTS:

The development is fully needed for the club and the area to continue to grow

PLANNING OFFICERS COMMENTS:

An Economic Impact Analysis has been submitted to support the application, setting out the benefits to the local area.

NATURE OF REPRESENTATION: Consultation Comments.

RECEIVED FROM: Planning Policy

SUMMARY OF MAIN POINTS:

Further to our previous comments on the above application, the residential element of the proposal should also accord with the accessibility standards set out in Policy 12 (Housing Standards) of Local Plan Part 2 which requires that for developments of more than 100 dwellings at least 1% should comply with requirement M4(3)(a) of the Building Regulations regarding wheelchair adaptable dwellings. This high standard should be applied unless viability evidence or site specific factors such as vulnerability to flooding, site topography or other circumstances demonstrate that it is not possible for the higher standard to be applied.

Given that the scheme proposes 170 residential apartments, it is considered that 1% of the overall scheme, when rounded, would equate to 2 wheelchair adaptable dwellings being provided. It is recommended that the following, suggested condition be imposed on any grant of planning permission to ensure that the higher standard for at least 2 of the apartments can be secured.

Suggested condition:

At least two of the apartments within the development hereby permitted must comply with the optional requirement for “wheelchair adaptable dwellings” set out in Part M4(3)(a) of Schedule 1 of the Building Regulations 2010 (as amended). Within 14 days of the completion of the two wheelchair adaptable apartments, written confirmation must be sent to the Local Planning Authority identifying the two apartments and confirming their practical completion.

Reason:

To ensure that at least two of the apartments within the development can, if necessary, be adapted to meet the needs of households that includes wheelchair users, having regard to Policy 8 (Housing Size, Mix and Choice) of the Local Plan Part 1: Core Strategy (2014) and Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

PLANNING OFFICERS COMMENTS:

The suggested condition can be included.

NATURE OF REPRESENTATION: Revised Consultee Comments

RECEIVED FROM: Conservation

SUMMARY OF MAIN POINTS:

The demolition of the Nottingham Rowing Club Britannia Boathouse building on Trentside North would enable re-connection between the plaza and Trentside North. The Rowing Club Britannia Boathouse is one of the later boathouses and first appears on historic maps dating to 1915. Over time, the building has been added to and extended to the extent that much of the original fabric, character and appearance has been altered, covered or removed. While the building does have some historic social value as an entertainment venue visited by major artists in the

1960's and 1970's, and was used by local bands, the Britannia Boathouse has limited architectural or artistic value. The architectural value has been diminished by the subsequent alterations and extensions discussed previously, as well as being a building with relatively modest origins in the first instance. Its historic significance is limited by its relative modernity but the social aspect mentioned above is relatively strong, albeit being a more 'intangible' form of heritage value as described in the NPPF (relating to past events and memories rather than physical nature of the building). Its demolition would not harmfully affect the setting of any adjacent listed buildings or the local area given that its architectural character is one of its weaker elements, and its demolition has been justified within the proposals and would facilitate other benefits for the scheme overall. A building does not need to possess value within all of the elements of heritage significance as defined in the NPPF glossary and expanded upon within the NPPG to be recognised as a non-designated heritage asset and given the relative strength of its historic interest it would be legitimate to identify it as such. Whilst its loss is justified and it is considered that a balanced judgement should conclude that benefits of the wider proposals would not outweigh the high level of harm (loss) to this relatively modest non-designated heritage asset following application of the balance required within paragraph 203 of the NPPF. Whilst acknowledging that the ability to record significance is not a justification for allowing harm or loss as stated in paragraph 205 of the NPPF its significance should first be recorded. Given that a sizable component of that significance is historical a record requiring a relatively detailed written assessment and record which can go beyond recording the bare fabric of the building should be secured. Whilst the buildings architectural significance is limited it is likely that in dismantling the building elements of original fabric may be uncovered which might not otherwise be encountered or known about and as such a record of the buildings fabric would still have legitimate purpose and should still be secured to a reasonably robust degree.

PLANNING OFFICERS COMMENTS:

Provides additional justification for recording of the Nottingham Rowing Club Britannia Boathouse building.

NATURE OF REPRESENTATION: Comments submitted from applicants agent, following the publication of the report.

RECEIVED FROM: Savill's – Applicants agent.

SUMMARY OF MAIN POINTS:

Clarification is sought on a number of matters in the report:

Page/paragraph	Savills comment
Overarching	General comment: Not all the consultation responses have been updated to reflect re-consultation following scheme changes, notably the reduction in residential units from up to 250 to up to 170

	Officer Comments: Where there is still a mention of 250 apartments, following amendments and re-consultation, no additional comments were received from the consultee.
Overarching	<p>There is no reference within the Committee Report to the pre-application advice/dialogue between NFFC and RBC which is surprising given the lengthy dialogue undertaken. This can be captured in the Committee Presentation and referred to by Savills</p> <p>Officer Comments: There is no requirement to mention pre-application advise which is informal, but the agent can mention it if they so wish.</p>
Page 1	<p>“Proposal” description does not align to the description of development agreed in May 2021 and does not correspond to the description on RBC website. Suggest making consistent to...</p> <p>“Hybrid planning application comprising Full planning permission for the redevelopment of the Peter Taylor stand (including the demolition of existing buildings/structures), new public realm, <u>replacement club shop</u>, car parking and associated works, and Outline planning permission for up to 170 residential units <u>including flexible uses (Class E) at ground floor</u> (approval for access, layout and scale)”</p> <p>Officer Comments: Noted and amended</p>
Paragraph 2	<p>Reference to 13 storeys should be “up to 13 storeys” as the residential building steps down.</p> <p>Officer Comments: The application seeks approval for the scale and at its highest point the apartment block is 13 storeys.</p>
Paragraph 5	<p>GVA impact in Economic Impact Analysis Addendum (July 2022) is measured to 2034, not 2032.</p> <p>Officer Comments: Noted that it should read 2034.</p>
Paragraph 11	<p>Query what reference to “and other community infrastructure” refers to</p> <p>Officer Comments: Refers to Plaza, Class E uses and Conference facilities and the stand would be available for community use, para, 4.4.3 of the Planning Statement.</p>
Paragraph 35	<p>Retail units should be described as Class E</p> <p>Officer Comments: The application description has been amended to include flexible class E uses, which includes uses beyond just retail, the decision notice will reflect this use class.</p>
Paragraph 35	<p>The commercial units would be serviced via the plaza, not Pavilion Road.</p> <p>Officer Comments: Although the units will be serviced directly of the Plaza, vehicular access to the Plaza would be via Pavilion Road.</p>

Paragraph 45	<p>This should refer to prior to commencement of any demolition of the Britannia Boathouse <u>only</u>, not Peter Taylor Stand (consistent with approach to be taken in S106 HOTs).;</p> <p>Officer Comments: Clarification being sought on this point, a verbal update will be provided at the Committee meeting.</p>
Paragraph 46	<p>The construction programme/phasing is not known. While the Planning Statement (November 2019) provided commentary in respect of the 2020/21 season, this does not necessarily carry over to subsequent seasons and would need to be reviewed.</p> <p>Officer Comment: Noted: the planning permission will give a time period in which development should commence and it is for the applicant to adhere to that.</p>
Paragraph 56-60	<p>The RBC Economic Growth Officer comments are in the context of the original Economic Impact Analysis (November 2019) report. Should new consultation response be reported here?</p> <p>Officer Comments: No further significant comments were made.</p>
Paragraph 75	<p>A layby for residential servicing has now been added.</p> <p>Officer Comments: The layby has previously been removed from the scheme and is not considered acceptable and a condition is proposed seeking a new waste management plan.</p>
Paragraph 77	<p>3 March 2022 should presumably be 3 March 2020?</p> <p>Officer Comments: Noted as correct it should read 3 March 2020</p>
Paragraph 157	<p>Last sentence should refer to “layout, access <u>and scale</u>”</p> <p>Officer Comments: Correct the application is for outline permission with “Layout, access and scale being considered at this stage. The decision will reflect this.</p>
Paragraph 180	<p>Up to 13 storeys.</p> <p>Officer Comments: In part the building is 13 storeys high</p>
Paragraph 197	<p>We disagree with the “would be equal to or better than those already provided”. As agreed during negotiations on the S106 HOTs, the provision is to be agreed with Nottingham Rowing Club.</p> <p>Officer comments: It is understood that the rowing club boathouse is no longer used to capacity and there are elements which are redundant, it therefore considered reasonable for any replacement facility not to be equal to or better than those already provided so it is proposed that this be changed to “the replacement facility shall fully meet the requirements of the Rowing Club”</p>
Paragraph 210	<p>Clarity required here as the first sentence is currently contradictory. Access is a matter being considered as part of the outline and so it is not a reserved matter.</p> <p>Officer Comments: Comments accepted, amend the first line of the paragraph to read “Access is one of the matters to be considered at this stage”</p>

Paragraph 218	<p>The number of cycle spaces is indicatively shown as 205, as referenced elsewhere in the report.</p> <p>Officer Comments: Amend the number of cycle parking spaces from 170 to 205</p>
Paragraph 219	<p>A servicing layby has been added to the plans for the collection of refuse off Pavilion Road.</p> <p>Officers Comments: The servicing bay had previously been removed from the scheme at Officers request and replaced with a row of tree planting on the indicative landscaping scheme as a key view from Radcliffe Road into the development.</p>
Paragraph 223	<p>Ditto.</p> <p>Officer Comments: The layby is not acceptable and a condition is applied to seeking a waste management plan, to set out how waste will be dealt with, including collection and storage.</p>
Paragraph 248	<p>Clarity should be provided here (as in paragraph 361) that these requests were not considered to meet the tests.</p> <p>Officer Comments: Following the initial request from the City Council, their requirements for section 106 contributions for improvements to highways and bus services were challenged by RBC Officers in respect of the CIL tests. The outcome was that it was felt that improvements to the junction of Cattle Market Road and London Road could be justified. Based on the development taking place within the City boundary in this area, it is considered that the development subject to this application, should make a financial contribute towards these junction improvements as it is on the main pedestrian route from the city centre and railway station to the City Ground the increase in capacity of the stand would increase the footfall along this route.</p>
Paragraph 286	<p>This paragraph references eight retail units, elsewhere in the report it references seven.</p> <p>Officer Comments: Information submitted with the application gives 2 different numbers of retail units, so clarity is being sought which is correct. A verbal update will be provided at the Committee meeting.</p>
Paragraph 314	<p>It would be helpful if this paragraph could also reference the necessary tests set out in the NPPF with regards to “less than substantial harm” and public benefits.</p> <p>Officer Comments: No change to report required.</p>
Paragraph 316	<p>This paragraph should also reference the Peter Taylor Stand itself is to be demolished.</p> <p>Officer Comments: The description of the proposal identifies that the Peter Taylor Stand would be demolished as part of the development, it is not necessary to repeat it here.</p>
Paragraph 318	<p>The Historic Environment Desk-Based Assessment provided on</p>

	<p>15 June 2022 was the first provided so not an “updated” document Officer Comment: Accepted remove “updated” from the report.</p>
<p>Paragraph 321-324</p>	<p>There is no assessment/commentary on the acceptability against air quality here, only an identification of policy. Given the nature of the proposed development and setting within an AQMA this needs to be concluded. Officer Comments: A revised chapter on Air quality was not copied over to the final report Replace the whole chapter with the following: “Air Quality</p> <p>The NPPF underlines the importance of local authorities contributing towards improving and protecting the environment. The legislation points towards the need to focus on the enhancement of biodiversity, minimising waste and pollution and mitigation/ adaptation to climate change</p> <p>With particular regard to air quality management, Section 9 of the NPPF notes that the environmental impact of transport and traffic should be identified and assessed, whilst mitigating adverse effects to bring about new environment gains. The guidance states that the planning system should actively manage patterns of growth offering a choice of transport modes to reduce air pollution and that:</p> <p>‘significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. ‘</p> <p>Section 15 of the NPPF comments that planning policies should sustain and contribute toward compliance with relevant limit value or national objectives for pollution taking into account the presence of Air Quality Management Area (AQMA) and Clean Air Zones and the cumulative impacts from individual sites in local area. The NPPF states that planning decisions should ensure that any new development in AQMAs and CAZs is consistent with local air quality action plans. Guidance is also provided in Planning Practice Guidance on the specific issues that may need to be considered and how air quality impact can be mitigated.</p> <p>Policy 41 of the Local Plan Part 2 relates to air quality matters. It states, inter alia that “planning permission will not be granted for development proposal that have the potential to adversely impact on air quality, unless measures to</p>

mitigate or offset their emission and impacts have been incorporated.

The application site is adjacent to Rushcliffe Borough Council's Air Quality Management Area No. 1, which is an area encompassing the Lady Bay Bridge/Radcliffe Road junction, the Trent Bridge/Loughborough Road/Radcliffe Road junction and the Wilford Lane/Loughborough Road/Melton Road junction in West Bridgford. The site is also within 200m from the borough wide Nottingham City Council (NCC) AQMA. Both AQMAs in proximity to the site have been declared due to exceedances to the long term NO₂ air quality objective.

Since declaring AQMAs, the Borough Council and Nottingham City Council have each produced air quality action plans. The RBC action plan was updated in 2010. It includes a modelling and monitoring study which has resulted in the development of an action plan measures which have been implemented with the aim of working towards reducing NO₂ levels within these AQMAs in order to comply with national air quality objectives.

In this context the applicant has submitted an Air Quality Assessment to consider the potential impact the proposed replacement stand and the residential element (including the commercial units) would have on both Air Quality Management Areas. It considers the construction impact of the proposed development and operational impact (once constructed).

The assessment states that "monitoring data in the vicinity of the site indicates that air quality objectives have been met at most locations, however pollutant levels are elevated, particularly in the vicinity of London Road."

In terms of traffic emissions during construction, the report concludes that "it is considered unlikely that this increase in traffic during the peak construction year would have a significant effect on air quality, and the impact from construction traffic emissions can be ruled insignificant."

However, it is acknowledged that during construction, activities on the site would have the potential to affect local air quality in particular from dust deposition and increases of particulate matter concentration. The assessment states that risk from dust impact during demolition, earthworks and construction would deem the proposals "high risk". As such

	<p>dust mitigation measures are recommended to ensure that any impact on local air quality is insignificant.</p> <p>Owing to the predicted increase in traffic generated as a result of the development, a dispersion modelling study has also been carried out in order to quantify the impact of traffic emissions associated with the development. This study utilises transport modelling data carried out as part of the Transport Assessment. It concludes that “the change in nitrogen dioxide and particulate matter concentrations at surrounding sensitive receptors has been predicted using air dispersion modelling software at residential properties where the impact associated with the development is likely to be greatest. The impact significance is predicted to be negligible at all considered receptor locations.”</p> <p>In relation to the potential impact on future occupiers of the proposed residential development, the Assessment comments that “the proposed residential block is not located within the AQMA boundary and would be set-back approximately 90m from the nearest busy roadside (London Road). It is therefore likely that pollutant levels would be close to background levels, and it can be concluded that air quality objectives will be met at the proposed residential receptors.”</p> <p>The Council’s Environmental Health Officer concurs with the conclusions of the air quality assessment subject to appropriate conditions relating to dust mitigation being secured .</p> <p>On the basis of this technical evidence your officers consider that with the implementation of recommended mitigation measures during the construction phase, the proposed development would not have a significant impact on air quality. As such the development would satisfy the requirements of Policy 41 of the Local Plan Part 2.”</p>
Paragraph 337	<p>It may be helpful to reference the update to reflect the latest Metrics 3.1.</p> <p>Officer Comment: Information for members to note.</p>
Paragraph 363	<p>The total of £1.55m is not entirely correct. The total to Nottinghamshire County Council is £1.55m, however the Nottingham City Council contribution of £150k is also in respect of the stand and so the total therefore is £1,705,000.</p> <p>Officer Comments: Members are advised of the correct sum of contributions for the stand in total is £1,705,00, with the</p>

	sum shared between the Nottinghamshire County Council (£1,550,000) and Nottingham City Council (£150,000)
Paragraph 364	It may be helpful for Members to provide a breakdown of the £1.1m.
Paragraph 365	CIL charge for flatted residential accommodation is £Nil, however a small level of flexible commercial (Class E) floorspace is proposed which attracts a charge. This should be clarified. The CIL Form was updated in May 2022 to reflect this change. Officer Comments: The residential apartment scheme does include a small element of flexible E Class Uses and any CIL charges would be calculated on submission of Reserved matters.
Paragraph 391	This paragraph includes an erroneous reference to “ACV (Peter Taylor Stand)”. The City Ground is no longer an ACV. Officer Comments: It is confirmed that since the submission of the application and at the time the recommendation on the application was being prepared, the City Ground was delisted as an ACV and remains delisted.

NATURE OF REPRESENTATION: Update to Report

RECEIVED FROM: Planning Officer

SUMMARY OF MAIN POINTS: Positive and Proactive Paragraph to be inserted at the end of the report

Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to support the grant of planning permission.

NATURE OF REPRESENTATION: Update to Report

RECEIVED FROM: Planning Officer

SUMMARY OF MAIN POINTS: requirement to under the three tests under the Conservation of Habitat and Species Regulations 2017 and the Wildlife and Countryside Act (as amended) 1981

The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. . No priority habitats have

been identified on site, however bat roosts have been confirmed within the Britannia Boathouse.

The Conservation of Habitat and Species Regulations 2017 and the Wildlife and Countryside Act (as amended) 1981 contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied.

Natural England will grant a licence where the following three tests are met:

1. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
2. There is no satisfactory alternative; and
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

When considering 'imperative reasons of overriding public interest, including those of a social and economic nature' Natural England will take into account whether the activities/developments are required to meet or provide a contribution to meeting a specific need such as:

- the requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport);
- complying with planning policies and guidance at a national, regional and local level;
- requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, etc.).

The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.

In considering the first test, the overriding public interest reasons include those of a social and economic nature are set out in the report including improvements to sporting facilities, wider economic benefits, social wellbeing and enhancements to the public realm

In considering the second test there is no satisfactory alternative as the development relates to an alteration and extension to an existing facility requiring access and circulation arrangements to support the facility

In considering the third test the scheme provides for mitigation and enhancements and it is noted that our Ecologist considers that the conservation status is unlikely to be impacted by this development if properly mitigated through biodiversity and ecological enhancements, and as such the scheme is considered to pass the '3 tests'.

Conditions are imposed in relation to biodiversity and ecological enhancement and mitigation. An advisory note is recommended reminding the applicant that it is a legal requirement to obtain a licence where a bat roost will be impacted.

NATURE OF REPRESENTATION: Update to Report

RECEIVED FROM: Planning Officer

SUMMARY OF MAIN POINTS: Amendment to Residential amenity paragraph.

PLANNING OFFICERS COMMENTS

The impact of the new stand on 27 Rosebery Avenue has been fully assessed and it is accepted that there will be some impact on that property from the new stand, but it is considered that this would not be to an extent that it would be a justification for a refusal of the application.

It is also acknowledged that there would be limited impact on the amenity of the occupiers of Bridgford House, the apartment block adjacent to the proposed residential development, and it is concluded that this would not be to an extent that would justify refusal of the outline permission.

NATURE OF COMMENTS: updated conditions

RECEIVED FROM PLANNING OFFICER

SUMMARY OF MAIN POINTS: amended list of conditions

Schedule of proposed changes and revisions to the conditions

- Condition 1 Changes to plan numbers
- Condition 3 Changes to phasing -
- Condition 4 Detailed word changes
- Condition 6 Detailed word changes -
- Condition 12 Detailed word changes
- Condition 13 Technical details inserted
- Condition 14 Detailed word changes
- Condition 16 Detailed word changes

- Condition 20 Detailed word changes
- Condition 21 Detailed word changes
- Condition 24 Detailed word changes
- Condition 26 Details inserted
- Condition 27 Detailed word changes
- Condition 29 Change to description of application type
- Condition 31 Detailed word changes
- Condition 34 Detailed word changes
- Condition 37 Detailed word changes
- Condition 39 Detailed word changes
- Condition 40 Detailed word changes

This list relates to conditions issued with the report and the replacement conditions have been renumbered.

Revised conditions

Site-wide conditions

1. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Location Boundary Plan - Plan Ref: BNY-SA-00-00-01 Rev: B03, 1:1250, A1

Existing Site Block Plan - Plan Ref: BNY-SA-00-00-02 Rev: B02, 1:500, A0

Proposed Site Block Plan - Plan Ref: BNY-SA-00-00-03 Rev: B06, 1:500, A0

Proposed Site Block Plan & Existing Stand Outline - Plan Ref:(awaiting confirmation,)

Existing Site Layout, Topographical Information - Plan Ref: BNY-SA-02-00-01 Rev: B01, 1:500, A0

Demolition Extents - Plan Ref: BNY-SA-00-00-07 Rev: B02, 1:250, A0

Existing Boat House Floor Plans and Elevations - Plan Ref: BNY-Z2-02-00-03 Rev: B01, 1:100, A1

Existing and Proposed Site Car & Cycle Parking Plan - Plan Ref: BNY-SA-00-00-05 Rev: B03, 1:1000, A1

Existing Street Elevations Sheet 1 - Plan Ref: BNY-SA-02-AL-01 Rev: B01, 1:500, A1

Existing Street Elevations Sheet 2 - Plan Ref: BNY-SA-02-AL-02 Rev: B01, 1:500, A1

Proposed Overall Ground Floor Plan ref: BNY-SA-20-00-01 B05 1:500 A1

Proposed Overall First Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-01-01 Rev: B05, 1:1250, A1

Proposed Overall Second Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-02-01 Rev: B05, 1:1250, A1

Proposed Overall Third Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-03-01 Rev: B05, 1:1250, A1

Proposed Overall Fourth Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-04-01 Rev: B05, 1:1250, A1

Proposed Overall Roof GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-05-01 Rev: B05, 1:1250, A1

Air Quality Assessment Ver 02 - Ref: 0043642, Buro Happold

Construction Environmental Management Plan ver P04 – Ref: GP.1201.F01 Buckingham Group,

Daylight & Sunlight Report – by GIA Ref: 14478 dated 05/05/21

Design & Access Statement Ref: BNY-SA-SD-AL-01 - B04
 Economic Impact Analysis by ADE Regeneration (December 2019, and updated Addendum July 2022)
 Employment & Skills Strategy by Buckingham Group, Rev D
 Energy Statement – Ref: 0043642, NTS, A4, Buro Happold, 02
 External Public Realm Lighting Strategy Ref: 0043642 by Buro Happold version 04
 Flood Risk Assessment Ref: 0043642 by Buro Happold version 02
 Drainage Strategy Report Ref: 0043642 by Buro Happold ver 03
 Ground Engineering Desk Study Report Ref: 0043642 by Buro Happold version 05
 Noise Impact Report Ref: 0043642 by Buro Happold version 02
 Planning Statement dated Nov 19
 Rapid Health Impact Assessment, dated Nov 19
 Security Planning Report Ref: 0043642 by Buro Happold ver 05
 Statement of Community Involvement dated Nov 19
 Sustainability Appraisal Ref: 0043642 by Buro Happold ver 02
 Transport Assessment Ref: - 0043642 by Buro Happold ver 04
 Framework Travel Plan Ref: 0043642 by Buro Happold ver 05
 Protected Species Report Ref: - RSE_3012_01 by Ramm Sanderson, V2
 Biodiversity Impact Assessment Report (Stand) Ref: - RSE_3012_02,
 Biodiversity Impact Assessment Report (Residential) Ref: - RSE_3012_03
 Air Quality Assessment Note 0043642 Buro Happold, (9 April 2021)
 Energy Strategy Note 0043642 Buro Happold, (9 April 2021)
 Flood Risk Assessment Addendum 0043642 Buro Happold, (17 May 2021)
 Sustainability Appraisal Note 0043642 Buro Happold, (9 April 2021)
 Viability Appraisal, Savills (24.06.2022)
 Transport Response Note (2 November 2021) Ref: 0043642, NTS, A4, Buro
 Pre-Construct Archaeology, Historic Environment Desk-Based Assessment (June 2022) R14995
 Ecology Update Surveys – V2 15/07/22 Ref: RSE_:6037_L1_V2 Ramm Sanderson
 NFFC BNG Metric 3. by Ramm Sanderson (17 June 2022)
 ADE Regeneration, Economic Impact Analysis Addendum (July 2022)
 Section 106 Agreement Heads of Terms (19 July 2022), Savills

Reason: To define the permission.

2. No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme for archaeological mitigation, advised by the Pre-Construct Archaeology, Historic Environment Desk-Based Assessment (June 2022) R14995, to be carried out during construction or excavation work on site, by suitably experienced archaeologists from a professionally accredited archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority (LPA) also prior to commencement of the development on site.

Reason: To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies

28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF) (July 2021).

4. All vehicle accesses hereby permitted shall be constructed with provision to prevent the unregulated discharge of surface water from the accesses and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

5. No part of the development shall be occupied or brought into use until the owner, or the occupier of the site, has appointed and thereafter continues to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan (TP) and whose details shall be provided and continue to be provided if so requested thereafter to the LPA.

Reason: To promote sustainable travel.

6. The TP Coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved by the LPA in accordance with the TP annual monitoring period. The monitoring reports submitted to the LPA shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the LPA.

Reason: To promote sustainable travel.

7. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving construction machinery) shall take place on the site until a written report of the findings of a Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has been submitted to and approved in writing by the LPA. The PRA must be prepared by a suitably qualified 'competent person' (as defined in the NPPF July 2021 or any subsequent version) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance (LCRM). As a minimum the PRA must include the following:
- a. a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses
 - b. the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface
 - c. the development of an initial 'conceptual site model' (CSM), which identifies and qualitatively assesses any potential source – pathway – receptor (contaminant) linkages
 - d. a basic hazard assessment identifying the potential risks from any contaminants on:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - ground and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
 - recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.
 - e. where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the LPA.
 - f. where the findings of the submitted SI identify unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Strategy (RS) has been submitted to and approved in writing by the LPA. The submitted RS must include:
 - full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken
 - the proposed remediation objectives and criteria
 - a verification plan.The RS must demonstrate that as a minimum the site after remediation will not

be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

- g. the development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the LPA. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

Reason: To ensure that a satisfactory assessment of any land contamination, and an appropriate strategy for its remediation from the site, is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 179 of the NPPF (July 2021).

8. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the LPA within 48 hours of its discovery. All development on the site must cease immediately and must not recommence until a written scheme for the investigation of; and risk assessment relating to the unexpected contamination has been submitted to and approved in writing by the LPA. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the NPPF July 2021) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM) guidance.

Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (RS) has been submitted to and approved in writing by the LPA. The submitted RS must include:

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken
- the proposed remediation objectives and criteria
- a verification plan.

The RS must demonstrate that, as a minimum, the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990. The development hereby permitted must not be occupied or first brought into use until such time as the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the LPA. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

Reason: To ensure that any unexpected contamination that is encountered is appropriately remediated so that the site is suitable for the approved development without resulting in any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 177 of the NPPF (July 2021).

9. Any aggregate (other than virgin quarry stone) that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the LPA prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

Reason: To ensure that all aggregate materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting in any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 177 of the NPPF (July 2021).

10. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the LPA prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

Reason: To ensure that all soil or soil forming materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting in any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 177 of the NPPF (July 2021).

11. No works (including any demolition works) to the Britannia Boat House authorised by this consent shall be carried out until both the interior and exterior of the Britannia Boat House has been recorded in accordance with a Written Scheme of Investigation (WSI) that must first have been submitted to and approved in writing by the LPA. The WSI must:
- be prepared by a suitably qualified historic buildings surveyor
 - outline how the building is to be surveyed commensurate with a level 3 record as per Historic England document “*Understanding Historic Buildings - A Guide to Good Recording Practice*”
 - include a detailed analysis of any architectural/historical features found in/on the building during the survey
 - include provision for the production and deposition of a final report of the building survey carried out within the local Historic Environment Record (HER).

A copy of the final survey report must be placed within the local HER within three months of its completion.

Reason: To safeguard the identification and recording of any features of architectural, historic and archaeological interest associated with the site and the fabric of the building having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 28 (Historic Environment: Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the NPPF (July 2021).

12. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Protected Species Report - Ramm Sanderson - RSE_3012_01 (V2) and Ecology Update Surveys – Addendum Report - Ramm Sanderson – Ref: RSE_6037_L1_V2(July 2022) Biodiversity Impact Assessment Report (Stand) - Ramm Sanderson – Ref: RSE_3012_02 and Biodiversity Impact Assessment Report (Residential) - Ramm Sanderson – Ref: RSE_3012_02 have been submitted to and approved by the LPA. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.

Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the NPPF (July 2021).

13. There shall be no occupation of any part of the development hereby approved until a scheme for the provision of Electric Vehicle Charging Points (EVCPs), has been submitted to and approved in writing by the LPA for each element of the development(Outline and Full) The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. None of the dwellings

on the site shall be occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be permanently retained for each dwelling in accordance with the approved scheme throughout the lifetime of the development.

Reason: To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the NPPF (July 2021).

14. The development hereby approved shall comply with the Employment & Skills Strategy (Revision D) prepared by Buckingham Group (December 2019). The Strategy will be implemented throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

Reason: In order to promote local employment opportunities in accordance with Policies 1 and 5 of the Rushcliffe Local Plan Part 1: Core Strategy.

15. Other than the north elevation of the proposed replacement stand facing into the stadium, there shall be no signage or advertisements displayed on any part of the development hereby approved, without the express prior consent of the LPA.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

16. Prior to the erection of any means of enclosure within the site (including gates), full details shall be submitted to and approved in writing by the LPA, with any approved scheme being implemented thereafter.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

17. No roller shutters shall be installed on any building permitted by this consent unless and until all details have been submitted to and approved by the LPA prior to their installation.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

18. The development hereby permitted must not commence until details of any fume extraction equipment to be installed on the site has been submitted to and approved in writing by the LPA. The approved fume extraction equipment must be installed in accordance with the approved details before the development is occupied or first brought into use. The fume extraction equipment must thereafter be retained in accordance with the approved details throughout the life of the development.

Reason: To protect nearby residential properties from unacceptable fumes or smells having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

19. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving construction vehicles / machinery shall take place on the site until a site-specific Construction- Management Plan (CMP) has been submitted to and approved in writing by the LPA. The CMP must include details outlining:
- appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors
 - areas for loading and unloading plant and materials
 - the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting
 - measures to control the emission of dust and dirt and vibration during construction
 - measures for the storage/recycling/disposal of waste resulting from the construction works
 - any hoarding to be erected
 - the routing of construction traffic and measures to be employed to ensure those approved routes are adhered to
 - the piling method to be used on site
 -

The approved CMP must be adhered to at all times throughout the construction period for the development.

Reason: In the interests of highway safety and to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

- 20 The hereby approved development shall not be commenced until an updated Construction Ecological Management Plan and Construction Environmental Management Plan have been submitted for approval to the Local Planning Authority, in general accordance with the documents submitted with the application. The approved CEMP must be adhered to at all times throughout the construction period for the development.

Reason to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

21. The electricity substation shall be installed incorporating a bund wall designed and constructed in accordance with best practice for substation flood protection measures and incorporate PAS 68 (counter terrorism) or equivalent protection on public facing elevations, details of which shall be submitted to and approved in writing by the LPA. The protection measures will then be installed in accordance with the approved details prior to the substation becoming live and will be retained in place for the life of the development.

Reason: In the interest of public safety and to protect the wider network and the structure from risk of flooding.

22. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented as approved.

Reason: To reduce the risk of surface water pollution in compliance with Policy 20 - Managing Water Quality, of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

23. The proposed floodlighting must be designed, located and installed so as not to cause a nuisance to all neighbouring residents. The details of any such lighting should be submitted to and approved by the LPA, together with a lux plot of the estimated illuminance at the nearest residential premises.

Reason: To protect nearby residential properties from unacceptable levels of light pollution having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

24. Prior to the commencement of each element of the hereby approved development, a Flood Evacuation Plan shall be submitted to and approved by the LPA. It shall include details of safe access and egress on site for the entirety of the application site. Thereafter, the measures within shall be implemented in accordance with the approved details and adhered to and reviewed as required.

Reason: To ensure that there are sufficient plans to manage flood risk in the context of visitors and future occupants of the site having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the NPPF (July 2021).

25. Notwithstanding any indicative details that have been submitted; the position, design and the materials for all street furniture shall be submitted to and approved by the LPA and shall thereafter only be constructed in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

26. The development shall be carried out in accordance with the details provided with the submitted Flood Risk Assessment (FRA) Ref: 0043642 by Buro Happold version 02 (January 2020) and the associated Flood Risk Addendum Ref: 0043642 Rev 00) and shall ensure that:

- residential finished floor levels shall be set no lower than 29.8 metres Above Ordnance Datum (AOD)
- the minimum non-residential finished floor levels shall be set in accordance with those detailed in table 4-5 on page 22 of the submitted FRA
- all flood resilience measures shall be implemented as detailed on page 26 of the submitted FRA
- the Water Entry Strategy in relation to the ground floor of the replacement stand as described on pages 25 and 26 of the submitted FRA
- the proposed electricity substation shall be made resistant to flooding as described on page 27 of the submitted FRA, with a protective bund constructed to a height of 24.87metres above Ordnance Datum
- the surface water drainage outlets into the River Trent shall be fitted with non-return valves as described on page 28 of the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, to ensure that the development is resilient to the impacts of flooding and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the NPPF (July 2021).

27. Prior to the first beneficial occupation of the respective part, the servicing and delivery arrangement for the proposed replacement stand operations and conferencing facility and the servicing and delivery arrangements for the commercial units within the apartment building shall be submitted to and approved in writing by the LPA. The approved arrangements shall thereafter remain in place for the lifetime of the development, unless otherwise agreed in writing by the LPA.

Reason: To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1:

Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

28. No part of the residential / commercial development (forming the outline part of the proposals hereby permitted shall be brought into use until the cycle parking has been provided in accordance with the details to be submitted and agreed in writing with the Borough Council. The approved provisions shall thereafter be retained for the life of the development.

Reason: In the interest of highway safety, to ensure adequate and safe access is provided to the development, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

29. The development shall only be carried out in accordance with the recommendations of the Energy Strategy Statement (dated 28 January 2020) by Burohappold Engineering unless other agreed in writing by the Local Planning Authority.

Reason: To promote energy efficiency and to ensure a sustainable form of development having regard to Policy 12 (Housing Standards) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 of the National Planning Policy Framework (July 2021).

Stand conditions (full application)

30. The development of the replacement Peter Taylor Stand, and all development associated with the detailed element of the application hereby permitted must be begun not later than expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

31. The proposals for the replacement stand and associated development (forming the detailed part of this hybrid application) must be carried out strictly in accordance with the following approved plan(s) /drawings / documents:

- **Plan reference (awaiting confirmation) identifies the extent of the full application**
- Existing Stadium Ground Floor Plan - Plan Ref: BNY-Z1-02-00-01 Rev: B01, 1:500, A1
- Existing Stadium Second Floor Plan - Plan Ref: BNY-Z1-02-02-01 Rev: B01, 1:500, A1
- Existing Stadium Roof Plan - Plan Ref: BNY-Z1-02-03-01 Rev: B01, 1:500, A1
- Existing Main Stand Elevations Sheet 1 - Plan Ref: BNY-Z1-02-AL-01 Rev: B01, 1:200, A1
- Existing Main Stand Elevations Sheet 2 - Plan Ref: BNY-Z1-02-AL-02 Rev: B01, 1:200,
- A1 Existing Main Stand Section - Plan Ref: BNY-Z1-02-AL-03 Rev: B01, 1:200, A1
- Existing Boat Champions Centre Floor Plans and Elevations - Plan Ref: BNY-Z2-02-00-01 Rev: B01, 1:100, A1

Existing Club Shop Floor Plans and Elevations - Plan Ref: BNY-Z2-02-00-02 Rev: B01, 1:100, A1

Proposed Main Stand Ground Floor GA Plan - Plan Ref: BNY-Z1-20-00-01 Rev: B02, 1:200, A1

Proposed Main Stand First Floor GA Plan, B01 - Plan Ref: BNY-Z1-20-01-01 Rev: B02, 1:200, A1

Proposed Main Stand Second Floor GA Plan - Plan Ref: BNY-Z1-20-02-01 Rev: B01, 1:200 A1

Proposed Main Stand Third Floor GA Plan - Plan Ref: BNY-Z1-20-03-01 Rev: B01, 1:200, A1

Proposed Main Stand Fourth Floor GA Plan - Plan Ref: BNY-Z1-20-04-01 Rev: B01, 1:200, A1

Proposed Main Stand Overall Seating GA Plan - Plan Ref: BNY-Z1-20-05-01 Rev: B01, 1:200, A1

Proposed Main Stand Roof GA Plan - Plan Ref: BNY-Z1-20-06-01 Rev: B01, 1:200, A1

Proposed Street Elevations Sheet 1 - Plan Ref: BNY-SA-21-AL-01 Rev: B02, 1:500, A1

Proposed Street Elevations Sheet 2 - Plan Ref: BNY-SA-21-AL-02 Rev: B02, 1:500, A1

Proposed Main Stand Elevations Sheet 1 - Plan Ref: BNY-Z1-21-AL-01 Rev: B02, 1:200, A1

Proposed Main Stand Elevations Sheet 2 - Plan Ref: BNY-Z1-21-AL-02 Rev: B01, 1:200, A1

Proposed Main Stand Sections - Plan Ref: BNY-Z1-22-AL-01 Rev: B01, 1:200, A1

Proposed Area Schedule – Main Stand - Plan Ref: BNY-SA-SD-AL-03 B01, 1:500, A1
Proposed External Works / Landscape Plan - Plan Ref: BNY-SA-90-00-01 Rev: B05, 1:250, A1
Proposed Gatehouse Layout - Plan Ref: BNY-SA-90-00-02 Rev: B04, 1:50, A1
Proposed Substation Layout - Plan Ref: BNY-SA-90-00-03 Rev: B04, 1:50, A1

Reason: To define the permission.

32. The development hereby permitted must not proceed above the damp proof course level until details of the type, texture, and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the LPA. The development must only be constructed in accordance with the approved materials.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

33. Prior to the construction of hard landscaping, details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the details so approved.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

34. Notwithstanding the details submitted, a scheme for waste management shall be submitted for approval in respect of the stand and any scheme will include details of:
- a. bin storage areas
 - b. number and size of waste containers
 - c. bin collection points
 - d. provision for and measures to encourage/enable waste recycling.

The approved scheme shall then be operational prior to the stand first being brought into use. Thereafter, the bin stores and collection points shall be retained to the approved specification for the lifetime of the development.

Reason: To ensure an adequate form of development and to comply with and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

35. There shall be no external storage of any plant or equipment or goods relating to the Club or any of the commercial units without prior written approval from the LPA.

Reason: To ensure that the any external storage on the site does not adversely affect the amenities of the occupiers of nearby residential properties or the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

36. A Management Plan detailing the operations of plaza between the replacement stand and the residential building shall be submitted to and approved by the LPA before development commences. The Plan shall include measures to separate vehicle movements from pedestrians and confirmation of a continued public access from Trentside North to Pavilion Road.

Reason: To ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health future users of the site or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), and Policy 39 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

37. The replacement stand and associated development forming the detailed element of the development hereby permitted must not be occupied or first brought into use until a Landscaping Scheme (LS), has been submitted to and approved in writing by the LPA. The LS must provide details of all hard and soft landscaping features to be used and include the following:

- an accurate survey of all existing trees and other natural features showing those to be retained and those to be removed
 - detailed plans showing the location of all new trees and shrubs to be planted, including the number and / or spacing of shrubs in each shrub bed or hedgerow
 - a schedule of the new trees and shrubs (using their botanical / Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees)
 - plans showing the proposed finished land levels/contours of landscaped areas
 - details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features
 - details of the protection measures to be used of any existing landscape features to be retained
 - a landscape management and maintenance strategy for the public realm areas.
- The approved LS must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted, or it being first brought into use, whichever is sooner.

If, within a period of five years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided, all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development. and the approved landscape shall management and maintenance plan shall be adhered to thereafter for the life of the development.

Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the NPPF (July 2021).

38. The development hereby permitted must not be occupied or first brought into use until details of the proposed vehicle parking area(s) to serve the development have been submitted to and approved in writing by the LPA. The submitted details must show:
- the proposed surface to be used
 - the layout of the parking spaces
 - the means of access to the car park area(s)
 - the finished land levels, drainage and any proposed lighting.

The vehicle parking area(s) must be constructed in accordance with the approved details before the development hereby permitted is occupied or first brought into use. Thereafter the vehicle parking area(s) shall be retained in accordance with the submitted plan and kept permanently available for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).

39. The replacement Stand hereby approved shall not be occupied until such time as additional cycle storage spaces to be submitted and agreed in writing with the Local Planning Authority have been installed and are available for use in accordance with the approved details. They shall thereafter be retained and made available for use for the lifetime of the development.

Reason: To ensure the there is adequate provision for the secure parking / storage of bicycles within the site to encourage the use of bicycles as an alternative to using motor vehicles having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).

40. Any external plant / machinery to be used on the premises must be enclosed with sound insulation material and mounted in a way which will minimise the transmission of structure-borne sound. Any such works must proceed in accordance with a scheme that must first have been submitted to and approved in writing by the LPA. The measures implemented as approved must be retained thereafter.

Reason: To protect nearby residential properties from unacceptable levels of noise pollution from external plant equipment/machinery having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

41. Prior to the use of the new stand and use associated external areas the recommendations an updated security report shall be implemented in full. The security report shall first be submitted to the LPA for approval and shall include specifications for:
- a. ground floor glazing
 - b. window and door frames
 - c. signing for vehicle access and car parking
 - d. litter bins and street furniture
 - e. CCTV
 - f. mail handling
 - g. protocol
 - h. access and electronic access controls
 - i. an intruder detection system, and
 - j. hostile vehicle measures required.
 - k. Details of all lighting including.

The development shall be carried out in accordance with the recommendations of the report, which is to be agreed in writing by the LPA.

Reason: To protect the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

42. No events within the conferencing facilities shall take place until such time as a Management Plan for the conferencing facilities within it has been submitted to and approved in writing by the LPA, which shall include: a) hours of operation, b) car parking arrangement for conferencing, and c) access and egress arrangements to and from the conferencing facility from within the site.

The conferencing facility shall thereafter only be operated in strict accordance with the approved management plan.

Reasons: To protect the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

43. All windows above ground floor level on the east facing elevation of the replacement Peter Taylor Stand hereby approved shall be fitted with glass or other material which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, those windows must be retained to this specification throughout the

lifetime of the development.

Reason: To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

44. Only products and goods associated with Nottingham Forest Football Club shall be sold within the club shop within the replacement stand hereby approved.

Reason: To ensure that the retail activities within the replacement club shop relate to the proposed development of the replacement stand and to comply with Policy 30 (Protection of Community Facilities and Policy 31 Sustainable Tourism and Leisure of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)

Prior to the commencement of the stand and associated public open space development hereby approved, a full surface water drainage strategy shall be submitted to and approved in writing by the LPA for the development and shall include where practical, rainwater harvesting from the development and full details any plant or pumping facilities required as part of the scheme. Any approved scheme shall then be implemented and available for use in accordance with approved detail prior to stand first being brought into use.

Reason To ensure compliance with Policy 18 (Surface Water Management) of Part 2 of the Rushcliffe Local Plan- Land and Planning Policies (2019)

45. Prior to the installation of any external lighting within the plaza (any public open space areas associated with the detailed consent), details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any submission must have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed only in accordance with the approved details and maintained thereafter.

Reason To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies.

46. No part of the stand development hereby permitted shall be brought into use until the vehicle access, parking, turning and servicing areas are provided in accordance with the approved plans for this element of the development. The vehicle access, parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

Reason: In the interest of highway safety and to ensure adequate and safe access is provided to the development, having regard to Policy 1 (Development

Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

Residential conditions (outline conditions)

47. In respect of the residential element of the planning application, approval of the details of the appearance and landscaping, (hereinafter called "the reserved matters") must be obtained from the LPA in writing before the development hereby permitted is commenced. The scheme of reserved matters shall demonstrate broad accordance with the outline scheme, demonstrating the provision of a landscaped amenity terrace and green roofs and/or walls where feasible.

An application for approval of the reserved matters, must be made to the LPA not later than the expiration of three years from the date of this permission.

The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval of such matters on different dates, the date of the final approval of the last such reserved matter to be approved.

Reason: Part of this hybrid application is an outline planning permission and the matters specified above have been reserved for subsequent approval by the LPA in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 and Parts 1 and 3 of the Town and Country Planning (Development Management Procedure) Order 2015.

48. The outline part of the proposals hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

Proposed Site Block Plan & Existing Outline - Plan Ref:(awaiting confirmation,)

Proposed Residential Indicative Parameters Plan – Ground Floor - Plan Ref: BNY-Z2-03-00-01 Rev: B04, 1:200, A1

Proposed Residential Indicative Parameters Plan – Typical Up' Floor - Plan Ref: BNY-Z2-03-00-02 Rev: B04, 1:200, A1

Proposed Residential Parameters Elevation Sheet 1 - Plan Ref: BNY-Z2-03-AL-01 Rev: B03, 1:200, A1

Proposed Residential Parameters Elevation Sheet 2 - Plan Ref: BNY-Z2-03-AL-02 Rev: B03, 1:200, A1

Proposed Overall Ground Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-00-01 Rev: B05, 1:1250, A1

Proposed Residential Level 0 GA Plan - Plan Ref: BNY-Z2-20-00-01 Rev: B04, 1:200, A1

Proposed Residential Level 1 GA Plan - Plan Ref: BNY-Z2-20-01-01 Rev: B04, 1:200, A1

Proposed Residential Level 2 GA Plan - Plan Ref: BNY-Z2-20-02-01 Rev: B04, 1:200, A1

Proposed Residential Level 09 GA Plan - Plan Ref: BNY-Z2-20-09-01 Rev: B04, 1:200, A1

Proposed Residential Level 10 GA Plan - Plan Ref: BNY-Z2-20-10-01 Rev: B04, 1:200, A1

Proposed Residential Level 11 GA Plan - Plan Ref: BNY-Z2-20-11-01 Rev: B04, 1:200, A1

Proposed Residential Level 12 GA Plan - Plan Ref: BNY-Z2-20-12-01 Rev: B02, 1:200, A1

Reason: For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

49. The reserved matters for the residential development shall include a Security Report identifying appropriate specifications for:
- a. ground floor glazing
 - b. window and door frames
 - c. signing for vehicle access and car parking
 - d.

The development shall be carried out in accordance with the recommendations of the report, which is to be agreed in writing by the LPA.

Reason: To protect the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

50. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the uses within the commercial units forming the residential apartment building shall only be used for purposes falling within Use Class E (Commercial, Business and Service Uses) of the Schedule to the Town and Country Planning (Use Classes) Order 2021 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification).

Reason: In order that the LPA may retain control over any future use the land and buildings due its particular character and location, having regard to Policy 5 (Employment Provision and Economic Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) which requires a sequential site approach to retail development and also to provide a robust assessment of impact on nearby centres, and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

51. Details of the acoustic glazing to be fitted to the north elevation of the apartment building hereby approved shall be submitted to and approved by the LPA before development commences and shall meet the noise insulation requirements set out in the approved Noise Impact Assessment Rev 02 dated 21 April 2021 (Ref: 043642).

Reason: To protect the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local

Plan Part 2: Land and Planning Policies (2019).

52. The development hereby permitted must not be occupied or first brought into use until details of the proposed vehicle parking area(s) to serve the development have been submitted to and approved in writing by the LPA. The submitted details must show:
- The proposed surface to be used
 - The layout of the parking spaces
 - The means of access to the car park area(s)
 - The finished land level, drainage and any proposed lighting.

The vehicle parking area(s) must be constructed in accordance with the approved details before the development hereby permitted is occupied or first brought into use. Thereafter the vehicle parking area(s) shall be retained in accordance with the submitted plan and kept permanently available for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 (Development Requirements) and policy 15 (Employment Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

53. The use of the commercial premises forming part of the residential apartment building hereby permitted shall only take place between 0800hrs and 2200hrs.

Reason: To protect the amenities of existing residential properties in the immediate locality and the new residential units having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

54. None of the dwellings within the development hereby permitted shall be occupied until the optional requirement for water efficiency (dwellings not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 as amended) (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of each dwelling on the site.

Reason: To promote a reduction in water consumption having regard to Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

55. No part of the residential development hereby permitted shall be brought into use until the vehicular access has been made available for use in accordance with the Highway Authority specification to the satisfaction of the LPA.

Reason: In the interests of Highway safety.

56. No part of the residential development hereby permitted shall be brought into use until a section 278 agreement has been entered into, and works have been completed to alter the priority arrangements along Pavilion Road to the site entrance, in broad accordance with the details identified within the approved transport statement.

Reason: In the interests of Highway safety.

57. Notwithstanding the details submitted, a scheme for waste management shall be submitted for approval in respect of the residential and commercial units and any scheme will include details of:
- a. bin storage areas
 - b. number and size of waste containers
 - c. bin collection points
 - d. provision for and measures to encourage/enable waste recycling.

The approved scheme shall then be operational prior to the stand first being brought into use. Thereafter, the bin stores and collection point shall be retained to the approved specification for the lifetime of the development.

Reason: To ensure an adequate form of development and to comply with and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

57. The residential proposals shall be limited to no more than 170 units in total.

Reason: To define the permission.

58. At least two of the apartments within the development hereby permitted must comply with the optional requirement for “wheelchair adaptable dwellings” set out in Part M4(3)(a) of Schedule 1 of the Building Regulations 2010 (as amended). Within 14 days of the completion of the two wheelchair adaptable apartments, written confirmation must be sent to the Local Planning Authority identifying the two apartments and confirming their practical completion.

Reason To ensure that at least two of the apartments within the development can, if necessary, be adapted to meet the needs of households that includes wheelchair users, having regard to Policy 8 (Housing Size, Mix and Choice) of the Local Plan Part 1: Core Strategy (2014) and Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

59. Development of the residential scheme shall not commence until such time as a revised energy strategy document has been submitted to and approved by the Borough Council. This strategy shall include a detailed feasibility studies into the use of low carbon technologies, and the provision renewable energy generation

equipment. The document shall build upon the assumptions made within the Energy Strategy dated November 2019 by Bruro Happold. The development shall thereafter only be constructed in accordance with the approved documents.

Reason In the interests of sustainable development and to accord with policies 1 (Presumption in favour of sustainable development) and 2 (Climate Change) of the Local Plan Part 1:Core Strategy (2014).

60. Prior to the commencement of the development hereby approved, an Overheating Study shall be submitted to and approved in writing by the Local Planning Authority. If this study indicates a high risk of significant overheating having taken account of the required noise mitigation measures, mitigation measures may be required (including mechanical ventilation / cooling) so that occupants retain the option to keep windows closed and retain reasonable thermal comfort. The development shall be carried out in accordance with the approved details.

Reason [This is a pre-commencement condition to ensure that future occupiers have a reasonable comfort level, having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2]

61. Prior to the installation of any externally mounted plant or equipment (e.g. air conditioning, extraction, heating units, MHVC etc.) or any internally mounted equipment which vents externally, details of noise levels and associated equipment locations and appearance shall be submitted to and approved in writing by the Borough Council. This should demonstrate that wherever possible the equipment be located within the building fabric. If this information is inconclusive or not complete then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties. The plant shall be installed and maintained only in accordance with the approved details.

Reason[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: land and Planning Policies].

62. Prior to the installation of any external lighting within the plaza (any public open space areas associated with the detailed consent), details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any submission must have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed only in accordance with the approved details and maintained thereafter.

Reason: [To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: land and Planning Policies].

63. Prior to the commencement of the residential development hereby approved, a full surface water drainage strategy shall be submitted to and approved in writing by the LPA for the development and shall include where practical, rainwater harvesting from the development and full details any plant or pumping facilities required as part of the scheme. Any approved scheme shall then be implemented and available for use in accordance with approved detail prior to building first being brought into use.

Reason To ensure compliance with Policy 18 (Surface Water Management) of Part 2 of the Rushcliffe Local Plan- Land and Planning Policies (2019)

Informatives

1. In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the NPPF 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
2. The applicant is reminded that this permission is also subject to a planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.
3. In order to carry out the off-site works required the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, there will be a need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control (hdc.south@nottscc.gov.uk) for details. It is strongly recommended that the developer contacts the Highway Authority at an early stage. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. All correspondence with the Highway Authority should be addressed to: NCC Highways (Development Control, Floor 3) Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7Q.
4. In order to discharge the obligations in relation to sustainable transport improvements, technical approval (or equivalent) under S38 of the Highways Act will be required. The Highway Authority advise that such approval sought prior to submission of any reserved mattered application.
5. The proposed development will involve works within close proximity to an ordinary watercourse. As such the applicant is advised to seek consultation with the Lead Local Flood Authority (Nottinghamshire County Council) to establish the need for any permission or consents. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - a. on or within 8 metres of a main river (16 metres if tidal)
 - b. on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - c. on or within 16 metres of a sea defence
 - d. involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert.
6. The applicant should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the

development, without causing pollution.

7. All applications approved on or after the 7 October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/> .
8. The applicant is advised to contact the Borough Council's Senior Design and Landscape Officer to discuss the landscape elements of the permission including the roof garden amenity area for the apartments required for biodiversity enhancement.
9. Cadent have advised that low or medium gas pipes and associated equipment are -on and in the vicinity of the application site. The applicant is advised to contact Cadent prior to any works on site at Plant Protection Cadent Block 1; Floor 1 Brick Kiln Street Hinckley LE10 0NA, E-mail: plantprotection@cadentgas.com Telephone: +44 (0)800 688588 (National Gas Emergency Number: 0800 111 99).
10. Condition 49 requires the new dwelling(s) to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement is a condition of this planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building Regulations 2010 (as amended).
11. The applicant is reminded that this decision is for planning permission only and does not grant any express advertisement consent for advertisements the applicant might wish to display in connection with the development hereby permitted. The applicant is advised to contact the Planning Department at planning@rushcliffe.gov.uk to discuss any proposals to display an advertisement or advertisements on the land in the future.
12. This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.
13. The applicant is advised to contact the Borough Council's Waste Management Team to discuss the requirements for details in respect of conditions 32 and 51 wastemanagement@rushcliffe.gov.uk .
14. The applicant is advised to contact Natural England in relation to the requirement for a Natural England Licence in relation to Bats

This page is intentionally left blank